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DEPARTMENT OF HEALTH

Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

January 30, 2024

The Honorable Pamela Beidle
Chair, Senate Finance Committee
3 East Miller Senate Building
Annapolis, MD 21401-1991

RE: SB 242 – State Board of Social Work Examiners - Sunset Extension– Letter of Support

Dear Chair Beidle and Committee Members:

The Maryland Department of Health respectfully submits this letter of support for Senate Bill 242 - State Board of Social Work Examiners - Sunset Extension - Sunset Extension. This legislation extends the sunset date of the Board from June 30, 2025 to June 30, 2028.

The Department is taking a uniform approach to recommended sunset extensions for our independent health occupations boards. A more thorough evaluation of the Health Occupations Boards is needed at this time to assess ongoing concerns related to licensure, technology, and administrative functions. The Department believes a three year sunset extension allows ample time for MDH and the Boards to examine these functions and return to the General Assembly in 2026 with an update.

If you would like to discuss this further, please do not hesitate to contact Sarah Case-Herron, Director of Governmental Affairs at sarah.case-herron@maryland.gov or (410) 260-3190.

Sincerely,

Laura Herrera Scott, M.D., M.P.H.
Secretary

2b- SB 242 -FIN- Boards .pdf

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Position: FAV



Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

Maryland Board of Social Work Examiners
4201 Patterson Ave., 3rd Floor
Baltimore, MD 21215

**2024 SESSION
POSITION PAPER**

BILL NO: SB 242
COMMITTEE: FINANCE
POSITION: SUPPORT

TITLE: State Board of Social Work Examiners – Sunset Extension

BILL ANALYSIS: This bill extends the termination provisions relating to the statutory and regulatory authority of the Maryland Board of Social Work Examiners (the “Board”) for 3 years until July 1, 2028.

POSITION AND RATIONALE: The Board supports SB 242.

The Board has no outstanding deficiencies to correct, and the passing of this bill will ensure the continuation of the Board’s mandated responsibilities of protecting the citizens of Maryland through credentialing, examination, licensing, and disciplinary process for social workers.

Thank you for considering this testimony. The Board of Social Work Examiners is respectfully requesting a favorable report on SB 242.

If you require additional information please contact Susan Coppage, Board Chair of the Maryland Board of Social Work Examiners at (410) 490-9933 or susan.coppage@maryland.gov.

The opinion of the Board expressed in this document does not necessarily reflect that of the Department of Health or the Administration.

Testimony SB 242 2024.pdf

Uploaded by: Christie Polley

Position: UNF

Testimony before the Senate

Re: Senate Bill 242

OPPOSITION

January 28, 2024

By Christie Polley, Licensed Clinical Professional Counselor

Good afternoon members of the Committee. Thank you again for the opportunity to speak in opposition to the Senate Bill 242. As stated in my testimony last February, it is with great urgency that the Maryland Board of Social Work is immediately evaluated. It has been proven that they devastatingly neglect to protect mental health providers, clients who come forth with serious allegations of social workers and lack the integrity to follow through with decisions that protect the community, specifically our children. Instead, it has been found that they prioritize decisions that protect the reputation of their organization.

As explained below, I have put together an advocacy team of clinicians and attorneys to begin the process of protecting the community. I have encouraged the Maryland Board of Social Work to join us in understanding what had happened throughout my personal experience that led to re-traumatization, re-victimization, and a serious lack of integrity. Although not surprised, they never responded to my invitation.

Provided below are parts of my last testimony that provides the history of my personal experience with the Maryland Board of Social Work;

“In my personal experience, turning to this board for help at a time where you feel fearful and scared is dangerous. This needs to be changed. An advocacy group of clinicians, attorneys and other professionals who have a direct impact within our community was formed due to an unfortunate experience with the Maryland Board of Social Work and Examiners and the disciplinary process.

