

February 18, 2024

Dear Delegate McComas, Sponsor
And
Delegate Joseline A. Pena-Melnyk
Health and Government Operations Committee (Chair)
241 Taylor House Office Building
6 Bladen Street
Annapolis, MD 21401

**Re: HB-1289 - State Board of Social Work Examiners- Practice Social Work - Definitions and Scope of Authority
Position: Favorable- Strongly Support with Amendment**

Dear Delegate Susan McComas, Sponsor, Delegate Joseline A. Pena-Melnyk and Members of the Committee:

Disclaimer:

My name is Arthur Flax. I am a Licensed Certified Social Worker- Clinical, (LCSW-C, DCSW). The opinions expressed are my own, and do not represent in any manner, shape, or form, expressed or implied the opinion(s), or actions, of any other person, governmental agency, corporation, or professional organization. I wish to thank Delegate Susan McComas. I thank Lisa Simpson, Senior Policy Analyst (MLIS) for her diligent professional research in drafting this proposed legislation.

I initiated this legislation, after discovering the SBSWE lacked certain statutory authority present in the Board of Nursing statute, other Health Occupations, and Labor and Employment Statutes.

This legislation will allow the SBSWE to adopt regulations regarding requirements for engagement in additional acts of Social Work, otherwise authorized by law, but not specifically by the SBSWE. It will also permit the Board of Social Work Examiners to clarify the methods of assessments, and to define the term "Biopsychosocial" which is presently in the HO-Title 19, Scope of Practice Section (to be consistent with the Final Federal Rule CY 2024; CMS Section 4121 of the CAA 2023; and HBAI -Section 4123 (Health Behavioral Assessment and Intervention) to include "Clinical Social Workers" (in Md. the LCSW-C) effective 01/01/2024).

PLEASE NOTE, in reviewing the technical language with Lisa Simpson, Senior Policy Analyst (MLIS) I missed a needed important correction; I take responsibility for this error in drafting.

Biopsychosocial is not treatment, but a method of analysis as it applies to this legislative definition.

Therefore:

I AM REQUESTING AN AMENDMENT ON PAGE 2, LINE 10.

(II) BIOPSYCHOSOCIAL (DELETE) TREATMENT.

Insert

(II) BIOPSYCHOSOCIAL APPROACH THATENVIRONMENTAL FACTORS.

The process of assessment may require, as a component of the assessment the administration of tests (not all testing, screening, requires a licensed psychologist). (See, Atty. General Opinion – Constitutional Law 7/7/1981, Avery Aisenstark, Principal Counsel). The ability to purchase and use testing materials to provide testing is dependent upon the qualifications of the person. (Please see Attachments "Pearson Testing Qualifications" and Blue Cross testing; (Federal Blue Cross has recognized Clinical Social Workers for many years to provide testing services. Tests provided by Social Workers may require the individual have specific documented training.

In Summary, It is very important the State Board of Social Work Examiners, has the statutory authority to do whatever every other Health Occupations Board, such as the Maryland Board of Nursing, or trades licensed under the Labor and Employment Article are able to do; the State Board of Social Work Examiners has to be able to fully regulate the licensee, to protect the public.

Sincerely,


Arthur Flax, LCSW-C, DCSW

410-653-6300

6126 Greenmeadow Parkway, D

Baltimore, Maryland 21209-3349

flaxcps@gmail.com