



March 28, 2023

To: Members of the House Health and Government Operations Committee

From: Pathways to Housing DC

Re: SB0871 Social Workers - Sunset Extension, Notification of Complete Application, and Workgroup on Social Worker Examination Requirements for Licensure

SB0145 State Board of Social Work Examiners - Conditional and Temporary Licenses to Practice Social Work

**Position: Favorable**

Pathways to Housing DC opened in 2004 when we brought the Housing First model to Washington, DC. We were thrilled to expand our services into Montgomery County, MD in 2018 with the receipt of a five-year innovation grant from the Substance Abuse and Mental Health Services Administration that we called "Pathways Home". Using a client-centered approach, our efforts target Montgomery County's residents experiencing homelessness who are living with substance use and/or co-occurring mental health disorders whose service needs are not being met by existing programs. With recent expansions of outreach and housing programs in Montgomery County, Pathways to Housing DC is also responding to an increase in our Hispanic population where approximately 11% of our clients identify as Hispanic or Latino. Our program meets the needs of this community by ensuring that our services are available in both English and Spanish languages.

**Pathways to Housing DC supports a favorable vote on SB0871 and S0145.** These bills create a diversified work group specifically focused on addressing alternatives to culturally biased exams. In addition, these bills provide an opportunity for people with Bachelors of Social Work (BSWs) and Masters of Social Work (MSWs) degrees to enter and advance in the social work profession without having to pass a very biased exam.

In addition to a **favorable vote**, we strongly support the following amendments:

**SB0871**

***Reinstatement of the 1-year moratorium on all social work licensing exams.*** While we wait for a workgroup to identify long-term solutions, social work professionals already licensed at the Master's Level (LMSWs) will continue to be denied promotions while often paying hundreds of dollars per month in mandatory supervision while they continue to try to pass the LCSW-C exam. A moratorium would pause the requirement to pass culturally biased exams to achieve licensure while allowing more social workers to become licensed under the BSWE.

**Adjust language in the workgroup, per request by the Deaf and hard of hearing community**, from “a representative of Gallaudet University” to “A social worker designated by the Maryland Association of the Deaf who is familiar with the licensing process for deaf and hard of hearing social workers.” A representative from Gallaudet does not ensure that the representative is Deaf or understands the exam issue from the Deaf perspective.

## **SB0145**

**Change “The BSWE *may*...” to “The BSWE *shall*...”** The BSWE has historically not addressed disparities in social work licensing and opposed temporary licensing. The shift from “may” to “shall” ensures the Board of Social Work Examiners (BSWE) grants temporary licensure to eligible candidates.

**Reinstate 2-year temporary licensure for LCSW-Cs.** Temporary licensure for LCSW-C is currently amended out of SB0145. The LCSW-C exam is just as biased as the LBSW and LMSW exam. It is imperative that we include LCSW-Cs as possible candidates for temporary licensure. Many are ready to advance in our field but are unable to do so because of the barrier of a bias exam.

Please see the attached [2-Page Policy Brief](#) and [6-Page Fact Sheet](#) for additional information.

States across the country are grappling with the profoundly discriminatory impact of biased licensing exams that have deprived Maryland of more than 1200 committed and competent mental health providers, specifically those of color, older, or foreign language speakers. Failing the test puts an undue financial and personal burden on these skilled professionals. Also, the exams deny Marylanders the help they deserve, especially in communities of color where the need is growing. We must remove the undue barriers to their licensure. In over 40 years of exam history, **there is no evidence that the exam effectively assesses quality or safety of social work practice.** These two bills allow otherwise qualified social workers to enter and advance practice, while the State develops an alternative practice-based assessment for licensing.

We have directly witnessed staff who our licensed social workers have assessed as qualified and competent be impacted by the use of the Association of Social Work Boards' exams.

For the reasons listed above, Pathways to Housing DC urges the committee to issue favorable reports for Senate Bills 0871 and 0145. Pathways to Housing DC also urges the committee to consider the outlined amendments.



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# Let Maryland Social Workers Go To Work For Our Community

Support SB871 and SB145 (with amendments)!