My engagement with the board existed between October of 2020 to November of 2022 due to a very complicated and traumatizing situation that included my previous boss having 11 complaints against him. At the start of this experience, I was very optimistic that cooperating with the board and being an advocate for those harmed would bring justice. I believed the board operated with integrity, compassion, and from a trauma-informed viewpoint. I could not have been more wrong. Instead, I found this process to continue the abuse cycle with re-victimizing and re-traumatizing the complainants and survivors of abuse. Perpetually leaving survivors of these heinous complaints to continuously check the status of the licensee for years with no communication is inexcusable. The level of anxiety and fear when coming forward and filing a complaint is profound, let alone not being at

least informed about what is happening. The lack of transparency and no communication regarding heinous crimes being disclosed is unacceptable.

I want to be clear about these complaints. They are mostly criminal in nature, with many of the complainants and witnesses unknowingly corroborating each others allegations. From my own awareness, these complaints included but are not limited to sexual abuse of a minor, sexual abuse of young women, inappropriate boundary crossing, sexual harassment, retaliation against a contracted clinician, and abandonment of clients. One complaint included asking an intern to buy a pregnancy test for a 14-year-old girl. This complaint came after it was indicated that he sexually abused another 14 year-old girl, allegedly raped a young woman and had a "sexual relationship" with her, inappropriately touched and made sexually inappropriate comments to another woman who he was treating at a sober living home comprised of women, a video surfaced of him sexually harassing another therapist insinuating she take her dress off, voice recording(s) of him sexually abusing a client and having a sexual relationship with her, endless sexual inappropriate comments by many witnesses and clients, and a long history of being fired for sexual comments to coworkers. The list goes on.

After the awareness of these horrific allegations, his license was only briefly suspended for a couple months following the indication of sexually abusing a minor. During the investigation of the 11 complaints, he was able to have full access of clients with absolutely no restrictions to minors. There was nothing to indicate that he was being investigated for 11 complaints, many criminal in nature that included sexual abuse of minor(s) and other young women.

Would you be okay with walking your child into his office to be seen and not knowing the seriousness of allegations against him? Would you be okay with a loved one seeking therapy and their therapist masturbate to them while they stand there in lingerie? Would you be okay with a therapist asking your daughter, who is in a sober living home, to write down her fantasies so he can masturbate to them when he went home, and inappropriately touching her in session? Would you be okay with not knowing a clinician gave your 14-year-old a pregnancy test?

The evidence is of an abundance, and he was able to surrender his license with no discipline.

The conclusion of the board came October of 2022 when they accepted his surrender of license after he initially gave his letter of surrender April of 2022, seven (7) months later. He was able to escape being interviewed for the 11 complaints brought against him, and is now allowed to be within our community with no repercussions, a monster in plain sight.

The decisions of the board are the reasons why abusers can continue to abuse. I see the acceptance of surrender as a means to protect the board from something I am unable to see, and in the process, protecting him from the public knowing the person that he is. Furthermore, it has even been admitted to me that these

complaints were so “egregious” that he would have eventually had his license revoked. If they were aware of how shockingly heinous these crimes are with supporting evidence, witnesses and corroboration, why not support the survivors and protect the community? He was protected, not the survivors.

I have asked the board to join in our efforts to listen to our concerns and make changes where necessary. I received no response. So now I am asking you. Please do not pass this bill without revision of the process to protect our children and our community.

... I am a clinician, mother, aunt, sister, cousin, daughter and a member of society who believes that protecting our children and those that are most vulnerable within our community is of utmost importance. Please trust me when I say, passing this bill will only perpetuate abuse and not address the seriousness of this disciplinary process, putting more people in harm's way. Do you want to be a part of the problem or solution?”

If this bill is to be passed, again, those in a position of trust and a position of power are choosing not to protect our community, not to protect our children, and not to protect those in one of the most vulnerable positions one can find themselves. This would continue to be another example in our society of the abuse cycle; protecting those that protect abusers, protecting those that choose to lack integrity to protect the reputation of an organization, and continuing to allow abusers to abuse.

I urge you to listen to me and those that oppose this bill. We are pushing for safety. We are pushing for integrity. We are pushing for accountability. We are seeking change to STOP this very obvious flawed system that continues to allow abuse to continue.

Thank you,

A handwritten signature in black ink that reads "Christie Polley, LCPC". The signature is written in a cursive, flowing style. The first name "Christie" is written in a large, looped script, followed by "Polley" and "LCPC" in a slightly smaller, more compact script.

