

**Written Testimony from Lisa Kays, LICSW, LCSW-C, LCSW regarding SB0871 and SB145:
FAVORABLE**

Dear Delegates of the Health and Government Operations Committee,

I am submitting this testimony as a licensed clinical social worker in the state of Maryland (LCSW-C) since 2013 and a consumer of mental health services, particularly for my sons (age 7 and 4) in Maryland, to urge your support of SB0871 and SB145. I have served as an Adjunct Faculty member at Catholic University's National School of Social Services, teaching the MSW course, Diversity in a Multi-cultural Society and provide Continuing Education workshops in ethics and other topics for my colleagues and multiple agencies and organizations. I am also a former decade-long member of the Greater Washington Society for Clinical Social Work (the Society), and, briefly, its former President (2022), and have some knowledge of how their organization functions that may be important for you to understand when considering any testimony you hear from them.

Thank you for taking the time to hear testimony in relation to SB871 and SB145. These bills are critically important to me because they seek to allay the harm being done by the multi-level licensure exam in my profession, which has been demonstrated to pose significant bias across numerous categories.

Prior to discussing the legislation itself, given that you will hear much about that from others', I want to provide some information that I may be uniquely qualified to offer that relates to information you may hear from the opposition. Specifically, you may hear testimony from the Greater Washington Society for Clinical Social Work (the Society), which **claimed to represent the views of all 9,300 social workers licensed in Maryland** when this legislation was before the Maryland Senate. **In reality, the Society has only 700-900 members, many of whom do not hold a Maryland license or reside in Maryland** (Further, their membership, as I understand anecdotally from colleagues still in the Society, dwindles by the day due to frustration over their lack of transparency and, in some cases, their ASWB position).

I was their President, quite briefly, in 2022, and was forced out of that role due to my attempts to educate the membership and the Board about the ASWB exam and to hold a process that would involve gathering member input before taking a stance. The Society does not function that way, with representation, and so when you take into account their testimony you should assume it "represents" the positions and preferences of 1-5 leaders (that number is vague as even as their President, their lack of transparency and their secrecy made it impossible for me to understand who exactly was making the decisions). When Society members *can* find out what stances are being made publicly on "their behalf" and they confront the leadership, their concerns are routinely ignored, dismissed, or, individuals have been excluded from conversations at the decision-making table. At times, list-serve conversations turn to what I would consider bullying and character assassination tactics rather than those centered on engaged, informed debate or discussion. So, please be skeptical of their claims to represent any social workers other than the ones who are actually testifying before you. I can assure you

that the Society certainly doesn't represent me and I continue to hear from colleagues who are leaving or have left as they don't feel represented either. I can tell you since I am familiar with their membership roster that they definitely do not represent all 9,300 licensed social workers in Maryland. And what is disturbing is that they know it and choose to pretend otherwise.

Further, **please also be skeptical of any facts they present about the Interstate Compact or insurance regulation.** Leaders in the Society have stated to their members that eliminating the ASWB exam would mean that social workers couldn't be paneled with insurance or participate in the Interstate Compact, both of which are false. I have long been skeptical of this, particularly the claim about insurance, as it has made no sense to me, and so when they sent the rumor circulating again via their list-serve, which I learned from a colleague, I fact-checked it myself. I wrote the Maryland Insurance Agency and received a response, in less than 24 business hours, from Karen T. Lam with the Maryland Insurance Agency, who stated, **"Generally, the answer to your question is no, carriers cannot stop accepting social workers if the licensing exam is no longer required. Please refer to Insurance Article 15-112(i)..."**¹ Therefore, not only is the way the Society is representing this reality patently false, but they obviously **did no due diligence and did not even try to learn the truth before spreading misinformation**, a tactic which is not limited to this circumstance or issue. For that reason, I would urge caution in taking anything they say seriously and ask you to fact-check any of their testimony that would cause you to vote with the opposition.

In regards to the legislation itself, to my knowledge, we are currently the only profession that requires 3 levels of exams and at each level, my colleagues of color, as well as deaf and older colleagues, pay and labor to complete degrees and then are unable to use them because the exam's bias makes it impossible for them to pass. As a clinical supervisor, I have witnessed this firsthand with a supervisee who has failed this exam five times, usually by 1-3 points, who would immediately benefit from the relief provided in these bills. I understand that for everyone one of her, there are at least 1,000+ others whose careers are stymied by this exam and upon whom clients and consumers cannot receive services.

Additionally, I have recently noticed that when I go to look for therapists of a certain modality requiring advanced skills and training, such as IFS or somatic experiencing, both evidence-based treatments providing high levels of symptom relief quite quickly to people, most all of those certified are white. While this isn't solely due to the biased exam, it speaks to a systemic issue within our profession where people of color cannot advance due to these financial, emotional and logistical barriers, and then, even if they do, are left so financially encumbered that they likely can't pay for these higher levels of training. It is highly problematic for a profession that serves so many people of color to be so white and this exam is contributing extensively to that problem. When seeking social work services and therapy, it is important that clients and consumers can find people whose lived experience matches theirs—and this exam is a major roadblock to that for many people of color, people who are deaf, and people who do not speak English as a first language.

¹ I am happy to provide a copy of this email or further information upon request.

I can also say as a licensed social worker who is white and passed all of these exams the first time that the exams are absurd. Absurd. I feel experientially and the data supports that they contribute nothing to "public safety" as the ASWB likes to tout, are extremely cut off from the actual skills, ethics and knowledge social workers need, and are an arbitrary waste of time that contribute nothing to our profession or the safety of those it serves.

