

## **POSITION ON PROPOSED LEGISLATION**

**BILL: SB872** Authorizing the State Board of Social Work Examiners to issue a temporary license to practice social work to an applicant who, except for passing an examination otherwise required under law, has met the appropriate education and experience requirements for a license issued to practice master social work or certified social work-clinical.

**FROM: Terri Collins-Green, LCSW-C**

**POSITION: Oppose**

**DATE: 3/10/2023**

I am an LCSW-C whose been licensed in Maryland since 2007 (#13410). I am proud to be a social worker and serve the citizens of Maryland. I've been a Board Certified Clinical Supervisor since 2013. I've worked in a private practice. I have been an adjunct faculty teaching MSW students since 2016. I have been a defense-based forensic social worker since 2011.

I am an African American woman at the end of the baby boomer era, raised in Carroll County, with a mother who graduated from the last segregated high school in 1962, who is the first generation in my family to graduate from college. I had a family member who completed suicide in 1976 that devastated my family for years.

I know the pain of racism. Hearing the echoes of the "n" word hurled at me in public school, and on warm summer nights in my segregated, black community when the neighboring town was a known KKK hub.

### **Racial disparities in Exams Is Not New or Specific to Social Work**

I use this operational definition of racism as coined by Ken Wystma in his book, *The Myth of Equality: Uncovering the Roots of Injustice and Privilege* (2017), racism is the diminishment of the worth of men and women in and through bias, systems, and power structures that disadvantage them intangible ways based on skin color...Racism in the United States is worse than we thought, its lasting consequences are more significant than we think, and our responsibility is greater than we've been taught. (Wystma,p. 6)

I acknowledge and validate the high cost of racism to this group of 1227 individuals who at no fault of their own, and at great financial cost have been negatively affected by the racial disparities in the social work exam. AND, at the same time, I assert that it is inconceivable that no other professional exams are not biased and discriminatory. Who's minding the entire store?

According to the website, International Affairs Office, U.S. Department of Education there are 33 professions in the US which have either a licensure or certification process in place.

The term “licensure” generally refers to an official process, administered by a state-level authority, that is required by law in order for an individual to practice a regulated profession. The term “certification” generally refers to a function administered by a nongovernmental organization, which is intended to further recognize professional competence based on having met the quality standards of the organization. The prevalence and relevance of certification varies by profession.

In fact, Bloomberg Law published this article in July 2021, researched by Deborah Jones Merritt, Carol Chomsky, Claudia Angelos, and Joan Howarth, all four authors are members of the [Collaboratory on Legal Education and Licensing for Practice](#), a group of 11 scholars who have studied and written about the bar exam, licensing, and legal education for many years found racial disparities in the Bar exam:

Stark racial disparities mark the legal profession’s licensing process. [Last year](#), just 66% of Black law school graduates passed the bar exam on their first try. Among White candidates, 88% succeeded. Other racial groups fell in between, ranging from a 76% first-time pass rate for Latinx candidates to an 80% rate for Asian exam takers. But the exam’s disparate impact reaches even further than that. The AccessLex report reveals that even after controlling for all of these factors (household size, household income, employment, use of a commercial prep course, LSAT score, law school selectivity), candidates of color were significantly more likely to fail the bar exam than White candidates.

They concluded about the bar exam:

Our profession, in sum, maintains an entrance exam that predictably and inexorably favors White candidates. The exam requires intensive and expensive preparation that White candidates can more likely afford. It then employs a testing format and environment known to produce stereotype threat in candidates of color.

### **Social worker shortage**

There have been arguments asserted that these racial disparities have contributed to a shortage of social workers which is not true. And that there must be some hasty solution to provide a substantial number of social workers to fill positions to provide services to foster youth. According to this study by Lin, et al, US Social Worker Workforce Report Card: Forecasting Nationwide Shortages (2016) found:

According to the projections, the number of states with shortage ratios more severe than the current national ratio will increase from 11 states in 2012 to 30 states by 2030 and the nation will experience a total shortfall of over 195,000 social workers, with the most severe shortages occurring in the western and southern regions of the United States.

The shortage of social workers is due to the rapid growth of the industry and need for social work services. Per the US Bureau of Labor Statistics, overall employment of social workers is projected to grow 9 percent from 2021 to 2031, faster than the average for all occupations. About 74,700 openings for social workers are projected each year, on average, over the decade. Many of those openings are expected to result from the need to replace workers who transfer to different occupations or exit the labor force, such as to retire.

### **Non-profit Organizations and Social Work Practice**

I respect the role of MARFY in the Maryland community, however of the 15 Board Members and 35 Staff Members listed on their website, only one person is a licensed social worker. I would assert that social workers should not be regarded as “case managers only” or as “babysitters” for foster care youth. I am gravely concerned that loosening the requirements for the social work profession by opting out and or eliminating the exam will encourage agencies to use social workers primarily as case managers.

Social work is defined in Maryland Health Occupations Article, 19-101(p-1), Annotated Code of Maryland:

“Practice social work” means to apply the theories, knowledge, procedures, methods ... to restore or enhance social and or psychosocial functioning of individuals, couples, families, groups, organizations, or communities through:

Assessment which is defined under COMAR 10.42.02.02 means obtaining and analyzing information about a client and the client’s circumstance while using appropriate social work knowledge, skills, values, and theory to develop a service, intervention, or treatment plan.

