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March 5, 2026

Maryland General Assembly
 Senate Finance Committee
 3 East Miller Senate Office Building
 Annapolis, Maryland 21401

RE: SB-522 Workers' Compensation- Evaluation of Permanent Impairments-Licensed Social Worker-Clinical
 Position: Favorable-Support

Dear Senator Beidle, Chair 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 governmental agency.

Personal Qualifications:

I am a Licensed Certified Social Worker-Clinical, the only distinct separate classification license authorizing the licensee to independently render a formal diagnosis (Health General Article;(HO 19-101 (5) (ii) referencing HG-Sec. 7.5-101 (1) (2) . The LCSW-C is legally defined as a medical provider and more broadly as a health care provider who incorporates social work values. Please, do not confuse the LCSW-C licensee with other Social Work categories of licensees. I am also registered with the WCC (G0235). I provided services including evaluations, including assessment of Permanent Impairment, until it was determined to not be authorized. I advocate based upon my personal experience for legislation to authorize the LCSW-C, who is qualified as an evaluator and registered with the Workers Compensation Commission, to conduct Evaluation of Permanent Impairment of Mental and Behavioral Disorders. 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 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 a case, the claimant's counsel raised this issue, after agreeing to settle the case based upon my evaluation. He 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 requested. The Scope of Practice of the LCSW-C has expanded since 2005, per HO-19-101(5) (ii).

Reason for this Legislation:

1. There is a severe need for experienced qualified psychiatrists and psychologists fully serve the injured worker who are qualified to provide Workers Compensation evaluations which include diagnosis, review of treatment, and collaborate with other health care providers, agencies, and resources to make objective determinations of the severity of impairment, if a handicap is relevant to the work related injury/impairment, need for further treatment or referral, and recommendations for reasonable accommodations. Attorneys' who litigate Workers Compensation have specialized training, so should health care practitioners who evaluate claimants.
2. Licensed Health Care Practitioners' should be utilized within their Scope of Practice based upon training and experience for the "public good", especially when there are insufficient resources available.
3. An attorney and or the Court will not present a health care practitioner as an expert witness, who is not qualified per the legal process.

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 01/30/2004, and 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. 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.

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. is 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.).

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 1-30-2004 and subsequent AG Advice of Counsel). An Expert Witness may incorporate and reference documentation to support the testimony rendered. Therefore, if the injured worker is also seen for treatment by a physician or psychologist, that information may be included in the evaluation/testimony rendered by the Expert Witness.

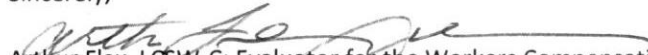
The Labor and Employment Article, Title 14, Independent Agencies, Subtitle 09, Workers Compensation Commission, Chapter 08 Guide to Medical and Surgical Fees, recognizes the Scope of Practice of the LCSW-C.

1. 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 : Testimony and Exhibits 1 to 7;

Sincerely,



Arthur Flax, LCSW-C; Evaluator for the Workers Compensation Commission (G-0235)
State of Maryland Licensed Certified Social Worker- Clinical; Licensed Clinical Alcohol Drug Counselor, DHMH;
Evaluator for the Workers Compensation Commission (G-0235); 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.