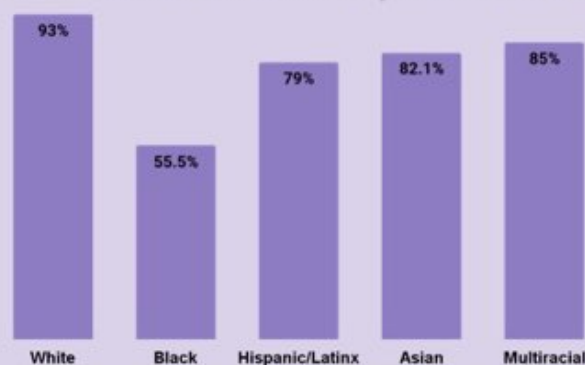
**There are vast disparities in social work licensure exam scores.** The exams, which lack evidence that they ensure safe or effective practice, leave thousands of social workers out of the workforce. We cannot afford to keep these discriminatory exams in a mental health crisis with a severe shortage of social workers. Marylanders need more social workers that share their identities and experiences. **We must pass two pieces of legislation to address these harmful disparities.**

**SB871** This bill mandates a workgroup to develop recommendations for a fairer path to licensure. We also ask for an amendment that reinstates the original language, **placing an immediate moratorium on using an exam as a requirement for social work licensure.** All other requirements for licensure would remain in place.

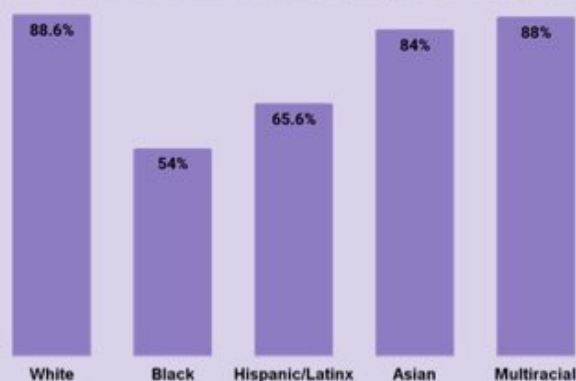
**SB145** authorizes a temporary license to practice social work to an applicant who, except for passing an exam, has met the appropriate education and experience requirements for a license issued to practice. **We also recommend an amendment to replace the word “May” with “Shall”, taking away discretion of the Social Work Board of Examiners, who have not been supportive of efforts to address these biased exams.**

Data released from the Association of Social Work Boards (ASWB) in August 2022 show alarming racial disparities in pass rates<sup>1</sup>

LMSW Exam First-Time Pass Rate in Maryland from 2011 to 2021



LCSW-C Exam First-Time Pass Rate in Maryland from 2011 to 2021



**The disparities don't end at race.** Pass rates consistently go down as test taker age goes up. Test takers whose first language is something other than English also have significantly lower pass rates. ASWB has not released data on test-takers with disabilities.

**Neither of these bills ends social work licensure.** There are already substantial requirements for licensure, including graduation from a nationally accredited school—which includes hundreds of supervised hours of fieldwork, thousands of hours of supervised practice, and a background check. This is a sufficient baseline to ensure that social workers are prepared to practice safely and equitably.

**Over a thousand social workers are missing from Maryland's workforce.** If all test-takers passed at the same rate as white test-takers from 2011 to 2021, we would have 1227 more licensed social workers in Maryland.<sup>2</sup>

**There is no evidence that licensing exams serve any purpose.** After 40 years of licensure exams, there is still no evidence of a relationship between exam scores and safe, ethical, or effective social work. However, evidence indicates ongoing validity problems<sup>3</sup> and racial microaggressions embedded in exam questions<sup>4</sup>. ASWB, which creates and administers the exams, does not follow the best practice methodological standards laid out by the National Council on Measurement in Education.

