

Workgroup for Social Work Licensure Requirements

Date: December 18, 2024 **Time:** 10:00 am - 12:00 pm

Video call link: <https://meet.google.com/rso-bhjm-uqe>

Or dial: (US) +1 347-762-8966 PIN: 856 535 732#

Agenda

- I. Administrative Updates -**
 - A. Roll Call
 - B. Vote on Meeting Minutes
 - C. Update on Meeting Cadence
 - D. Final Report
 - 1. CMAG - Completion of Deliverables
 - 2. MDH

- II. Discussion - Implementation**
 - A. Sub-group Recommendations

- III. Discussion - ASWB - Dale Atkinson, JD**
 - a) Letter attached to the Report
 - b) Chair Abney Response
 - c) Workgroup comments

- IV. Public Comment**

- V. Closing and Next Steps**

- VI. Upcoming Meeting Schedule**
 - A. January 29, 2025
 - B. February 26, 2025
 - C. March 26, 2025
 - D. April 30, 2025
 - E. May 28, 2025
 - F. June 25, 2025



Association of Social Work Boards

BOARD OF DIRECTORS

President

Brian D. Philson, MSW, LMSW, ACSW
Michigan

President-Elect

Kenya Anderson, LMSW
Tennessee

Secretary

D. Endsley Real, MPH, LCSW
Georgia

Treasurer

Géraldine Poirier Baiani, RSW
New Brunswick

Directors at Large

Sonia Andhi Bilkhu, BSW, MSW, RSW
British Columbia

Brian Brumley, LMSW-IPR
Texas

Brenda Dennis

Oregon

Adrienne Ekas, Ph.D., LCSW-C
Maryland

Vikki Erickson, BSW, MSW, LCSW
Nevada

D. Scott Stephens, Ph.D.
South Carolina

Stephan A. Viehweg, LCSW, IECMH-E®,
CYC-P
Indiana

Chief Executive Officer

Stacey Hardy-Chandler, Ph.D., JD, LCSW

17126 Mountain Run Vista Ct.
Culpeper, VA 22701

☎ / 800.225.6880

☎ / 540.829.0562

info@aswb.org

aswb.org

December 2, 2024

(Via email only ana.lazarides@maryland.gov)

Karla Abney, MSW, MSN, LMSW

Chair, Maryland Workgroup on Social Work Licensure

c/o Office of Healthcare Workforce Development

Maryland Department of Health

201 West Preston Street

Baltimore, MD 21201

Dear Chair Abney,

Upon submission of my comments to the final draft of the Interim Report (Report) of the Maryland Workgroup for Social Work Licensure (Workgroup), I received an email asking me to submit a letter identifying my thoughts and concerns over the Workgroup and Report. That email noted that my letter would be attached to the Report and be a part of the record. Please accept this submitted letter on behalf of the Association of Social Work Boards (ASWB) and as an appointed member of the Workgroup.

ASWB

ASWB is a not-for-profit membership organization recognized as exempt from federal taxation under section 501(C)(3) of the Internal Revenue Code. ASWB membership (Member Boards) consists solely of government boards/agencies that are legislatively created and delegated with the authority to regulate social workers and social work practices consistent with the legislative intent of public protection. The Maryland Board of Social Work Examiners (Maryland Board) has been a member of the Board of ASWB for decades. Member Boards, including the Maryland Board, have representation at all ASWB meetings, benefit from education programming, and select delegates to vote on matters to ensure that government perspectives prevail. The Maryland Board is currently represented on the ASWB Board of Directors through election by the membership.

The 501(C)(3) recognition is based on the fact that ASWB provides programs and services to its member boards that lessen burdens on state government, thereby increasing the effectiveness and efficiency of government regulation. In addition to many additional programs and services, ASWB develops, administers, scores, and maintains a uniform examination program used by member boards. The ASWB examination program is an objective measure validated and legally defensible as a determiner of minimum competence following psychometric principles and industry standards.

