

Testimony before Health and Government Operations Committee
HB0173- State Board of Social Work Examiners - Temporary License to Practice Social Work
Support
February 3, 2022

Dear Chairperson Pendergrass and Members of the Committee:

I am here today to support House Bill 173. This bill will authorize the State Board of Social Work Examiners (BSWE) to issue temporary licenses to applicants who have met all requirements for licensure except for passing an examination. The intent of this bill is that it be used at the sole discretion of the BSWE when the licensing exam is not accessible as was the case last year during the pandemic or when there are other issues limiting access to the licensing exam such as a data security breach.

In order to work as a social worker in Maryland one must earn a MSW degree (or a BSW to work as a licensed bachelor social worker) from an accredited school of social work, must pass a criminal background check and then must pass a national exam. For several months during 2020 testing sites were closed down entirely while Pearson Vue worked on adapting to the realities of COVID19 protocols. Even after re-opening exam centers with social distancing measures in place, applicants found that available exam dates are often far into the future or at sites which are not easily accessible.

Recent events have again highlighted the important of BSWE having the option to provide temporary licenses. Although it did not directly affect the availability of testing, the recent data security breach at the Maryland Department of Health shows how disruptive data security incidents can be. In our digital world, there is always the risk of a hacking incident and this legislation would ensure that the Board has the ability to maintain the state's social work workforce if such an incident made the exam inaccessible. Additionally, the Governor's January 7th executive order highlighted the importance of temporary licenses in times of crisis. In his order, the Governor asked Boards with temporary license authority to expedite such licenses but unfortunately BSWE does not have this power, which may leave our state understaffed during this current wave of COVID-19.

The Maryland Social Work Practice Act provides that a student may begin their licensure application and take the licensing exam in the last semester of one's MSW or BSW program so that the license can be conferred as soon as the BSWE has evidence that the required degree was awarded. This process permits students to begin applying for and accepting jobs which are available to them immediately upon graduation. This year the process hit a roadblock when graduating students found that they were unable to schedule exam appointments and therefore were unable to apply for jobs or take jobs which were offered them.

The employment problem is exacerbated by the fact that our practice act not only prohibits an unlicensed person from using the title of social work but it also prohibits a person with a social work degree from performing any tasks which are within the very wide scope which is defined as the "practice of social work." Therefore, a recent graduate could not accept a position which could be accepted by any number of competitors who did not have to have a license in order to engage in (a) Assessment; (b)

Planning; (c) Intervention; (d) Evaluation; (e) Case management; (f) Information and referral; (g) Counseling; (h) Supervision; (i) Consultation; (j) Education; (k) Advocacy; (l) Community organization; and (m) The development, implementation and administration of policies, programs, and activities. The BSWE has leveled huge fines against people with social work degrees who perform these tasks and are in positions which are not titled as social work positions.

Many of the tasks performed by licensed social workers are not clinical in nature and offer no discernable danger to the public. Even for those more clinical tasks which might be performed by an LMSW temporarily licensed under this bill, there are safety measures in place which provide that any LMSW providing clinical social work must be supervised by a board approved supervisor who is a licensed certified social worker- clinical (LCSW-C). An LBSW is prohibited from any form of clinical practice regardless.

The BSWE has expressed that they are opposed to this bill and feel that the public is not safe from any social worker who has not passed the prescribed exam. This view is not held by many other states in this country which have a temporary license in place as a matter of course for new applicants. Connecticut, West Virginia, New York, Texas, Arkansas, Indiana, New Mexico, and Wisconsin, among others, all use the same national exam that we use in Maryland and all have temporary or provisional licensure as a permanent part of their licensing laws: applicants are granted temporary licenses and permitted to work for 3-12 months while awaiting the opportunity to take and pass the licensing exam. In addition, during this pandemic both Virginia and Minnesota have temporary licensure in place by order of their governors. Temporary licenses are also supported by our national social work organization.

We are also aware of other Health Occupation boards in Maryland that currently have statute provisions for temporary licensure, including the State Board of Dental Examiners, the State Board of Morticians and Funeral Directors, the State Board of Nursing, the State Board of Examiners of Nursing Home Administrators, the State Board of Occupational Therapy Practice, the State Board of Physicians the State Board of Podiatric Medical Examiners. As each practice act is different, the requirements and circumstances for temporary licensure vary greatly across professions and licensing types. NASW's bill most closely matches the statute for Occupational Therapists.

In light of the current ongoing emergency and the unfortunate probability that emergency events will happen in the future; we feel that it is imperative that the BSWE have all of the tools necessary to assure that social work services can be provided to the public regardless of the immediate availability of a national exam which is outside of its control. It will be up to the Board whether or not it chooses to use this particular tool in any given situation.

We ask that the committee to vote favorably on House Bill 173.

If you have any further questions, please do not hesitate to contact me at
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