Christie Polley, LCPC

SB 242 Testimony 1.30.24(5254306.1).pdf

Uploaded by: Eric McLauchlin

Position: UNF

**TESTIMONY OF ERIC E. McLAUHLIN, ESQUIRE
(OPPOSED)**

Tuesday, January 30, 2024

There exists an urgent, if not emergent, need for the Office of Program Evaluation and Government Accountability (OPEGA) to conduct an evaluation of the Maryland Board of Social Work Examiners. I am writing in opposition to Senate Bill 242

In March of 2023, I offered written testimony in opposition to Senate Bill 730. The purpose of that bill at that time was to continue the State Board of Social Work Examiners, without review, in accordance with the Maryland Program Evaluation Act by extending its termination provisions relating to its statutory and regulatory authority to July 1, 2027. Others offered similar testimony in opposition, and the bill did not leave Committee.

I am now offering testimony in opposition to Senate Bill 242 which has the same purpose as the 2023 legislation, i.e., to continue the Board, without review under Maryland's sunset laws, to July 1, 2028.

As an initial matter, the Fiscal and Policy Note incorrectly states that "Similar legislation has not been introduced within the last three years." That is false.

More importantly, the need for the State Board of Social Work Examiners to be reviewed is no less urgent than it was in 2023. In fact, the need is more urgent. For the purposes of Senate Bill 242 being presented to your Committee this year, I will not recite the multiple instances that I and others believe justify an immediate evaluation by OPEGA and immediate change. I will instead again provide the information I provided the last time the Board attempted to continue to avoid accountability. It is attached. I then note that, in the last year alone:

- The Board has been found guilty of violating the Maryland Open Meetings Act by the State's Open Meetings Compliance Board (November 13, 2023).
- The backlog of investigations into abuses by the Board's licensees has become larger than it was before.
- The Board has separated from employment those of its investigators who were committed to holding licensees accountable.
- The Board has hidden from public view a series of internal I.T. mistakes that rendered useless hundreds of hours of investigative effort and allowed violators to remain unpunished and in active practice.

Please oppose Senate Bill 242. Please require a review of the Board as soon as possible.

**TESTIMONY OF ERIC E. McLAUHLIN, ESQUIRE
(OPPOSED)**

FRIDAY, MARCH 3, 2023

This testimony is offered in opposition of Senate Bill 730 and the additional, unsafe and harmful delay it would allow before the State Board of Social Work Examiners (the “Board”) is again subjected to proper review under the Maryland Program Evaluation Act (§8-401 et seq.). I am opposed to the extension because it will perpetuate immediate, substantial and irreparable harm to patients, licensees and the community for another four (4) years.

The State Board of Social Work Examiners underwent a preliminary evaluation as part of sunset review in 2001, and again in 2011. The result of the 2011 review was a recommendation to extend the termination date by 10 years to July 1, 2024. SB 730 would extend the termination date to July 1, 2027, over four (4) years from now. The specific risk about which my testimony is concerned relates to the investigation of complaints and the disciplinary process.

In 2010, legislation was passed requiring the board to establish a disciplinary subcommittee to be responsible for the investigation of complaints and other aspects of the disciplinary process. During the 2011 review, it was noted, *inter alia*, that the Board had a pre-existing Disciplinary Complaint Review Committee and had already implemented regulations (COMAR 10.42.04.01-.12) in 2002 relating to board hearings and the disclosure of information discovered during investigations to the “appropriate authorities.” Notwithstanding the existence of the additional investigatory structure and regulations implemented over two decades ago, the investigation process and the regulation and administration of it are alarmingly broken and dangerously ineffective.

Since the time of the last review, the Board has been presented with multiple reports of criminal behavior inflicted upon patients by social workers. It has taken no definitive action in response. The current rules and regulations must be reexamined quickly and not be extended, because they allow the subject matter to be downplayed, and allow the investigatory process and its rules to be manipulated.

The type of behavior at issue extends well beyond mere “boundary” violations and on to physical assault and reports of rape. In the 2011 report, the Board labeled these incidents “Other Unprofessional Behavior” and lumped, on average, 27% of its annual complaints into this category. Rape and sexual assault are more than “other.”