**The NASW agrees that the exam must go.** On February 3, 2023, the National Association of Social Workers announced that they oppose the use of the ASWB exams, based on the clear and incontrovertible evidence that they discriminate against marginalized groups.<sup>5</sup>

**Public safety is improved when more social workers are regulated by Boards of Social Work.**

**Illinois is leading the way, it's time for other states to follow.** In 2021, Illinois removed the exam requirement for social workers applying for the LSW license. According to the NASW-IL chapter, in the year before the law went into effect, only 421 social workers became licensed. Since then, 2600 more social workers have become licensed.

**We cannot continue to allow this exam to keep competent, compassionate social workers from serving those in need.** The alarming outcome disparities, along with ongoing issues of validity, prove that the exams are needlessly perpetuating inequality, keeping social workers from making a living and advancing in their profession. Social work, and our communities, stand to benefit from a more diverse network of professionals.

**Please support SB871 and SB145!  
(\*with amendments)**

Visit [swear-md.org](https://www.swear-md.org) or email [hello@swear-md.org](mailto:hello@swear-md.org) to learn more or get involved.

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<sup>1</sup> Association of Social Work Boards (2022). [Contributing to the conversation: 2022 ASWB Exam Pass Rate Analysis](#)

<sup>2</sup> Association of Social Work Boards (2022). [Exam pass rates by state/province](#)

<sup>3</sup> Caldwell, B.E. & Rousmaniere, T. (2022). [Clinical licensing exams in mental health care](#).

<sup>4</sup> Castex, G., Senreich, E., Phillips, N. K., Miller, C. M., & Mazza, C. (2019). [Microaggressions and racial privilege within the social work profession: The social work licensing examinations](#). *Journal of Ethnic & Cultural Diversity in Social Work*, 28(2), 211-228.

<sup>5</sup> National Association of Social Workers (Feb. 3, 2023). [NASW Opposes Association of Social Work Boards \(ASWB\) Exams](#)

# **SWEAR**

## **Social Workers for Equity and Anti-Racism**

<http://www.swear-md.org>

### **Fact Sheet to Support SB871 and SB145**

SWEAR formed and began to advocate when the social work licensing test writers, Association of Social Work Boards (ASWB), released data in August 2022 confirming what social workers have colloquially known for years: ASWB exams are discriminatory by age, race, ethnicity, and whether the test taker is a native English speaker. Here is a small part of their data release:

<b><i>National Pass Rates by Race and Ethnicity (first-time pass rates)</i></b>	
<b>Clinical Level (LCSW-C) Exam:</b> <ul style="list-style-type: none"><li>○ Black: 43.5%</li><li>○ Hispanic/Latinx: 63%</li><li>○ Native/Indigenous: 64.8%</li><li>○ Asian: 64.3%</li><li>○ Multiracial: 79.2%</li><li>○ White: 83.5%</li></ul>	<b>Masters Level (LMSW) Exam:</b> <ul style="list-style-type: none"><li>○ Black: 44.65%</li><li>○ Hispanic/Latinx: 64%</li><li>○ Native/Indigenous: 64.8%</li><li>○ Asian: 70.5%</li><li>○ Multiracial: 80.2%</li><li>○ White: 86%</li></ul>

<b><i>Maryland Pass Rates by Race and Ethnicity (first-time pass rates)</i></b>	
<b>Clinical (LCSW-C) Exam:</b> <ul style="list-style-type: none"><li>○ Black: 53.4%</li><li>○ Hispanic/Latinx: 65.9%</li><li>○ Asian: 81.1%</li><li>○ Multiracial: 86.5%</li><li>○ White: 88.4%</li></ul>	<b>Masters (LMSW) Exam:</b> <ul style="list-style-type: none"><li>○ Black: 51.4%</li><li>○ Hispanic/Latinx: 75%</li><li>○ Multiracial: 83.2%</li><li>○ Asian: 85.4%</li><li>○ White: 90%</li></ul>

Racial disparities are the most glaring differences, but there are also differences in pass rates by age (pass rate goes *down* as age goes *up*) and English speaker status (non-native English speakers pass at lower rates than native English speakers). No pass rates were released based on disability, but colloquially, we know these rates are lower, particularly for our Deaf and hard of hearing colleagues.