### **Clinical social workers**

According to the American Board of Clinical Social Work, clinical social work is a healthcare profession based on theories and methods of prevention and treatment in providing mental-health/healthcare services, with special focus on behavioral and bio-psychosocial problems and disorders. Clinical social work’s unique attributes include use of the person-in-environment perspective, respect for the primacy of client rights and strong therapeutic alliance between client and practitioner. With 250,000 practitioners serving millions of client consumers, clinical social workers constitute the largest group of mental-health/healthcare providers in the nation.

## Consideration of Long term Negative consequences

There are approximately 18,000 licensed social workers in Maryland, between 11,000-12,000 are LCSW-Cs, approximately 6,000 LMSWs, 300 LCSWs, 420 LBSWs. The SWEAR report quotes 1,227 impacted MSWs and states:

“Even without exams, there are substantial requirements for licensure, including graduation from a nationally accredited school—which includes hundreds of supervised hours of fieldwork, thousands of hours of supervised practice, and a background check. This is a sufficient baseline to ensure that social workers are prepared to practice safely and equitably.”

Are we considering sacrificing the professionalism of social work practice in Maryland, and risk limiting future job opportunities for social workers. I ask, whether the following items have been considered as long-term, collateral consequences AND can I be assured that these three areas of concern have been researched and addressed to the fullest extent and that there will be no impact on social workers?

Private, state and federal insurance administrators are the gatekeepers for allowing third-party billing. There is no way of forecasting how these industries will respond to social workers without any licensure exam process or opting out. They may choose to turn to other mental health providers (LCPC, Psychologists) for third-party billing, thus closing the door on opportunities for social workers who want to pursue a private practice. Has this potential change been considered?

I raise the question regarding malpractice insurance coverage. Will those who opt out or have no access to a licensure exam be able to obtain malpractice insurance. I have not been able to ascertain an affirmative answer to this question, has this been considered and properly addressed to ensure coverage?

Finally, as a defense-based forensic social worker for more than a decade, I provide expert witness testimony in clinical social work. I am concerned about the potential negative impact of clinical social workers being able to pass/withstand the Daubert standard when there is either no licensure exam and or one can opt out. On August 28, 2020, the Maryland Court of Appeals held that Maryland will now “implement a single standard by which courts evaluate all expert testimony: *Daubert*.” This is a higher standard of expertise allowed by the judge, that requires the analysis for admitting expert testimony under *Daubert* requiring a trial court to focus on the methodology employed by the expert and whether the conclusion is too distinct from that methodology. Judges and state’s attorney’s may dispute the legitimacy of the social work profession in comparison to other mental health professions who will continue to use a licensure exam as confirmation of competence. Has this been considered?

## Objectionable Workgroup

I have heard rumors regarding the makeup of the “workgroup”, that is proposed to be impacted MSWs and impacted consumers who have not had access to a social worker. If this is the proposed work group, I am shocked. Who decided this should be the workgroup and how equitable is this when the voice of 18,000 licensed social workers have had no input as to how/who represents the profession in the formulation of a new, clinical assessment approach to our profession. This is unacceptable and more so it is not true to the ideals of democracy. This plan to find alternative solutions serves only to exclude the current licensed social workers of Maryland, many of whom would be tasked with providing clinical supervision to this group. At best this is a double standard, and will cause divisiveness within the field. Should a resident doctor propose to measure competency for a surgeon or a law student propose competency for a trial attorney?

## Do No Harm

In conclusion, social workers serve the most vulnerable populations. As an LCSW-C, I've sat with a client experiencing suicidal ideation and had to assess their acuity.. I've testified as an expert in clinical social work on adolescent brain development on behalf of a teenager who is facing a long prison sentence. Peoples' lives are at stake, are we willing to sacrifice the lives of Maryland citizens who are suffering from psychological distress and mental illness by taking such hasty actions without considering long-term consequences.

Everyone deserves equity and justice, those maligned MSWs AND the social work profession in general. ASWB must be held accountable, must be forced to clean the slate, and start afresh. Their process for the formulation of the examination and questions has proven to be biased, faulty, and discriminatory. I inform this body that the entire history of the social work profession has proven to be “racist” as affirmed in the June 2021 report, Undoing Racism: NASW Report to the Profession on Racial Justice Priorities and Action, issued by NASW-National affirmed:

Social work is unique in its dual focus of enhancing human well-being and championing social justice. Yet our occupation's history is also linked to many shameful chapters in America's story. Despite visible leadership in our nation's most important social justice movements and in creating our country's social safety net, **the social work profession has also contributed to ongoing discrimination and oppression of people of color through its systems, policies, and practices.**

NASW-National in this report stated: “THIS IS UNACCEPTABLE AND **WE NEED TO MAKE AMENDS.**” They went on in the report to lay out a two-year plan: Year One-Responding to the

Crisis and Year Two-Planning Next Steps, for making amends. I find it hypocritical that two years later that NASW-National stated:

On February 3, 2023, the National Association of Social Workers announced that they oppose the use of the ASWB exams, based on the clear and incontrovertible evidence that they discriminate against marginalized groups.

I ask where is the same grace for ASWB in making amends by having at a minimum of the same two years to make needed changes.

I ask that we, “not throw the baby out with the dirty water.”

## References

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[Maryland Adopts Daubert Standard for Expert Testimony: Fallout from Jurisprudential Drift](#)

NASW, June 2021

[UNDOING RACISM THROUGH SOCIAL WORK](#)

Submitted by

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