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TESTIMONY IN SUPPORT OF HB1070

This bill authorizes a licensed certified social worker-clinical (LCSW-C) who is licensed under Title 19 of the Health Occupations article, and qualified as an expert witness to testify on ultimate issues, including insanity, competency to stand trial, and matters within the scope of the social worker's special knowledge, in any court or administrative hearing.

By passing HB 1070, we are codifying what has already been determined by the Court of Appeals of Maryland in 2010 in the reported opinion by Judge Battaglia. In the case known as In Re Adoption/Guardianship of Tatianna B., the Court of Appeals recognized that Section 19-101(f) of the Health and Occupations Article defined the practice of clinical social work as, *inter alia*, "rendering a diagnosis based on a recognized manual of mental and emotional disorders." It went on to affirm that a "licensed clinical social worker is specifically authorized by the Legislature to render diagnoses based on a recognized manual of mental and emotional disorders." Summing it up, the Court stated that it is clear from the "plain statutory language that the Legislature deems licensed certified social worker - clinical capable of rendering diagnoses such as those made by the [licensed clinical social worker at trial.]" In conclusion, the Court held that

“there is nothing that bars a LCSW-C from expressing an opinion as to the existence of a mental disorder based on a recognized manual” as the licensed clinical social worker has extensive education and experience in the field, from which a trial court could properly conclude that they are qualified to testify as experts.

Unless cited within the Courts and Judicial Proceedings article, as proffered by HB1070, highly trained health care workers.... LCSW-C's will not reach their full employment potential, despite their vast knowledge and experience.

HB1070 is merely the statutory rendering of opinion promulgated by the highest court in the State of Maryland in 2010.

**PLEASE ENTER A FAVORABLE REPORT FOR HB1070**