

**Senate Finance Committee  
March 10, 2023**

**Senate Bill 871: Social Workers – Licensure Examinations – Moratorium and Workgroup**

**\*\*\*SUPPORT with AMENDMENTS\*\*\***

Maryland’s Chapter of the National Association of Social Workers represents social workers across the State of Maryland. As diverse members of the profession and the Chapter, we join with our colleagues to ask for a favorable report for Senate Bill 871 - Social Workers – Licensure Examinations – Moratorium and Workgroup **WITH AMENDMENTS**.

Throughout our nation’s history, justice has been sought against discriminatory practices in education, training, and professional practice. Baltimorean and Supreme Court Justice Thurgood Marshall championed the notion that justice is not served through “separate but equal” measures. Such measures have been proven to create further division and have damaging consequences for generations to come.

The call for a moratorium on licensing examinations creates a separate path to licensure that will unintentionally economically disadvantage Maryland licensees, especially those already experiencing oppressive and burdensome bias-based barriers in their careers.

Forty years ago, the social work profession won a hard fight to compete and to be respected like other Maryland health occupations that demonstrate competency and earn public trust through the rigor of licensing standards for training, education, and examination. A moratorium on licensing exams without considering unintended consequences will undermine public trust in the credibility of social work licensees and eliminate the only legally recognized measure of competency in Maryland social work practice.

Therefore, we ask for your support to fulfill the charge of the former president of both the National Urban League and National Association of Social Work and Master of Social Work, Whitney Young’s quote about civil rights; we want “equal, but better”. To fully mitigate injustice in licensing examinations, vote yes to support a workgroup to identify diverse, anti-oppressive, and appropriate licensing examination requirements and testing vendors for a master social worker license, a certified social worker license, and a certified social worker–clinical license under Title 19 of the Health Occupations Article. To avoid ‘separate but equal’, we ask for an amendment to strike the moratorium on licensing exams.

We further support the work group facilitated by MDH. To complete, the work members must have the breadth of experience and knowledge necessary to determine competency for independent social work practice, something consumers and new graduates don’t have. To that end, we recommend membership include the following: at least one faculty member or dean from an accredited school of social work; at least one faculty or dean from an accredited historically Black college and university’s school of social work; at least three representatives from governmental and nongovernmental social service agencies; at least two non-traditional professionals who may have entered the social work field later with lived experience or as a second career; at least two test-takers who identified as needing

testing accommodations; at least three master of social work or bachelor of social work graduates who have been negatively impacted by the examination requirement; at least two consumers who have been impacted by the shortage of social workers; at least one member of the State Board of Social Work Examiners, at least one member of the National Association of Social Workers; at least one member of the National Association of Black Social Workers; at least one member of the current examination vendor; at least one member of the Maryland Commission on Civil Rights and any additional members the Department considers necessary to create a diverse group of stakeholders on the workgroup.

We urge you to vote in favor of Senate Bill 871 with our proposed **amendments to reject the proposed moratorium on licensure examinations and make changes in the workgroup's composition**. A compilation of concerns from our members about the unintended consequences of a moratorium is attached. Damaging the social work profession will damage those the bill most wants to help.

Legislative Committee  
National Association of Social Workers, Maryland Chapter

## **Concerns and Questions about testing from the National Association of Social Workers Legislative Committee**

Social work has worked hard since its inception in the early 1900's to establish itself as a profession, a struggle that continues to this day. The myths that what social workers do is take away children and give out money prevail, despite our now being the greatest provider of behavioral health services in the country and recognized for our contributions in any number of settings, including hospitals, schools, community centers, non-profits, assisted living facilities, the military, child welfare, and adult protective services. Along with direct care, social workers are also active in crafting legislation and social policy, as well as serving in administrative positions in numerous public and private organizations.

Social work wasn't recognized as a profession in Maryland until 1975, when the Social Work Statute was finally passed. Title protection for social workers was a hard fought win by a small and diverse group of determined social workers who persevered over several years. Bringing social workers in line with other professions - law, psychology, medicine, nursing, occupational therapy, physical therapy, licensed certified professional counselors and so on - the statute required the education and training to acquire a body of knowledge, commitment to ethical practice, and a licensing examination.

Fast forward to the release of the disturbing – yet not surprising - data by the Association of Social Work Boards (ASWB) showing alarmingly disparate outcomes based on race, age, and those for whom English is a second language. We share a sense of urgency to stop the harm. However, we believe we must proceed in a thoughtful manner that both provides a quick response to the ongoing systemic bias and oppression in standardized testing, and also maintains recognition and respect for the social work profession. A consistent theme as we talk with Maryland social workers statewide is the fear of losing ground, and the plea that any proposal be critically evaluated for its implications for social workers' hard fought recognition as professionals.

