

Arthur Flax's
COMPREHENSIVE PSYCHOSOCIAL SERVICES, INC.
 P.O. Box 15021
 Baltimore, Maryland 21282
 PHONE: 410- 653-6300
 E-mail: flaxcps@gmail.com
FOR PROFESSIONAL USE ONLY

NOTICE REQUIRED BY LAW

THIS INFORMATION HAS BEEN DISCLOSED TO YOU FROM RECORDS PROTECTED BY FEDERAL CONFIDENTIALITY RULES 42 CFR PART 2 AND THE FEDERAL RULES PROHIBIT YOU FROM MAKING ANY FURTHER DISCLOSURE OF THIS INFORMATION UNLESS FURTHER DISCLOSURE IS EXPRESSLY PERMITTED BY THE WRITTEN CONSENT OF THE PERSON TO WHOM IT PERTAINS OR AS OTHERWISE PERMITTED BY 42 CFR PART 2. A GENERAL AUTHORIZATION FOR THE RELEASE OF MEDICAL OR OTHER INFORMATION IS NOT SUFFICIENT FOR THIS PURPOSE. THE FEDERAL RULES RESTRICT ANY USE OF THIS INFORMATION TO CRIMINALLY INVESTIGATE OR PROSECUTE ANY ALCOHOL OR DRUG ABUSE PATIENT. *Records are also protected under the Health Insurance Portability and Accountability Act of 1996 (HIPPA) 45 C.F.R. Pts. 160 and 164 and cannot be disclosed without written consent unless otherwise provided for in the regulations. I also understand that I may revoke this consent in writing at any time except that action has been taken in reliance on it, and that in any event this consent expires automatically as follows: One year from today's date or upon the expiration of Probation or Parole or other Court or Administrative Order if greater than one year from today's date.*

3/6 /2026

Maryland General Assembly
 Delegates C.T. Wilson Chair, and Brian M. Crosby, Vice Chair
 Delegate Susan McComas, Sponsor,
 Economic Matters Committee
 Room 231
 House Office Building
 Annapolis, Maryland 21401

RE: HB-1325 Workers Compensation–Evaluation of Permanent Impairments-Licensed
 Social Worker-Clinical

Position- Favorable-Support

Dear Delegate Wilson and Members of the Committee:

Disclaimer: The opinions expressed are my own and do not represent any other person, corporation, organization public or private, or any governmental agency.

Personal Qualifications: I am registered with the WCC (G0235).

I am a **Licensed Certified Social Worker-Clinical (LCSW-C) licensee authorized to engage in the:** Evaluation, diagnosis, and treatment of biopsychosocial conditions, mental and emotional conditions and impairments, and behavioral health disorders, including substance use disorders, addictive disorders, and mental disorders, as defined in § 7.5–101 of the Health General Article;(HO 19-101 (5) (ii) **referencing HG-Sec. 7.5-101 (1) (2)** and testify as an expert witness. As an LCSW-C, I am legally defined as a medical provider and more broadly as a health care provider (HO-901) who incorporates social work values.

I performed Evaluations of Permanent Impairment and other evaluations of the injured worker before the Commission. I was referred clients by both defense attorneys' and claimant's attorneys. I also evaluated persons' referred to me by the Workers Compensation Commission to review discrepancies in ratings. Two of these were major cases; one for the defense attorney, the other for the claimant's attorney. In one case, the claimant's counsel, after agreeing to settle the case based upon my evaluation, stated an LCSW-C was not included, but not excluded; in the Labor and Employment Article 9-721, (only a physician, psychiatrist, or psychologist is specifically included). It was the defense attorney associated with S. B. S. who strongly encouraged me to advocate for inclusion of the LCSW-C. (Subsequently an AG advice of counsel was issued on 4/22/2005 stating in summary, the WCC could recognize the LCSW-C, but the LCSW-C is not specifically included, only a physician can testify).

Supportive Documentation:**Licensed Certified Social Worker-Clinical (LCSW-C) Qualifications****Scope of Practice:**

The Licensed Certified Social Worker-Clinical licensee is authorized to engage in the: Evaluation, diagnosis, and treatment of biopsychosocial conditions, mental and emotional conditions and impairments, and behavioral health disorders, including substance use disorders, addictive disorders, and mental disorders, as defined in § 7.5–101 of the Health – General Article; **(HO 19-101 (5) (ii) referencing HG-Sec. 7.5-101 (1) (2) and testify as an expert witness (See AG Advice of Counsel(s) dated 01/25/2024. The LCSW-C may engage in various psychological assessments and testing based upon individual qualifications. (The term “psychological” is a broad term not limited to use only by licensed psychologists).**

Evaluation of Permanent Impairment is not limited to a physician, psychiatrist, or psychologist:

The Guides to the Evaluation of Permanent Impairments, Ch. 14, Emotional and Behavioral Disorders, does not restrict the evaluator to a physician, psychiatrist, or psychologist. Chapter 14, pg. 348, includes “other” 14.1 Principles of Assessment.

1. Under the Annotated Code of Maryland and COMAR, the LCSW-C is authorized to render ultimate decisions on impairments of mental disorders, as it may affect an individual’s functional capacity. Examples include: MTA Mobility, DRH Form 500 Permanent Impairment.

The Diagnostic and Statistical Manual of Mental Disorders 4th Ed. (DSM), and later editions are standard diagnostic references, as is the International Classification of Diseases, 10th Ed. (ICD). In addition the Global Assessment of Function (GAF) incorporated into the DSM 4th.Ed. are utilized, as are other assessment instruments (see attachment) to evaluate functional capacity-mental (FCE-M) standing alone, or in conjunction with physical injury or illness (Psychologists do not evaluate physical conditions). (ACC Prevention Care Recovery User Handbook to the AMA “Guides to the Evaluation of Permanent Impairment” 4th Ed.)

2. **The Licensed Certified Social Worker-Clinical (LCSW-C) may be an Expert Witness**, subject to the legal process and render an opinion on ultimate issues per AG Advice of Counsel 4-22-2024. An Expert Witness may incorporate documentation to support testimony. Therefore, if the injured worker is also seen for treatment by a physician or psychologist, etc., that information may be included in the evaluation/testimony rendered by the Expert Witness.
3. **The Labor and Employment Article, Title 14, Independent Agencies, Subtitle 09, Workers Compensation Commission, Chapter 08 Guide to Medical and Surgical Fees, recognizes the Scope of Practice of the LCSW-C.**
4. **This proposed legislation specifically requires the LCSW-C to be registered with the Workers Compensation Commission, Rehabilitation Division, and qualified to perform evaluations of the injured worker (COMAR 14.09.04, et.al.). This includes specific requirements and continuing education. Just as attorneys who represent clients in Workers Compensation cases should have expertise, so should evaluators.**

Attachments: Exhibits

Sincerely,



Arthur Flax, LCSW-C, LCPC, LCADC, EDPNA-SSA

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. Enrolled Direct Pay Non-Attorney approved by the Social Security Administration.