



Testimony of

American Property Casualty Insurance Association (APCIA)

Senate Finance Committee

Senate Bill 931 - Workers' Compensation – Rehabilitation Practitioners – Licensed Social Workers

Marvh 5, 2024

Unfavorable

The American Property Casualty Insurance Association (APCIA) is a national trade organization whose members write approximately 67% of the U.S. property and casualty insurance market, including 89% percent of Maryland’s workers’ compensation market. APCIA appreciates the opportunity to provide written comments in opposition to Senate Bill 931.

This bill authorizes a licensed certified social worker-clinical (“LCSW”) to register with the Workers’ Compensation Commission (WCC) as a rehabilitation practitioner for purposes of providing rehabilitation services under the workers’ compensation law. To qualify for registration, an LCSW must be certified by the State Board of Social Work Examiners. APCIA **does not object** to LCSW providing rehabilitation services under the workers’ compensation law.

However, APCIA **does object** to the bill’s authorization of LCSWs to perform an evaluation of the mental or behavioral portion of a permanent impairment in a workers’ compensation claim involving such disorders. It is generally accepted that this type of evaluation should only be conducted by licensed psychologists and qualified physicians. As indicated in the State of Rhode Island’s Workers’ Compensation Protocols When Primary Injury is Psychiatric/Psychological, “The evaluation and assignment of mental illness diagnosis must take place in a face-to-face evaluation of the patient performed by a psychiatrist or doctoral level clinical psychologist.” Similarly, West Virginia Workers’ Compensation Rule §85-20-12 reserves all clinical activity relating to the determination of compensability, treatment, evaluation and permanent impairment rating of claimants for work-related psychiatric disabilities to psychologists and psychiatrists.

For these reasons, APCIA urges the Committee to provide an unfavorable report on Senate Bill 931.

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