If the proposed bills are in response to addressing and mitigating disparity in testing measures, detailed below are a selection of questions and concerns from our membership to consider when proposing changes to how one enters the social work profession or earns advanced licensure and the impact of these changes on the profession in Maryland.

- Some expressed concern that temporary licensing could create a two tiered profession - those social workers licensed by testing and those with a temporary license. The disproportionality will emulate the ASWB test results, resulting in licensing via testing for a predominantly White group, and temporary licensure for a predominantly Black and Brown group, older students, and non-native English speakers. This is unacceptable.
- How will having a temporary license affect portability of our social work license when moving to another state? Or a social work compact with other states?
- Will those with temporary licenses be eligible for insurance reimbursement, a necessity for employment as a mental health therapist?
- How can we avoid the perception of delegitimizing our profession by creating a temporary license? This will not harm White people the same way it harms Black and Brown people, those whose first language is not English, and those with diverse abilities.

- After acquiring the Licensed Master Social Worker (LMSW), many social workers aspire to earn advance licensure - Licensed Certified Social Worker – Clinical (LCSW-C) by completing the practice and supervision requirements to sit for the examination. How will a temporary license affect that professional goal?
- Will employers be leery of hiring a social worker whose temporary license may lapse in two years? On-boarding new staff is costly and disruptive to client care.
- In areas such as child welfare and forensics, social workers with advanced licensure are accepted as expert witnesses in court, also a hard fought win for social work. Has the impact on that credential been considered?
- Given the possibility of public perception that requirements are being diluted - which can create economic disenfranchisement for those who are already marginalized - what will the impact be on social workers' ongoing struggle for adequate salaries and compensation?
- Will this bill create barriers and encourage employers to hire other behavioral health professionals instead? Without an examination requirement, public and private employers may avoid hiring social workers, questioning the quality of social work graduates and their ability to think critically and to do the work.
- What are alternative measures to address oppression rather than focusing singularly on the examination? A state-wide survey to glean licensees' concerns and suggestions could prove illuminating.
- What is the data for other professional exams, for example, nursing, physical therapy, or lawyers? Do they show similar racial and age-related discrepancies? What have legislators proposed to address disparity in other fields? Is there a precedent by other recognized professions for eliminating the licensing examination?

We emphatically support ensuring that none of the licensing requirements in Maryland support racial bias. But waiving testing requirements in favor of a 2 year temporary license doesn't touch the real problem - the ASWB's flawed and biased testing measures. Testing for licensure is how professions establish that those who enter have a body of knowledge and the competence to do the work. The ASWB - and likely all regulatory boards- needs to be held accountable for revamping the examination and eliminating the bias.

Before substantially altering entry into the social work profession without considering the issues outlined above, our social work membership has strongly urged a workgroup of no more than 1 year to develop thoughtful recommendations and a plan to execute in 2026. Examples of recommendations that could emerge include those below - some of which ought to be pursued sooner rather than later.

- Expand opportunities for no cost test preparation courses offered by social work professionals with a proven track record of success coaching MSWs and LMSWs to pass the examination
- Create a state fund to defray or more ideally pay the cost of retaking the examination as a means of compensating for the test bias forcing Black and Brown MSWs and LMSWs as well as those with diverse abilities to shoulder a larger financial burden than their White colleagues to become social workers
- Require accommodation for diverse learners.
- Require the Board of Social Work Examiners (BSWE) to annually report the number of people who apply to take each exam from different groups and the pass rates for each group and if

- possible, disaggregate first-time vs. retakes. Also include income as one of the demographics collected and reported on.
- Provide students with the study materials and practice exams at no cost; this \$85 purchase is reported by some as a significant aid to successful exam preparation
- In the current Social Work Practice Act it reads, “The examinations given under this subtitle shall strive to be free of cultural bias.” Add racial bias and require the Board to report on how it is meeting this requirement.
- Require engaging a consulting firm to create a validated, nondiscriminatory entrance exam
- Allow the option of an oral examination and consider offering the exam in multiple languages
- Rather than eliminating the exam or providing a temporary license, require the testing vendor demonstrate how it will strive to be free of cultural or racial bias

In closing, we deeply appreciate the attention to our profession and a commitment to remedying the alarming bias inherent in the ASWB examination required for social work licensure. However, there are grave concerns about the potential for unintended consequences that may undermine and damage the social work profession - in short, to hurt more than help in the long run. The very real potential for creating two tiers of social work professionals is among the unintended consequences that are especially troubling.

We believe that these questions and concerns must be considered before legislative changes are made to the requirements for our profession. We support legislation mandating the formation of a workgroup to thoughtfully consider our steps forward to eliminate testing bias. We are also hopeful that in the meantime, there are short-term steps that will be taken, especially identifying public funding for repeat testing.