#### **Fast Facts About Social Work**

- Social work terminology [here](#)
- Maryland licensing information [here](#)
- Association of Social Work Boards (ASWB) data from August 2022 [here](#), our summary [here](#)
- Maryland first-time exam pass rates by race/ethnicity, gender, age, and native language [here](#).

## **Dispelling Myths and Misinformation Brought Forth by Bill Opponents**

Social work licensing exams are not supported by research, have never been proven to be correlated with safe and competent social work practice, do not protect the public, and do not follow standardized testing protocols. Therefore, bill opponents frequently resort to offering vague “unintended consequences” concerns and spreading misinformation, as their stance does not have substantive merit. Following is factual information regarding concerns raised by opponents:

### **Compact, License Portability, and The Courtroom**

- Maryland’s ability to join the [Social Work Licensure Compact](#) is **not** affected by a change in exam requirements for Maryland licensure. **Any information presented otherwise is blatantly false.** As currently written, Maryland can join the Compact regardless of exam requirements for the state. If an individual social worker wants to take advantage of the Compact, however, they must take the licensing exam.
- Some social workers care about license portability, but not all or even a majority! Anyone who cares about portability can still take the exam appropriate to their licensing level.
- Some social workers express concern that they will be taken less seriously in a courtroom environment if they have not passed an exam. This is a *perceived* concern that affects approximately 20% of social workers. As a profession, we should not all be beholden to a biased exam for the *perceived* concern of approximately 20%. Anyone who feels the exam is important for their own licensure process may still take it.

### **Insurance and Reimbursement Rates**

- Insurance companies ask about whether social workers have a license. They do not ask whether social workers have passed licensing exams. State law determines licensure requirements.
- Social workers who were exempted from licensing exams when the exams were new (“grandfathered”) are still able to get paneled with insurance companies. There is no evidence that their reimbursement rates are lower because they have not passed an exam.

### **Concerns About Lowering Standards and Delegitimizing the Profession**

- ASWB exams, which are unsupported by research, do not legitimize the profession. A 150-question multiple choice exam does not capture the subjective, varied, and nuanced work with individuals and communities required from social workers. Many talented and ethical social workers are kept out of the profession by these exams, but there are social workers who have passed these exams who in fact [do active harm](#) to the people they serve.
- Maryland law, under [Health Occupations § 19-304\(d\)\(2\)](#), states that exams used for licensing “shall strive to be free of cultural bias.” The recent data and [accumulated evidence](#) demonstrates that these exams do not comply with this regulation, including [one study](#) that found several racial microaggressions embedded into exam questions. Removing these exams will *add* legitimacy to our profession. Standardized testing is generally known to

underestimate the abilities of non-white, non-native English speakers, Deaf/hard of hearing, and disabled people, not just ASWB exams. Clients will seek out social workers because we will better reflect the diverse communities we serve.

- ASWB states that part of the problem is that some CSWE-accredited schools are not teaching to the test, but ASWB has [failed to design its exams to align with educational competencies](#). It is a general consensus that teaching to the test is a *problem* in K-12 education, but this holds true for the ASWB tests as well. No social worker wants to be taught to this test; it often demonstrates poor and unethical social work practice.