COMMENT

Thank you for the opportunity to comment on the Interim Report's Final Draft. I elect to respond via email (submitted previously) and in letter form as my comments do not fit into the template format provided to Workgroup members. I assume these comments and suggestions will still be considered. Due to the limited period to review, digest, and provide comments, I am compelled to express my concerns in an abbreviated format addressing procedure and content. The limited review time prohibits any meaningful editorial suggestions. Readers will notice how it addresses more than the language contained in the Report. The Report should be a roadmap for the recommendations. Unfortunately, the process followed by the Workgroup was anything but a leisurely drive.

I acknowledge the importance of the issues facing the Workgroup and the need for constructive dialogue. However, all aspects and perspectives of these issues must be reviewed to address complex issues and evaluate informed recommendations. The Workgroup, perhaps driven by the legislation's wording, focused on eliminating the examination program. As a result, it has been recommended that an objective, validated measure of minimum competence be eliminated and replaced with subjective measures in education and supervision, a recommendation that seemed predestined. This approach is misplaced as it fails to establish criteria for licensure, acknowledge workforce issues and shortages, or consider exemptions from government licensure compromising consumer and public protection. Indeed, as noted in the name, The Maryland Board of Social Work Examiners is delegated to examine applicants. The examinations are within the purview of the Maryland Board as a member of ASWB. Education and supervision, which have been suggested as appropriate replacements for examination, fall woefully short of ensuring practitioners meet minimal, objective standards of the profession.

Overall, the Workgroup has not been welcoming to contrary opinions, nor has it approached its work unbiasedly. Instead, it was a one-sided, predetermined process that minimized any voice that supported minimum competence examinations or even questioned the immediate conclusions held by Workgroup members. Illustrating this bias, after the first Workgroup meeting, a letter from the Chair was disseminated to all Workgroup members that asked that the two ASWB appointees (myself and Ms. Cara Sanner) be removed from the Workgroup. Despite this letter being sent to all members, the Workgroup never discussed the matter, but the chilling effect on true discourse was apparent for the remainder of the process.

Further challenges to the Workgroup's administration resulted from delays in convening the Workgroup that condensed the meeting timeline. SB 871 of 2023 required a preliminary report by September 1, 2023, and an interim report by December 1, 2023. However, the first Workgroup meeting occurred on October 24, 2023, with subsequent biweekly meetings through January 30. Meetings generally focused on informational sessions with briefings given on various topics, which, although relevant, consumed meeting time. Importantly, no opportunity was provided for Workgroup members to discuss the presented information and consider its charges' relevance. The Workgroup was presented with its mandate at the December 19th meeting, but members could not formally discuss its charges until January 9, 2024. Subgroups were assigned on January 30 and tasked with providing preliminary recommendations by February 16. Unexpectedly, the subgroups were disbanded without prior notice to the Workgroup in late February. The Workgroup did not meet during the Summer, limiting the time to fulfill its mandate. Meetings did not start again until September 25. One meeting was held in October, two meetings were held in November, and it was announced that the Workgroup would be given the weekend of November 22 to review and provide comments on the Final Report by November 25. This exemplifies the lack of planning and execution of the Workgroup in a manner necessary to conduct this critical work.

I respectfully request that this letter be attached to and made a part of the Report, or in the alternative, a dissenting report be accepted by the committee as an attachment to the Final Report.

Providing a Final Draft Interim Report on a Friday (November 22, 2024) before a holiday week and expecting substantive and thorough evaluation by each Workgroup Member by Monday (November 25, 2024) is consistent with the overall efforts to discourage genuine collaboration. The timing is unfair to the Workgroup Members and significantly undermines the serious nature of the recommendations in the Report. The expectation that all comments and suggestions of a Workgroup of this size will be synthesized for submission by December 1, 2024, is unreasonable. This timeframe and approach foreshadow the likelihood of dissenting comments or suggested edits being included in this Report is negligible.

The Report fails to capture the abbreviated nature of decision-making, leading to recommendations. While the Workgroup met numerous times, little, if any, was spent discussing the charge's focal point, which was evaluating the purpose and necessity of minimum competence examinations. Indeed, the legislation used language promoting the elimination of the BSW and MSW examinations; the Workgroup failed to assess the role that such examinations play in the licensure process and, ultimately, public protection. Nothing in the statute's guiding language precluded this logical first step; the failure of the Workgroup to engage, even minimally in such an evaluation, calls into question the final recommendations.

