

# SWEAR

## Social Workers for Equity and Anti-Racism

<http://www.swear-md.org>

### Fact Sheet to Support SB871 and SB145

SWEAR formed and began to advocate when the social work licensing test writers, Association of Social Work Boards (ASWB), released data in August 2022 confirming what social workers have colloquially known for years: ASWB exams are discriminatory by age, race, ethnicity, and whether the test taker is a native English speaker. Here is a small part of their data release:

<b>National Pass Rates by Race and Ethnicity (first-time pass rates)</b>	
<b>Clinical Level (LCSW-C) Exam:</b> <ul style="list-style-type: none"><li>○ Black: 43.5%</li><li>○ Hispanic/Latinx: 63%</li><li>○ Native/Indigenous: 64.8%</li><li>○ Asian: 64.3%</li><li>○ Multiracial: 79.2%</li><li>○ White: 83.5%</li></ul>	<b>Masters Level (LMSW) Exam:</b> <ul style="list-style-type: none"><li>○ Black: 44.65%</li><li>○ Hispanic/Latinx: 64%</li><li>○ Native/Indigenous: 64.8%</li><li>○ Asian: 70.5%</li><li>○ Multiracial: 80.2%</li><li>○ White: 86%</li></ul>

<b>Maryland Pass Rates by Race and Ethnicity (first-time pass rates)</b>	
<b>Clinical (LCSW-C) Exam:</b> <ul style="list-style-type: none"><li>○ Black: 53.4%</li><li>○ Hispanic/Latinx: 65.9%</li><li>○ Asian: 81.1%</li><li>○ Multiracial: 86.5%</li><li>○ White: 88.4%</li></ul>	<b>Masters (LMSW) Exam:</b> <ul style="list-style-type: none"><li>○ Black: 51.4%</li><li>○ Hispanic/Latinx: 75%</li><li>○ Multiracial: 83.2%</li><li>○ Asian: 85.4%</li><li>○ White: 90%</li></ul>

Racial disparities are the most glaring differences, but there are also differences in pass rates by age (pass rate goes *down* as age goes *up*) and English speaker status (non-native English speakers pass at lower rates than native English speakers). No pass rates were released based on disability, but colloquially, we know these rates are lower, particularly for our Deaf and hard of hearing colleagues.

#### Fast Facts About Social Work

- Social work terminology [here](#)
- Maryland licensing information [here](#)
- Association of Social Work Boards (ASWB) data from August 2022 [here](#), our summary [here](#)
- Maryland first-time exam pass rates by race/ethnicity, gender, age, and native language [here](#).

## Dispelling Myths and Misinformation Brought Forth by Bill Opponents

**Social work licensing exams are not supported by research, have never been proven to be correlated with safe and competent social work practice, do not protect the public, and do not follow standardized testing protocols.** Therefore, bill opponents frequently resort to offering vague “unintended consequences” concerns and spreading misinformation, as their stance does not have substantive merit. Following is factual information regarding concerns raised by opponents:

### **Compact, License Portability, and The Courtroom**

- Maryland’s ability to join the [Social Work Licensure Compact](#) is **not** affected by a change in exam requirements for Maryland licensure. **Any information presented otherwise is blatantly false.** As currently written, Maryland can join the Compact regardless of exam requirements for the state. If an individual social worker wants to take advantage of the Compact, however, they must take the licensing exam.
- Some social workers care about license portability, but not all or even a majority! Anyone who cares about portability can still take the exam appropriate to their licensing level.
- Some social workers express concern that they will be taken less seriously in a courtroom environment if they have not passed an exam. This is a *perceived* concern that affects approximately 20% of social workers. As a profession, we should not all be beholden to a biased exam for the *perceived* concern of approximately 20%. Anyone who feels the exam is important for their own licensure process may still take it.

### **Insurance and Reimbursement Rates**

- Insurance companies ask about whether social workers have a license. They do not ask whether social workers have passed licensing exams. State law determines licensure requirements.
- Social workers who were exempted from licensing exams when the exams were new (“grandfathered”) are still able to get paneled with insurance companies. There is no evidence that their reimbursement rates are lower because they have not passed an exam.

### **Concerns About Lowering Standards and Delegitimizing the Profession**

- ASWB exams, which are unsupported by research, do not legitimize the profession. A 150-question multiple choice exam does not capture the subjective, varied, and nuanced work with individuals and communities required from social workers. Many talented and ethical social workers are kept out of the profession by these exams, but there are social workers who have passed these exams who in fact [do active harm](#) to the people they serve.
- Maryland law, under [Health Occupations § 19-304\(d\)\(2\)](#), states that exams used for licensing “shall strive to be free of cultural bias.” The recent data and [accumulated evidence](#) demonstrates that these exams do not comply with this regulation, including [one study](#) that found several racial microaggressions embedded into exam questions. Removing these exams will *add* legitimacy to our profession. Standardized testing is generally known to

underestimate the abilities of non-white, non-native English speakers, Deaf/hard of hearing, and disabled people, not just ASWB exams. Clients will seek out social workers because we will better reflect the diverse communities we serve.