### Claims About Public Protection

- ASWB falsely claims their exams test for baseline competence and protect the public. They have no proof to back up these claims. There is [no research or evidence](#) showing that ASWB exams demonstrate any correlation with safe and effective social work practice. (Our own BSWE was mostly unable to be present at Senate Finance Committee testimony due to a disciplinary hearing!)
- ASWB [hides their data](#) so their claims cannot be tested by independent researchers, failing to meet standards outlined by the [American Psychological Association, the American Educational Research Association, & National Council on Measurement in Education](#). In 2021, their [CEO denied](#) collecting demographic outcome data: “By now most of you are aware of the policy ASWB has followed since the inception of the organization in 1979. ASWB does not collect and thus does not release exam outcomes based on demographics.” Yet, magically two years later, under immense pressure, they released ten year’s worth of such data.
- Illinois removed their [master’s level](#) social work exam. **They subsequently had an influx of over 2,000 social workers with no ill effects.** It is going so well that they have [put forth a bill](#) for a permanent, non-exam path to clinical licensure. Bills reducing the influence of ASWB exams have been recently introduced or passed in multiple other states as well: [Utah](#), [New York](#), [Rhode Island](#), [Connecticut](#), and [Massachusetts](#). Additionally, there are several states that have not required exams at the LBSW or LMSW level, well before 2022, and there is no evidence that this is detrimental to the public. **Maryland would have an additional 1,227 social workers right now if all demographics passed at the same rate as white people.**
- The Maryland BSWE presented as concerned and eager to form a workgroup regardless of the outcome of this legislation. As members of the ASWB, BSWE has very clearly demonstrated its pro-ASWB bias and are not trustworthy representatives of Marylanders or Maryland social workers. They parrot ASWB’s talking points, and they only have shown interest in this issue due to public pressure. ASWB data came out in August 2022, but they only [responded in January, 2023](#), 5 months later. **We need Maryland legislative bodies in charge of a workgroup, not the BSWE.**
- Maryland issues temporary licenses to teachers with no ill effects to the state or profession.

### Requested Workgroup Amendments:

**SWEAR supports SB871 and SB145 with or without these amendments.** We do prefer that the amendments be added, however.

1. **SB145, “may” to “shall”:** The BSWE testified in opposition to SB872 (now SB145) and has not shown that exam bias is a concern to them. We believe if they are given the option (“may”) to issue temporary licenses, they will not do it. We would like this language to compel them to issue temporary licenses (“shall”).
2. **SB145, add LCSW-C:** These exams are harmful at all levels. Therefore, there is no reason that someone who otherwise meets LCSW-C requirements should not be able to receive temporary licensure to practice independently.
3. **SB871, Moratorium Reinstatement:** The Senate Finance Committee removed the one-year moratorium on the exam requirement for all licensure levels. We would like the moratorium reinstated. We know these exams are harmful, the moratorium will allow the harm to fully pause for all license levels.
4. **SB871, Workgroup Amendment:** The Deaf and hard of hearing community has requested language that specifically requires their representative to be Deaf or hard of hearing. A representative from Gallaudet does not ensure that the representative is Deaf or understands the exam issue from a Deaf perspective. They would also like the representative to be chosen by someone in Maryland. The requested language is as follows: *A social worker designated by the Maryland Association of the Deaf who is familiar with the licensing process for deaf and hard of hearing social workers.*
5. **SB871, Workgroup Amendment:** The ASWB has not shown that they are operating in good faith in this process. They continuously blame “upstream factors” and take zero accountability that their exam could have even the smallest amount of bias. While their perspective on infrastructure could be useful to the workgroup, we do not believe ASWB deserves two workgroup members. We believe that one member would allow them representation without giving them an outsized voice.

### Frequently Asked Questions:

#### **What is SWEAR?**

Social Workers for Equity and Anti-Racism is a grassroots group that grew out of the StopASWB movement in August, 2022. We are dedicated to confronting and eliminating discrimination in our profession. We believe that the ASWB licensing exams should be eliminated, as they keep talented social workers out of the profession without keeping out harmful ones.

#### **Who supports these bills?**

These bills have a broad base of support from a variety of social workers. We are social workers who have and have not passed the exams on the first try, BIPOC and white social workers, Deaf and hearing social workers, therapists, professors, supervisors, students, and non-profit executives.



There are also multiple important organizations operating in the State of Maryland who have expressed support for these bills: Morgan State University, The Arc, Maryland Association of Resources for Families and Youth (MARFY), Kennedy Krieger Institute, Catholic Charities - Baltimore, Pathways to Housing DC, Maryland Association of the Deaf, Hearts and Homes for Youth, Healthcare for the Homeless, Project Plase, Board of Child Care, Arrow Child and Family Ministries, and Pressley Ridge.

### **Why do the well-known Maryland social work organizations oppose the bills?**

It is hard to say, but we have observed that their opinions are generally not based on the reality of the legislation nor the reality that the exams have never been correlated with safe and competent social work practice.