At the January 30, 2024, Workgroup meeting, the validity and psychometrics of minimum competence examinations were presented by representatives from both ASWB and the National Council of State Boards of Nursing (NCSBN)-the equivalent of ASWB in nursing. The presenters displayed a wealth of knowledge on minimum competence examinations' complexities and validation processes. Not surprisingly, the Workgroup members had virtually no questions for the presenters, seemingly committed to ending the testing process. Furthermore, the Report summarily references the presenters without any editorial additions to identify the rigorous process used to develop, administer, score, and maintain a defensible assessment mechanism that objectively measures knowledge, skills, and abilities. Also absent were any references to the diverse volunteers who dedicated countless hours to the survey instrument, identification of content areas, item writing and editing, statistical analysis of performance, and cut score conclusions. Conversely, the Report contains numerous references to other presenters at subsequent meetings and editorial notations of what was presented and its importance. These additional presenters made blanket statements without factual support. On the other hand, the ASWB and NCSBN representatives who spoke to the validity and defensibility of minimum competence examinations, and presented with legal and factual support and references to other professions, were not included in the Report.

The Report neglects to mention that government licensing boards of virtually all professions (law, medicine, etc.) use competence examinations as one criterion for licensure eligibility. The reasons are apparent as they provide a validated, legally defensible objective measure that allows the government to justify its eligibility decisions. More specifically, the process used by ASWB and other organizations involves survey instruments, identification and development of content areas, item development, pretesting, item performance statistics, cut score analysis, and evolution of these processes. Validation processes never stop but are ongoing continuously. ASWB involves hundreds of diverse volunteers in these processes, and these are identified in the annual Examination Yearbook available via the ASWB website. Fundamental due process mandates that regulatory boards undertake a fair process in granting and, when necessary, denying licensure applications. In addition, minimum competence examinations play an important but distinct role from an education component.

The recommendations' absence of virtually any reference to protecting the public and consumers of social work services is equally concerning. The Workgroup ignored the very nature of government licensure of a practitioner and what constitutes a profession in need of regulation. ASWB understands the importance of recognizing where inequities may surface and adjusting evaluations to eliminate bias. However, ignoring the very essence of why government regulations exist is short-sighted and unjustified by the Report's narrative. The Report overlooks a new set of biases that will arrive with a new process or establish safeguards to minimize subjectivity, which can harm the profession.

The absence of any reference to the consequences of these recommendations is a glaring omission. Public protection, mobility, portability, licensure transfer, endorsement, licensure compacts, and the likelihood of isolation of Maryland licensed social workers are problematic for the profession.

The next global issue is the use and process of populating Workgroup subgroups. Although I requested to be on the academic/education subgroup, I was told that such a subgroup would only comprise those in academia. Thus, the subgroup was an echo chamber of academics that did not reflect on the notion that the preparedness of test takers as such would turn the attention on themselves. A review of exam performance by educational programs would reveal relevant data, and legislators are encouraged to do so. Further, challenging issues, such as the potential for education to be either an unnecessary barrier to licensure or a significant contributing factor to minimum competence exam performance by applicants, would be prudent. Academicians should have been encouraged to address the arbitrary nature of student performance, academic exam development and scoring, enrollment, and graduation, all at a significant time and expenses, much of it on borrowed monies. If these issues were discussed, it was not noted in the Report nor offered to the Workgroup for debate and discussion.

The use of an outside consultant to draft the Report is concerning. It is unclear why an outside private consulting firm is needed to draft the Report or how a Report of this significance can be drafted by a group that did not attend the Workgroup meetings. This process sheds additional light on the unfairness of the short review time by Workgroup members. The Report refers to the consulting firm engaging in pre and post-workgroup meetings. It is unclear who was present at those meetings, the agendas, how long they lasted, and the applicability of open meeting laws. Multiple requests to meet with the Chair to discuss the Workgroup processes were denied, citing the open meetings laws that either did not apply or were ignored during the drafting process.