It is my experience as a student, supervisee, and now, supervisor, of social work that the course work and intensive supervision we receive in order to achieve clinical licensure are the factors that truly contribute to ethical and competent practice and provide more than enough guardrails to ensure that practitioners are serving the public well. The exam is nothing but a meaningless obstacle with no bearing on competence.

Interestingly, I participated yesterday in the D.C. Board of Social Work's meeting in which they invited the head of the ASWB, Dr. Hardy-Chandler, to speak. I was surprised to hear Dr. Hardy-Chandler say that the exam is necessary because it is the only way to test competence, given that schools of social work and our supervisory experiences are flawed mechanisms for this due to their being dependent on human elements. I find this reasoning to be so far outside of an understanding of how social work functions and what it is (a rather "human" field), as well as demeaning of my skills and experience and those of my teachers, mentors and colleagues, that I find it troubling that someone with so much contempt for social workers is leading an organization that is supposed to be single handedly determining our "competence." Further, as someone who passed this exam, I am a bit confused as to how, still then, I am too "incompetent" to supervise social workers effectively and to, if necessary, counsel them out of the profession if I genuinely feel they are incapable of meeting its ethical or other standards.

Additionally, if you look into it, you would find that many programs that help people of color "study" for the exam are literally saying to them a version of, "You just have to learn to think like a white woman" and that is the "skill" being taught openly and often that helps individuals pass. It sounds like I may be making this up, but I assure you, I am not. I have heard it repeatedly. I would ask for you to consider as people testify in opposition whether they make money off of this exam or have some other financial interest in protecting it. I am learning that many supporting the exam make large sums of money off of test prep, while those who are opposing it are offering free or very low-cost test prep to try to help those stymied by the exam to learn how to overcome its racial and other bias, think like a white person, and pass.

I have a specific supervisee who has suffered immensely under these exams, who is seeking licensure in MD. She is bi-lingual, an immigrant, and serves children, a population in dire need of clinical professionals currently. In terms of clinicians needed skills right now, she is a unicorn. I can't get my own son a therapist currently, and he's on numerous waitlists; I cannot imagine what the waitlists look like for a Spanish-speaking, bilingual therapist. She has failed the exam five times, often by one point only, despite her being a very talented, skilled and highly ethical social worker. She has endured extraordinary financial hardship as a result, and faced a career setback of over a decade. She wonders if she should give up and leave the profession, and I don't blame her, or, quite frankly, counsel her otherwise. Given how few points she fails the

exam by, it is impossible to not wonder if the exam questions she fails are ones ASWB later finds are biased--but yet does nothing about. She has written ASWB to ask for a remedy, and their response is basically to critique her study skills. She has written to the Maryland Board to ask for the same, and they explain they are stuck due to the Board's dependence on the exam within their rules. This legislation would provide immediate relief to people in her situation, allowing them to achieve licensure and to serve people in our communities who very much need care.

I will add that I recently attended the ASWB "Community Conversations" about the exam and none of the social workers in my focus group, a sampling from across the United States, expressed any appreciation for or validity to the objectives of the exam as related to public safety. None see it as important or think it effectively screens out good or bad social workers, in any way. The consensus was that it assesses the capacity to take a standardized test--which has nothing to do with actual social work practice or skill.

SB871 and SB145 are temporary measures that begin to address the harm that biased licensing exams have on talented social workers who are BIPOC, older, non-native English-speakers, and Deaf/Hard of Hearing. We have a workforce shortage and a mental health crisis, and we need more skilled social workers who reflect the communities they serve. If we are to believe the test results, that would mean that young, white, hearing, only English-speaking social workers are inherently more skilled and this is simply false. These tests claim to protect the public, but in fact, they are actively harming the public by denying Marylanders skilled social workers that are so desperately needed. These licensing exams have never been correlated with safe and effective social work practice. I have [attached](#) important data that counters some of the misinformation being spread about these bills. I have also included a [comprehensive document](#) to assist in detailing this important issue. **It is important to note that the passage of these bills does not affect Maryland's ability to enter the Social Work Interstate Compact.** Vague concerns about "slippery slopes" or "unintended consequences" are simply unfounded. By removing a discriminatory barrier and providing culturally competent services, we are elevating our profession. In conclusion, I am writing to share my support for SB871 + SB145 in any circumstance, and would also support the following amendments:

1. SB871- Reinstate the moratorium on all bias social work licensing exams

The moratorium is currently amended out of SB871, which means it only provides a workgroup. It does not put a stop to the on-going, expensive harms of culturally biased exams. A moratorium on all bias exams is essential.

2. SB145 - Change "The Board may..." to "The Board shall..."

The shift in language from "may" to "shall" requires BSWE to grant temporary licensure to qualified candidates. BSWE has yet to address disparities in social work licensure, so it is difficult to believe that we can trust their discretion.

3. SB145 - Temporary Licensure for LCSW-Cs

Temporary licensure for social work candidates at the Clinical level (LCSW-C) is currently amended out of SB145. Given that the LCSW-C exam is just as biased as the LBSW and LMSW exam, it is imperative that we include LCSW-Cs as possible candidates for temporary

licensure. Many are ready to advance in our field but are unable to do so because of the barrier of a bias exam.

Thank you for your attention to these important bills. I ask for your favorable vote on both SB871 and SB145.

Sincerely,
Lisa Kays
LCSW-C
7008 Braeburn Court
Bethesda, MD 20817
202-489-6882
lisa@lisakays.com