



Board of Social Work Examiners

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

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2023 SESSION POSITION PAPER

BILL NO: SB 871
COMMITTEE: Finance
POSITION: Oppose

TITLE: State Board of Social Work Examiners – Licensure Examinations – Moratorium and Workgroup

BILL ANALYSIS: This bill, would alter the licensure examination requirements for social workers and would require the Maryland Department of Health to establish a workgroup to identify alternatives to examination requirements for a master social worker (LMSW) license, a certified social worker (LCSW) license or a certified social worker-clinical (LCSW-C) license and develop recommendations for a certain assessment method to replace certain examination requirements.

POSITION AND RATIONALE: The Board of Social Work Examiners (the “Board”) opposes SB 871.

The primary responsibility of the Board is to protect the public from the unlicensed and potentially incompetent or unethical practice of social work. The requirements to be licensed as a Master Social Worker (LMSW) are an MSW from an accredited school, a criminal background check, and a basic, entry level exam. This bill would permit a person with an MSW to be licensed as an LMSW for two years by simply demonstrating that they have a degree and have passed a criminal background check. With that license the licensee could engage in all manner of social work practice; including clinical practice such as formulating a diagnosis, treatment of biopsychosocial conditions, treatment of behavioral health disorders and the provision of psychotherapy; as long as that individual is being supervised by a person with an LCSW-C license.

Depending on the course choices a social work student makes, they can be prepared with a number of clinical courses or with very few. Some social workers graduate with only 6 credit hours that might be considered clinical in nature. For the protection of the public, we depend on a combination of education, testing and supervision. None of these alone are sufficient. We believe that an exam is an important part of the process of awarding this entry level practice credential (LMSW).

A moratorium on the examination for the LCSW is counter intuitive. The only difference between a person with an LMSW and an LCSW is supervised experience and passage of a specific exam. We already have in statute a status of LMSW Independent Practitioner which is an LMSW who has met certain criteria for hours of experience and supervision. If a person does not wish to take the LCSW exam, they can apply for the independent practice status which grants

the exact same privileges as the LCSW. For this reason, we will no longer offer the LCSW nor approve people to take the Advanced Generalist exam after December 31, 2023.

In order to obtain the clinical social work license (LCSW-C) an applicant must already have an LMSW, as well as meet requirements for clinical coursework, experience and supervision; which all lead up to the requirement to take a clinical examination. The LCSW-C allows the licensee to practice independently; to evaluate, diagnose, and treat biopsychosocial conditions, mental and emotional conditions and impairments, and behavioral health disorders, including substance use disorders, addictive disorders, and mental disorders; as well as petition for emergency evaluation, provide psychotherapy and supervise other social workers in their clinical practice.

Determining an applicant's readiness and competency to engage in this high-level practice is the reason that the Board exists. The Board feels strongly that passage of a clinical exam is essential. There is no other state in this country which allows social workers to obtain a clinical license without taking and passing the ASWB clinical exam. Until another exam is available or there is another way to demonstrably determine competency, we would be shirking our responsibility to the public to grant applicants the LCSW-C license called for in this legislation. LMSWs may engage in clinical practice under the supervision of an LCSW-C. Aside from owning their own private practice or practicing without supervision, a person with an LMSW is not being held back from using their degree or earning a living. There should be no moratorium on the exam for the LCSW-C license.

The fact that this is an emergency bill is quite concerning. If this legislation were to pass, the Board would need time to consider how to distinguish between those who have met proper requirements for independent licensure and those who have not. We would need to look at what third party payers require for clinicians to be properly credentialed. Regulations for the practice of social work by people who are licensed during this moratorium would need to be written and put in place. Workforce issues and understaffing have been addressed in a number of bills and hearings already this year. Many complications would ensue due to this legislation. There would be no time to properly address and implement these changes if the elements of this bill immediately become law.

Finally, this bill requires the MDH to establish a workgroup to consider alternatives to examination requirements and to develop recommendations for an assessment method for independent practice. We support the idea of a workgroup. However, we are concerned that there is no clear outline as to how this responsibility would be carried out and no resources for the extensive research which would be required to meet the objectives. We feel strongly that the workgroup members suggested in this legislation are not those who would have the expertise to tackle this important task. Recent social work graduates and consumers are not the people who would have the most insight into how to determine competency for independent social work practice.

If this legislation does not pass, our board is committed to establishing a task force to address the issue of the disparity in pass rates on the ASWB exam. We will be including in this task force representatives of all of the academic SW programs in MD, three of which are HBCUs. We will also include representatives of governmental and nongovernmental social service agencies and

professional social work associations. Stakeholders, including those who have been negatively impacted by the examination requirement and those who feel the requirement is necessary to their practice, will be included. Every effort will be made to make sure that this is a diverse and goal-oriented group. The Board hopes that this commitment will meet the concerns of your committee.

Thank you for your consideration of this testimony. For all of the reasons stated, the Board of Social Work Examiners respectfully requests an unfavorable report on SB 871.

If you require additional information, please contact Dr. Daphne McClellan, Executive Director at (410) 764-4722 or at Daphne.McClellan@maryland.gov.

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