Finally, conspicuously absent from the Report are any cautionary statements or references to counter positions to eliminate the use of minimum competence examinations. The Report is written to support the conclusions foregone from the outset of the Workgroup. There is no reference to how subjective factors will be defended in the event of a denial of licensure. There is no acknowledgment of the concerns accompanying the recommendations to eliminate legally defensible assessments/examinations, which are only to be replaced by subjective determinations by education programs and postgraduate supervisors. There were no inquiries about students' admissions, retention, matriculation, and graduation from an education program. There was no curiosity about admissions standards or statistical analysis based on marginalized populations and graduation rates from the 900+ social work education programs. Senate Bill 871 not only sought a review of the examination program but asked for a review of all barriers to licensure.

Equally absent were any inquiries about the placement of gatekeeping responsibilities of a mandated government licensure in private sector education programs and individual supervisors who are not bound by any standards regarding supervisor eligibility or standards applicable to supervisee performance. Such an approach will challenge the defensibility of licensure decisions. As a reminder, ASWB is a membership organization of government entities and member boards, including the Maryland Board of Social Work Examiners, that make policy decisions.

The Workgroup was challenged to look at big-picture concepts with the details to be worked out later, but there was no consideration of the need for a process that can be defended when an application is denied. Alternatively, perhaps no applications will be denied, begging the question of why the government regulates social workers. The application and renewal processes must be defensible when the government mandates licensure as a prerequisite to lawful practice. This is especially true when denying an application for licensure or renewal. Effectively, the Workgroup recommends eliminating the only objective measure (entry-level competence examinations) and replacing them with subjective education and postgraduate supervisors. The Maryland legislature will be hard-pressed to draft statutes that delegate the essential public protection aspects of licensure and to recognize subjective decisions to dictate license eligibility. The Maryland Board will have an equally difficult time enforcing such laws.

Subgroup organization proved ineffective, lacking adequate task time and integration with the Workgroup. Subgroups are essential to any workgroup as they enable members to delve into detail to help shape and inform recommendations. Unfortunately, the workgroups were largely superficial and not relied upon in drafting the Report or the recommendations. ASWB's concerns with the subgroup process are as follows:

- a. Four subgroups were announced to the Workgroup on December 28, 2023, with leadership defining their charges, yet only one was designated to address the Workgroup's mandate.
- b. Subgroups were created in January and were asked to meet and have preliminary reports submitted by February 16, in time for the February 27th meeting of the Workgroup. The subgroups could not meet in a manner that correctly considered the charges and provided thoughtful recommendations. For instance, the Testing Barriers subgroup that Ms. Sanner participated in reported meetings where we could only speak briefly. That subgroup could only meet once to consider the initial charges in a way that permitted time for discussion. Yet the subgroup was expected to discuss and make recommendations during that meeting.
- c. Subgroups prepared written communications to document their group activity and discussion; however, these reports were not shared with the full Workgroup at the February 27th meeting. They were briefly discussed, and no written materials were presented to facilitate understanding and discussion.
- d. The lack of cross-subgroup discussion deprived the Workgroup members of broader insights and hindered collective understanding.
- e. External individuals not appointed to the Workgroup were invited to participate in subgroup activities, influencing recommendations.
- f. Some Workgroup members, including ASWB representatives, were denied subgroup participation, fostering an echo chamber effect and hindering critical thinking by limiting exposure to diverse perspectives.

- g. Subgroup meetings were again announced at the September 25th meeting of the Workgroup – after many months– with a request for recommendations in October. There was very little time to convene a meeting of any subgroups, and minimal direction was given to the groups on their charges. As reported in the October meeting, only two of the four subgroups could share information ahead of the October Workgroup meeting. The information provided to the Chair was not made available to the Workgroup in a manner that would permit participants to review the information and come back together to discuss it. Testing Barriers, the subgroup Ms. Sanner participated in, could only meet once on October 22 before the deadline to report back to the Workgroup on October 30. No information or materials were presented to the subgroups to provide direction on the purpose of the meetings. For instance, the day before the Testing barriers subgroup met in October, meeting minutes from the previous meeting still had not been shared, nor had the draft interim report. There was no further information on the goal of subgroups’ meetings beyond the following: "temporary license, grandfathering provisions, the cost of supervision, alternative licensure pathways."

