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MalcolmDubato, LLC

February 24, 2025

Delegate Susan K. McComas

Email: [susan.mccomas@house.state.md.us](mailto:susan.mccomas@house.state.md.us)

**RE: HB-1210**

**Position: SUPPORT**

Dear Delegate McComas and Members of the Economic Matters Committee:

I am writing this letter to express **strong support of HB-1210** which would authorize a Licensed Certified Social Worker-Clinical (LCSW-C) to perform evaluations and provide permanent impairment determinations related to mental and behavioral health disorders in workers' compensation cases.

The Maryland Department of Health Board of Social Worker Examiners defines that it is within an LCSW-C's Scope of Practice to: "Evaluate, diagnose and treat biopsychosocial conditions, mental and emotional conditions and impairments, and mental disorders as defined in Health-General Article, §10-101(f), Annotated Code of Maryland." LCSW-C's diagnose mental health conditions by utilizing the Diagnostic and Statistical Manual of Mental Disorders (DSM), the same diagnostic manual utilized by a psychiatrist or psychologist.

The LCSW-C would be required to follow the same Maryland rules, regulations, and Guides set forth by the American Medical Association's Guides to the Evaluation of Permanent Impairment as does the psychiatrist or psychologist. The LCSW-C who is not trained or competent in this area is ethically bound by the National Association of Social Worker (NASW) Code of Ethics to refrain from practicing in this area until they have acquired the necessary competence.

Maryland code defines LCSW-C's as authorized providers [COMAR 14.09.08.01] and health care professionals [§1-801], but LCSW-C's are not permitted to make permanency determinations with regard to mental health disorders, an area which is well within LCSW-C's scope of practice and expertise as mental health evaluators and providers. This is a disservice to injured workers in Maryland as additional qualified healthcare providers, knowledgeable of workers' compensation practice, are essential to provide these determinations that impact the benefits and livelihood of the injured worker. It would be of significant benefit to our Maryland injured worker population if LCSW-C's, who are bound by the Code of Ethics and Scope of Practice of their profession, and who would be registered practitioners with the WCC, demonstrating their knowledge and continuing education with this specific population, were able to provide permanent impairment determinations related to mental and behavioral health disorders.

Thank you for your attention and consideration.



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SHELBY DUBATO

Managing Member

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WCC Provider #: 165

Member of the Maryland Workers' Compensation Educational Association

Member of the Advisory Committee on the Budget of the Workers' Compensation Commission