

40th Anniversary –Maryland Social Work Act

By

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Last year marked the 40th anniversary of the “Maryland Social Work Act”, the statute creating the Maryland Board of Social Work Examiners and the licensing of social workers in Maryland.

The enactment of this law was the result of much thought, energy, commitment and strategic thinking by relatively few people and organizations. Several professional organizations and other social workers opposed the concept of licensure and their opposition was empowered by their success in defeating previous efforts to secure licensure.

The purpose of this paper is to remember what and how it happened and to acknowledge those who contributed so much to the enhanced status of the profession and its practitioners. I have attempted to acknowledge everyone, but realize that I will inadvertently omit some who should be included. Readers should send comments about these omissions; so that in the future others will be included.

Previous Attempts to Have a Bill Passed

Social workers, in general, were not skilled in writing legislation, lobbying and doing the work to get bills passed in the Maryland General Assembly. There were reports of early attempts in 1968 and 1969. House Bill (HB) 1061 in 1973 and HB752 in 1974 were introduced, but did not pass. In 1975 HB 447 was introduced by Delegates Helen Koss, Lucille Maurer and Ben Cardin. A companion bill, Senate Bill 1026 was filed by Senators Lawrence Wisner, Arthur Dorman, John Carroll Byrnes and Arthur Helton. This presented a wonderful opportunity for success, because the social work community was better prepared.

NASW-Maryland Chapter, NASW–DC Chapter, and the Maryland Clinical Society were very active in seeking passage of these bills. The Maryland Psychiatric Society opposed these bills as did the Maryland Psychological Association initially, but not in 1975. The Department of Human Resources and other public agencies opposed licensure.

Fighting for passage was a committed group including two social work interns from the University of Maryland School of Social Work (UMSSW) – Clare Lebling and Sue Gladhill. Jackie Fassett, President of NASW, Maryland Chapter at that time and Director of Social Work at Sinai Hospital was a key figure in gaining the support of many African American social workers; so that licensure would not be seen as racial and it applied to all social workers. Another key person in this effort was Ernie Kahn, Vice President of NASW, Maryland Chapter and faculty member at the UMSSW. Also involved were Carlton Munson, a doctoral student at the UMSSW, Ben Davis, Executive Director of NASW- Maryland Chapter, Jack Hilard, Executive Director of NASW- DC Chapter, Alan Katz and Ralph Mirarchi, Co-Chairs of the NASW Licensing Committee. Other important participants in this major effort were Harriet Trader, Beth Patterson, Pearl Moulton, and Roz Griffin.

As with most bills, compromises were made. Social workers employed in public agencies were exempt from the requirement to be licensed. This was done in order to not put a burden on the Governor and his agencies, and probably to not have a fiscal note attached to the bill. This public sector exemption was repealed in 1983, except for federal employees. A grand-fathering clause was included to permit social workers, at that time, an exemption from taking the required examination. The House Bill was defeated, as was the Senate Bill in committee. After much lobbying, the Senate Bill was reconsidered and it was passed.

Once passed by the Senate and the House of Delegates, a senator from Baltimore asked Governor Marvin Mandel to veto it. Sue Gladhill contacted the Governor's Office and reported to colleagues that he planned to sign it. In 1975 it passed as Chapter 853, Annotated Code of Maryland, Article 43, Subtitle 1e859-:70.

Board of Social Work Examiners

The Social Work Statute became effective on July 1, 1975. The first Board meeting took place on October 1, 1975. The first Board consisted of Harriet Trader, DSW, James Chavis, DSW, Wright Williamson, MSW, Milton Whitman, DSW, and Eugene Schreiber (consumer member). The original statute had designated seats with NASW-MD Chapter and NASW-DC Chapter submitting names for the Governor to select 2 of the 4 professional members on the Board.

Harriet Trader was the first chair, and since then some of the other advocates for licensure have also served on the board including Jackie Fassett and Roz Griffin. So 40 years later, the statute, Health Occupations Article-Title19-Social Workers has expanded with the addition of continuing education requirements (1994), a Code of Ethics (1983), a clinical practice category (1994), complaint procedures (1983) and criminal history background checks (2013). There are over 13,000 licensed social workers in Maryland. The Board currently consists of twelve members with LBSW, LGSW, LCSW, and LCSW-C representatives and also includes two consumer members. All members of the Board are appointed by the Governor. The only designated seats on the Board now are a representative from the Maryland Department of Human Resources (added in 2000) and a representative from a social work educational institution (added in 2008) currently a Morgan State University faculty member.