I realize these global issues do not provide specifics to be added/deleted/modified from the Report; however, proffering such suggestions would require more than seven days. ASWB will work efficiently to provide more specifics if the Chair permits more time.

For the record, I have left my specific comments on the Report below as it is unlikely they can or will be integrated into the final submission. Please refer to the below for comments on identified portions of the draft Report.

Turning to the specific language of the Report

At the bottom of page 2, over onto the top of page 3, there is a reference to issuing a license to applicants once they have met all education requirements. I do not recall this being recommended. Does this recommendation suggest issuance before meeting all other licensure prerequisites? It is suggested that this reference be clarified. Indeed, those completing an educational program must apply for licensure with the Maryland Board.

In the middle of page 3 is a reference to an advanced clinical social worker. It is further referenced on page 14 using a capital "A" in the term advanced. I do not recall an "Advanced" clinical social work license in statute. Is this an appropriate term to use? Is it in the current law?

On page 6, CMAG is introduced into the Report. Please insert the date CMAG was selected to draft the Report and the number of workgroup meetings CMAG personnel attended.

Also, on page 6, the Report refers to CMAG participating in "Pre- and post-Workgroup meetings." What does this mean? How did these meetings comply with open meeting laws, and what is the rationale for excluding members of the Workgroup? Please reference all pre- and post-Workgroup meetings held with CMAG and those who attended them. Also, who were the Workgroup members invited to participate in such discussions?

On page 9, in the second paragraph, an end parenthetical is missing. Not sure where it belongs. In that same paragraph, there is a reference to jurisprudence examinations used as an equitable pathway to licensure. It should be noted and clarified that jurisprudence exams do not test KSAs or replace minimum competence exams but supplement them related to knowledge of laws. In some jurisdictions, jurisprudence exams are open book and not considered high stakes. Thus, they are not validated following the psychometric Standards.

On page 9, there is a reference to the "level" of licensure. Social work licensure is not necessarily hierarchical. It is suggested that the level be changed to category throughout the Report.

On page 9 and throughout the remainder of the Report, there is a reference to requirements for licensure that only include education and background checks. Persons seeking licensure must submit a completed application, pay applicable fees, and be of age of majority--not sure if age is in statute. It is suggested that these modifications be made in multiple places in the Report.

On page 11, "Item ii, there is a reference to "grant licensure." The word temporary should be added.

On page 12, there is a reference to "recent data." What data is that referring to?

On page 14, "the Workgroup wants to have a plan in place to re-engage with individuals who have been unsuccessful in pursuing their licensure." Is this re-engagement to be undertaken by the Workgroup or the Board? Please clarify that this responsibility belongs to the Board. Also, there are legal issues at stake here that must be explored.

On page 19, there is a reference to "experts" who presented to the Workgroup. What parameters were used to identify these presenters as experts? Were other presenters not considered experts? It is suggested that the term experts be defined and identified or removed from the Report. Additionally, on page 19 were references to the substance of what was presented, while other presenters were not afforded such an overview.

CONCLUSION:

The Workgroup failed to explore, consider, and become educated on government licensure, due process, and the need for defensible criteria in a mandated licensure process. Thus, the Report and its recommendations are severely flawed. The Workgroup made assumptions and allowed unsubstantiated conclusions to be stated and relied upon in the record. The draft Report does not accurately disclose a process that severely limited substantive discussions but merely reflects a predetermined result. ASWB would be remiss if it did not caution readers of the Report that the recommendations, which have not been adequately vetted, are a replacement for an objective process, not an improvement. Ultimately, minimal competency is compromised without an objective assessment of entry practitioners.

Respectfully,



Dale Atkinson, Esq.