In terms of the administration of the investigation of these complaints, the Board failed to communicate with victims, some of whom were minors. It failed to complete investigations for over two (2) years, even when its self-reported “targeted timeframe” for completing investigations is 190 days. It negligently managed its internal processes to the point of improperly accounting for digital evidence and attacking its own investigatory employees instead of accepting responsibility for its administrative mistakes. When investigations were, in fact, completed, the

Board in some cases failed to act on them or draw licensing conclusions and bring them to final action.

This testimony is offered to you based on more than anecdotal information. I have been representing victims of social worker abuse. I was therefore asked to participate with a group of professionals who are advocating for change. Change is more likely to come by maintaining the current sunset date of July 1, 2024 and requiring the Board to be accountable by that date than it is by allowing the public to suffer further harm until 2027.

In one circumstance with which I have dealt, there were eleven (11) individual complaints against a specific social worker. This male is alleged to have provided intoxicants to his patients and to have forced them in to sexual acts during sessions. At one point, the Board and its counsel advised me that the nature of the administrative outcome of the investigation in to this licensee's conduct was "immaterial." The Board allowed the licensee to surrender his license rather than make factual findings or work with the "appropriate authorities" to do more. By doing so, the Board retraumatized the victims at issue, and grossly devalued the importance of the process for those victims, their families and the community. The Board took what it perceived to be an easy way out and manipulated its way past the point of accountability.

Doing so was not a mere misunderstanding of the process. Once the Board published its Order accepting the licensee's surrender of his license, it was reminded that COMAR only allows the Board to vote to accept the surrender of a license after the Board has reviewed completed investigative information or reports for each complaint. The Board was asked to confirm that such completed information and reports were reviewed for all eleven (11) cases, and was asked for a copy of the letter of resignation. Rather than respond, the Board removed, revised, backdated and republished a new Order removing reference to the resignation letter being included. In further response to this Board action, the victims asked (through counsel) which date – the new one or old one – would be the proper trigger for their appeal rights. The Board and its counsel never responded. All the while, the victims sat in fear.

There are two, additional significant aspects of these systemic failures that are important to address sooner rather than in 2027. In the 2011 sunset review, the Board noted:

The 2002 sunset evaluation revealed that the number of complaints reported to the board was disproportionately low compared to the number of social workers licensed in the State. Much of this may be due to the delicate nature of the relationship between a social worker and his or her client. In response, the board has tried to educate the public on their right to bring complaints against a social worker and educate social workers to look for possible violations and self-report.

Stated otherwise, the Board represented over a decade ago that it wanted the community and the industry to bring forth more complaints and be more self-regulating. In the cases in which I have been involved, that happened. It was the industry, i.e., other social workers, therapists and medical professionals, who identified sexual abuse and sought to better the industry by definitively addressing it. The lesson for them is that nothing will be done in response. The appearance is that

the subject matter is unimportant to the Board. They have concluded that engaging the Board for help is dangerous and harmful. These are reasons for review sooner rather than later.

Second, during the time that the eleven (11) complaints were pending, the licensee at issue continued to practice. We are unable to quantify the additional damage done by him during that time.

My experience with this licensee and his victims is only one example. It is my understanding that as a result of an IT discrepancy that occurred during the last two (2) years, over 30 other complaints have been dismissed and/or not drawn to a conclusion. The 2011 review was replete with references to IT, training and systems that should have prevented a technology travesty of that nature if taken seriously. With an average annual complaint caseload of 125 complaints as reported in 2011, this means the Board negligently handled 24% of its caseload cause it could not handle its own IT properly. That is difficult to explain to victims of abuse and offers them little consolation.

There are immediate deficiencies and dangers that justify requiring the Board to remain accountable to the July 1, 2024 sunset deadline and substantial reasons for requiring the evaluation of the Board well prior to that date. I am therefore opposed to SB 730.

When the evaluation of the Board occurs, it should include specific requirements relating to, among other things:

- Prioritizing complaints based on the nature of the alleged conduct, i.e., administrative v. criminal;
- Assuring the safety of victims and complainants throughout the complaint and investigation process;
- Assuring the avoidance of revictimization and re-traumatization during the complaint and investigation process; and
- Making the Board accountable to coordinate its investigatory processes and authority with those of law enforcement.

Please vote against advancing SB 730.