Thanks to the efforts of our colleagues in the 1970's, the Board today continues to regulate the practice of social work in Maryland and serves to protect the public by setting minimum qualifications, education, training and experience standards for the licensing of individuals who practice social work. The Board also promotes and maintains high professional standards through receiving and investigating complaints when social workers are accused of violating the Social Work Practice Act.

Originally there were 3 categories of licensure, but now there are 4 -Licensed Bachelor Social Worker (LBSW), Licensed Graduate Social Worker (LGSW) and the 2 advanced practice categories, Licensed Certified Social Worker (LCSW) and Licensed Certified Social Worker-Clinical (LCSW-C).

Mental Health Treatment and the Role of Social Workers

There have been a number of changes in the treatment of mental disorders in Maryland that have affected the delivery of mental health services and the role of social workers. Our original statute occurred at a time when the treatment of mental disorders shifted from hospital services to community based outpatient services. A review of licensees in 1979 shows:

- 1,032 Associate Licensees (now LBSW)
- 812 Graduate Licensees
- 2,348 Certified Licensees

The number of social workers was low because city, county and State employees were exempt from licensure. This exemption was lifted in 1983 as a result of the legislative Sunset Review. During these early years, the certified license was the only advanced practice license and it included the full range of social work practice. Many social workers were employed by the city, counties and State in outpatient clinics which were funded by grants from the State. Some social workers were beginning to be involved in private practice, but had difficulty being reimbursed by insurance companies. The Board created a “Vendorship List” which differentiated social workers engaged in clinical social work from other forms of social work practice, and insurance companies reimbursed those social workers on this list.

In 1985, the State changed their funding model for outpatient mental health services. They wanted federal Medicaid to share the costs of treatment so they created the fee-for-service model which reimbursed the State for half the cost of each session by a licensed mental health practitioner. As a result, the city and the counties closed their outpatient mental health clinics and new non-profit mental health clinics emerged. The majority of clinicians working in these clinics were licensed social workers. So, when this change occurred we had the following:

- 1,346 Associate Licensees (now Licensed Bachelor Social Workers)
- 1,012 Graduate Licensees
- 4,718 Certified Licensees (1,700 on the Vendorship List)

Social workers fought for the right to diagnose mental disorders and be seen as independent practitioners. In 1994, the statute was changed to include a fourth category, the Licensed Certified Social Worker-Clinical (LCSW-C); which eliminated the need for a vendorship list. Gradually more employers sought LCSW-C’s so that they could be reimbursed from insurance companies, Medicaid and Medicare. As a result, today there are 8,859 LCSW-C social workers out of 13,741 social workers.

The Board of Social Work Examiners Today

The Board is a member (since 1979) of the Association of Social Work Boards (ASWB) which includes all social work regulatory boards in the United States, all 10 Canadian Provinces, Guam, the U.S. Virgin Islands and the Northern Mariana Islands. Issues confronting social work regulatory boards today include license portability which would enable social workers to be licensed in multiple jurisdictions. Another issue is the practice of social work through the use of

technology where a social worker uses some form of technology to provide services to clients in a different location or state. Currently a licensed social worker in another jurisdiction cannot treat someone in Maryland through the use of technology without a Maryland license. The Maryland Board of Social Work Examiners is considering what needs to be included in providing such treatment and what types of technology are acceptable. Issues include, but not limited to confidentiality issues, ethics, risks, secure lines, etc. The practice of social work across state lines is being addressed by ASWB and NASW as well as all regulatory boards.

Lastly, the major purpose of all regulatory boards is the protection of the public's health. Complaints have increased and have become more complex. Some typical complaints received involve billing practice improprieties, fraud, violations of confidentiality, boundary violations criminal charges and professional misconduct.

The Maryland Board of Social Work Examiners works in collaboration with professional associations and educational institutions and is guided by the laws and regulations of our State. Much has changed in the 40 years since our colleagues fought to license our profession in Maryland. The Board maintains its focus on protection of the public's health by keeping up with changes in practice and maintaining its focus on the regulation of social work practice in Maryland.

The author of the this paper benefitted from a past interview with Jackie Fassett and recent collaboration with Sue Gladhill, Dr. Ernie Kahn, Dr. Harris Chaiklin , Dr. Carlton Munson, Gloria Jean Hammel and Gail Wowk.