- If you ask the *members* of the National Association of Social Workers - Maryland (NASW-MD), few oppose the bills, but for some reason the organization has taken a stance in opposition. Additionally, by opposing these bills, NASW-MD is going against the National NASW, which is officially [against](#) ASWB exams.
- In their testimony, the Greater Washington Society for Clinical Social Work (GWSCSW) claimed to speak for the interest of the 9,300 clinical social workers in the State of Maryland, but the reality is that they have fewer than 750 members, not all of whom are licensed in Maryland. Many GWSCSW members in support of these bills feel silenced by long-term and influential board members. Additionally, they provided incorrect testimony that these bills will affect Maryland's ability to enter the Compact, which is *false*. They have subsequently emailed corrections to Senate Finance Committee members and Senator Washington.
- The Board of Social Work Examiners is biased, as they are members of ASWB. They have not demonstrated that the bias in these exams is a concern to them; they only responded to concerns in January 2023, five months after the data was released.

### **Do you support ending social work licensing? Won't getting rid of the exam mean that anybody can become a social worker?**

No, we do not support ending licensing, and not just anyone will be able to become a social worker. ***Licensure is not the same as passing an exam***, especially an exam that has never been proven to be correlated with safe and competent social work practice nor to protect the public. For social work, licensure requirements include graduating from an accredited school, having hundreds of hours of internship experience, and passing a criminal background check. For the independent licensure levels, this also includes 3,000 hours of supervised practice and at least 100 hours of clinical supervision, often paid for out of pocket at \$100-200 per hour.

### **These exams protect the public, won't we put the public at greater risk?**

This is false. This exam has never been shown to be predictive of safety or effectiveness in clinical practice. In fact, this exam ***actively harms the public*** by creating a workforce shortage and by not allowing clients to receive culturally competent care.

### **Does this mean we should do away with all licensing exams, like the bar and nursing exams?**

Not necessarily, but we should confront the legacy of racial bias in standardized testing - the inventor of the SAT was a eugenicist, after all. Without recognition and reform, these issues will persist to the detriment of marginalized communities. In social work, specifically, we should not have to take an exam three times to prove competence. In fact, if our only concern was parity with other similar professions (such as Counseling, Psychology, or Marriage and Family Therapy), we would immediately and permanently eliminate the LBSW and LMSW exams.

### **What is the data for other professional exams? Do they show similar racial and age-related discrepancies?**

#### **Here are a few examples:**

**Bar exam** – national first-time pass rate for white J.D. graduates who took the bar exam in 2021 was 85% compared to a 61% first-time pass rate among Black law graduates. Hispanic law grads posted a first-time pass rate of 72%; Asian law grads had a 79% pass rate; and 70% of Native Americans passed on the first try last year. The first-time pass rate for all bar exam takers was 80% ([American Bar Association](#)). Lower bar exam pass rates have long been a barrier to minority lawyers joining the legal profession. ([Reuters](#))

**American Board of Surgery (ABS) certification** – trainees of Hispanic ethnicity, compared with non-Hispanic trainees, were only about 40% as likely to pass, on the first try, the final examination for American Board of Surgery (ABS) certification, despite having passed an initial qualifying exam to demonstrate sufficient applied knowledge ([Cornell](#))

**Examination for Professional Practice in Psychology (EPPP)** – white psychologists were significantly more likely to pass the EPPP on the first administration than psychologists of color (92% compared to 83%). For specific racial groups, percentages were as low as 67% ([APA](#))

### **Won't removing exams delegitimize social work?**

No. We bring *greater* legitimacy to the social work profession by eliminating a discriminatory barrier that has never been proven to be correlated with safe and effective social work practice and does not protect the public. If we believe these licensing exams, then young, white, native English-speaking, hearing social workers are more competent social workers than other groups. We know this is not true. If keeping thousands of qualified social workers out of the profession legitimizes the profession, then our definition of legitimacy needs to change.

### **Won't this create a two-tiered system - social workers with temporary vs permanent licensure?**

Two tiers *already exist* - people who pass the exam and people who cannot. This bill (temporarily) equalizes them so all qualified social workers can practice!