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1/24/2025

Finance Committee

Senator Pamela Beidle, Chair, Sponsors, and Members of the Committee

3 East Miller Senate Office Building

Annapolis, Maryland 21401

Bill: SB-379 - State **Board of Social Work Examiners – Membership and Examination Requirements**

Position: Informative Information

Dear Chairman Senator Feldman, and Member of the Committee:

Disclaimer: The opinions expressed are my own and do not in any manner represent the views or opinions of any other person, organization public or private, or any agency public or private or governmental agency or private, or not for profit corporation.

The Bachelors' level and non-clinical Macro level of licensure was originally enacted 50 plus years ago because of gross misconduct and negligence affecting the public made by unlicensed case workers, supervisors, and management primarily within the Departments Human Recourses and Local Departments of Social Services, and private contractors affiliated with governmental agencies (not unlike the issues which affected juvenile detention facilities (and resultant lawsuits). In most cases, the issues were related to children being removed from homes, placement in foster care, and alleged child abuse and neglect. Further, there were issues related to home visits, benefits, and other issues.

Resultant of these issues and others, Legislators determined the best method of indirectly managing the employer was to license the employee, (similar to requiring a trucking company to require commercial vehicle drivers to have a valid Commercial Drivers License) in this case the Social Worker. Public Agencies were then required to have employment positions which require Licensed Social Workers. **If licensure is not required or the standards of licensure are minimal and subjective by alterative means, will Agencies maintain accountability?**

This legislation is not needed. The categories of licensure impacted by this proposed legislation affects licensee's with Title Protection only. These, licensees' have no statutory or regulatory authority to engage in any restrictive (protected) actions, within their Scope of Practice, which an unlicensed person

may not engage in. The affected essential Scope of Practice authorized by the Health Occupations Article Title 19 is 100% fungible (interchangeable) with any unlicensed person (except for the LCSW-C).

Further, there is no restriction on any person indentifying his/her self by an academic Title without licensure **or use the generic term “social worker”** ; the person may place a BSW or MSW, etc. after their signature. The person may hold their self out as a social worker, but not as a Licensed Social Worker. For example, only Psychologists who engage in Clinical Psychology must be licensed (to provide an evaluation, diagnosis, and treatment of persons’). A Research or Social Psychologist (need not by licensed and) simply places MA. or Ph.D after their signature and, state “I have a degree in Psychology”. The same holds for other professions such as an attorney who holds a JD degree but did not pass the Bar Exam. See AG Opinion dated July 7, 1981 attached.

In fact, in my appearances in Court, as an expert witness, the employees of the Department of Human Services –Local Departments of Social Services, on the witness stand, identify themselves as Social Workers. Upon cross examination, they admit not being licensed; the duties are the same, and interchange clients and all functions of their employment positions with Licensed Social Workers. The only difference is the Job Position Title and perhaps one pay grade. Permitting easy alternative methods for licensure will allow job applicants to use the Title “licensed” for designated job positions. But, most employees of public agencies are not licensed and need not be. Employers prefer non licensed employees as it poses less liability as standards of practice are not as enforceable.

If SB-379 passes, next there will be an attempt to reduce competency standards for the Licensed Certified Clinical Social Worker (LCSW-C). This is unacceptable.

The examination should be amended to be factually based, and objective, based upon Maryland and Federal laws and regulations, and content concerning human behavior. It should not be subjectively based on values. Educational experiences and studies in college or graduate schools may emphasize values but that is not the same as competency required engage in practice. There is a difference between values emphasized in education and competency to engage in practice designed to protect the public.

For example, without going into detail about other profession and trade examinations, simply consider the written test requirements to operate a motor vehicle. Either you have gained basic knowledge or not. A written test is required which is consistent across all applicants regardless of race, economic or social background, religion, or culture. The purpose of requiring basic competency testing is to protect the public.

Sincerely,

Electronically signed

Arthur Flax, LCSW-C, LCPC, LCADC

State of Maryland Licensed Certified Social Worker- Clinical; Licensed Clinical Alcohol Drug Counselor, DHMH; Evaluator for the Workers Compensation Commission; Licensed Health Care Provider, HG-8-403 (HB-1510 enrolled bill -2014) in compliance with DHMH Behavioral Health Integration enacted statutes and regulations. Direct Pay Non-Attorney Advocate approved by the Social Security Administration