- ASWB states that part of the problem is that some CSWE-accredited schools are not teaching to the test, but ASWB has [failed to design its exams to align with educational competencies](#). It is a general consensus that teaching to the test is a *problem* in K-12 education, but this holds true for the ASWB tests as well. No social worker wants to be taught to this test; it often demonstrates poor and unethical social work practice.

### Claims About Public Protection

- ASWB falsely claims their exams test for baseline competence and protect the public. They have no proof to back up these claims. There is [no research or evidence](#) showing that ASWB exams demonstrate any correlation with safe and effective social work practice. (Our own BSWE was mostly unable to be present at Senate Finance Committee testimony due to a disciplinary hearing!)
- ASWB [hides their data](#) so their claims cannot be tested by independent researchers, failing to meet standards outlined by the [American Psychological Association, the American Educational Research Association, & National Council on Measurement in Education](#). In 2021, their [CEO denied](#) collecting demographic outcome data: “By now most of you are aware of the policy ASWB has followed since the inception of the organization in 1979. ASWB does not collect and thus does not release exam outcomes based on demographics.” Yet, magically two years later, under immense pressure, they released ten year’s worth of such data.
- Illinois removed their [master’s level](#) social work exam. **They subsequently had an influx of over 2,000 social workers with no ill effects.** It is going so well that they have [put forth a bill](#) for a permanent, non-exam path to clinical licensure. Bills reducing the influence of ASWB exams have been recently introduced or passed in multiple other states as well: [Utah](#), [New York](#), [Rhode Island](#), [Connecticut](#), and [Massachusetts](#). Additionally, there are several states that have not required exams at the LBSW or LMSW level, well before 2022, and there is no evidence that this is detrimental to the public. **Maryland would have an additional 1,227 social workers right now if all demographics passed at the same rate as white people.**
- The Maryland BSWE presented as concerned and eager to form a workgroup regardless of the outcome of this legislation. As members of the ASWB, BSWE has very clearly demonstrated its pro-ASWB bias and are not trustworthy representatives of Marylanders or Maryland social workers. They parrot ASWB’s talking points, and they only have shown interest in this issue due to public pressure. ASWB data came out in August 2022, but they only [responded in January, 2023](#), 5 months later. ***We need Maryland legislative bodies in charge of a workgroup, not the BSWE.***
- Maryland issues temporary licenses to teachers with no ill effects to the state or profession.

### **Requested Workgroup Amendments:**

**SWEAR supports SB871 and SB145 with or without these amendments.** We do prefer that the amendments be added, however.

1. **SB145, “may” to “shall”:** The BSWE testified in opposition to SB872 (now SB145) and has not shown that exam bias is a concern to them. We believe if they are given the option (“may”) to issue temporary licenses, they will not do it. We would like this language to compel them to issue temporary licenses (“shall”).
2. **SB145, add LCSW-C:** These exams are harmful at all levels. Therefore, there is no reason that someone who otherwise meets LCSW-C requirements should not be able to receive temporary licensure to practice independently.
3. **SB871, Moratorium Reinstatement:** The Senate Finance Committee removed the one-year moratorium on the exam requirement for all licensure levels. We would like the moratorium reinstated. We know these exams are harmful, the moratorium will allow the harm to fully pause for all license levels.
4. **SB871, Workgroup Amendment:** The Deaf and hard of hearing community has requested language that specifically requires their representative to be Deaf or hard of hearing. A representative from Gallaudet does not ensure that the representative is Deaf or understands the exam issue from a Deaf perspective. They would also like the representative to be chosen by someone in Maryland. The requested language is as follows: *A social worker designated by the Maryland Association of the Deaf who is familiar with the licensing process for deaf and hard of hearing social workers.*
5. **SB871, Workgroup Amendment:** The ASWB has not shown that they are operating in good faith in this process. They continuously blame “upstream factors” and take zero accountability that their exam could have even the smallest amount of bias. While their perspective on infrastructure could be useful to the workgroup, we do not believe ASWB deserves two workgroup members. We believe that one member would allow them representation without giving them an outsized voice.

### **Frequently Asked Questions:**

#### **What is SWEAR?**

Social Workers for Equity and Anti-Racism is a grassroots group that grew out of the StopASWB movement in August, 2022. We are dedicated to confronting and eliminating discrimination in our profession. We believe that the ASWB licensing exams should be eliminated, as they keep talented social workers out of the profession without keeping out harmful ones.

#### **Who supports these bills?**

These bills have a broad base of support from a variety of social workers. We are social workers who have and have not passed the exams on the first try, BIPOC and white social workers, Deaf and hearing social workers, therapists, professors, supervisors, students, and non-profit executives.

There are also multiple important organizations operating in the State of Maryland who have expressed support for these bills: Morgan State University, The Arc, Maryland Association of Resources for Families and Youth (MARFY), Kennedy Krieger Institute, Catholic Charities - Baltimore, Pathways to Housing DC, Maryland Association of the Deaf, Hearts and Homes for Youth, Healthcare for the Homeless, Project Plase, Board of Child Care, Arrow Child and Family Ministries, and Pressley Ridge.

### **Why do the well-known Maryland social work organizations oppose the bills?**

It is hard to say, but we have observed that their opinions are generally not based on the reality of the legislation nor the reality that the exams have never been correlated with safe and competent social work practice.

- If you ask the *members* of the National Association of Social Workers - Maryland (NASW-MD), few oppose the bills, but for some reason the organization has taken a stance in opposition. Additionally, by opposing these bills, NASW-MD is going against the National NASW, which is officially [against](#) ASWB exams.
- In their testimony, the Greater Washington Society for Clinical Social Work (GWSCSW) claimed to speak for the interest of the 9,300 clinical social workers in the State of Maryland, but the reality is that they have fewer than 750 members, not all of whom are licensed in Maryland. Many GWSCSW members in support of these bills feel silenced by long-term and influential board members. Additionally, they provided incorrect testimony that these bills will affect Maryland's ability to enter the Compact, which is *false*. They have subsequently emailed corrections to Senate Finance Committee members and Senator Washington.
- The Board of Social Work Examiners is biased, as they are members of ASWB. They have not demonstrated that the bias in these exams is a concern to them; they only responded to concerns in January 2023, five months after the data was released.

### **Do you support ending social work licensing? Won't getting rid of the exam mean that anybody can become a social worker?**

No, we do not support ending licensing, and not just anyone will be able to become a social worker. ***Licensure is not the same as passing an exam***, especially an exam that has never been proven to be correlated with safe and competent social work practice nor to protect the public. For social work, licensure requirements include graduating from an accredited school, having hundreds of hours of internship experience, and passing a criminal background check. For the independent licensure levels, this also includes 3,000 hours of supervised practice and at least 100 hours of clinical supervision, often paid for out of pocket at \$100-200 per hour.

### **These exams protect the public, won't we put the public at greater risk?**

This is false. This exam has never been shown to be predictive of safety or effectiveness in clinical practice. In fact, this exam ***actively harms the public*** by creating a workforce shortage and by not allowing clients to receive culturally competent care.

### **Does this mean we should do away with all licensing exams, like the bar and nursing exams?**

Not necessarily, but we should confront the legacy of racial bias in standardized testing - the inventor of the SAT was a eugenicist, after all. Without recognition and reform, these issues will persist to the detriment of marginalized communities. In social work, specifically, we should not have to take an exam three times to prove competence. In fact, if our only concern was parity with other similar professions (such as Counseling, Psychology, or Marriage and Family Therapy), we would immediately and permanently eliminate the LBSW and LMSW exams.

### **What is the data for other professional exams? Do they show similar racial and age-related discrepancies?**

**Here are a few examples:**

**Bar exam** – national first-time pass rate for white J.D. graduates who took the bar exam in 2021 was 85% compared to a 61% first-time pass rate among Black law graduates. Hispanic law grads posted a first-time pass rate of 72%; Asian law grads had a 79% pass rate; and 70% of Native Americans passed on the first try last year. The first-time pass rate for all bar exam takers was 80% ([American Bar Association](#)). Lower bar exam pass rates have long been a barrier to minority lawyers joining the legal profession. ([Reuters](#))

**American Board of Surgery (ABS) certification** – trainees of Hispanic ethnicity, compared with non-Hispanic trainees, were only about 40% as likely to pass, on the first try, the final examination for American Board of Surgery (ABS) certification, despite having passed an initial qualifying exam to demonstrate sufficient applied knowledge ([Cornell](#))

**Examination for Professional Practice in Psychology (EPPP)** – white psychologists were significantly more likely to pass the EPPP on the first administration than psychologists of color (92% compared to 83%). For specific racial groups, percentages were as low as 67% ([APA](#))

### **Won't removing exams delegitimize social work?**

No. We bring *greater* legitimacy to the social work profession by eliminating a discriminatory barrier that has never been proven to be correlated with safe and effective social work practice and does not protect the public. If we believe these licensing exams, then young, white, native English-speaking, hearing social workers are more competent social workers than other groups. We know this is not true. If keeping thousands of qualified social workers out of the profession legitimizes the profession, then our definition of legitimacy needs to change.

### **Won't this create a two-tiered system - social workers with temporary vs permanent licensure?**

Two tiers *already exist* - people who pass the exam and people who cannot. This bill (temporarily) equalizes them so all qualified social workers can practice!