

# Preliminary Evaluation of the State Board of Social Work Examiners

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**Recommendations: Waive from Full Evaluation**

**Extend Termination Date by 10 years to July 1, 2024**

**Require Follow-up Report by October 1, 2013**

## The Sunset Review Process

This evaluation was undertaken under the auspices of the Maryland Program Evaluation Act (§ 8-401 *et seq.* of the State Government Article), which establishes a process better known as “sunset review” because most of the agencies subject to review are also subject to termination. Since 1978, the Department of Legislative Services (DLS) has evaluated about 70 State agencies according to a rotating statutory schedule as part of sunset review. The review process begins with a preliminary evaluation conducted on behalf of the Legislative Policy Committee (LPC). Based on the preliminary evaluation, LPC decides whether to waive an agency from further (or full) evaluation. If waived, legislation to reauthorize the agency typically is enacted. Otherwise, a full evaluation typically is undertaken the following year.

The State Board of Social Work Examiners last underwent a preliminary evaluation as part of sunset review in 2001. In the evaluation, DLS recommended that the board undergo a full evaluation to assess tracking of licensure data, the fiscal solvency of the board, the board’s complaint and disciplinary processes, and other issues. A full evaluation of the board was conducted in 2002. Numerous findings and recommendations arose from the evaluation. Based on the full evaluation, Chapter 228 of 2003 extended the board’s termination date to July 1, 2014, and required the board to submit a report to certain committees of the General Assembly on the status and implementation of the 19 DLS recommendations. **Appendix 1** provides updates on the implementation of these recommendations, some of which are discussed further in this report.

In conducting this preliminary evaluation, DLS staff reviewed meeting minutes; Title 19 of the Health Occupations Article and related regulations; prior sunset evaluations of the board; board complaint information for the past five years; and board licensing and financial information. Interviews were conducted with the board’s executive director, the board president, members of board staff, representatives of the University of Maryland School of Social Work, and a representative of the Maryland Chapter of the National Association of Social Workers.

The board reviewed a draft of this preliminary evaluation and provided the written comments attached at the end of this document as **Appendix 2**. Appropriate factual corrections and clarifications have been made throughout the document; therefore, references in board comments may not reflect the final version of the report.

## **The Practice of Social Work**

### **History**

The history of social work in America can be traced back to Jane Addams, who opened Hull House in Chicago in 1889, which provided child care, employment assistance, and cultural and educational services to address the socioeconomic dynamics of the emerging industrial age. The practice of social work (and the need for social workers) grew as the role of government as a provider of social welfare expanded, particularly during the Great Depression, and again in the 1960s when President Johnson launched the “War on Poverty.”

In recent decades, a focus on reducing the size of government and social welfare programs caused social workers to turn to the private sector for jobs, thus expanding the scope of practice of the social work profession. As more social workers are treating and diagnosing emotional and mental health conditions, social workers have become pivotal providers in the mental health system, and legislative and policy changes have been made to allow social workers to accept health insurance for their services.

### **Practice Settings**

Social workers assist people by helping them cope and solve issues in their everyday lives, teaching them how to best function in their environment, deal with relationships, and solve personal and family problems. The majority of licensed social workers provide direct services to clients with a focus on counseling and psychotherapy, a method for treating mental disorders and behavioral disturbances through therapeutic communication and interaction. Social workers practice in a variety of settings including acute care hospitals, psychiatric hospitals, nursing homes, schools, social service agencies, mental health and community centers, private practice, and courts and correctional facilities.

### **Social Work Profession Continues to Grow**

According to the U.S. Bureau of Labor Statistics (BLS), in 2010 about 54% of social work jobs were in health care or social assistance industries, 31% were with government, and the remaining jobs were in various other settings. Many social workers choose to specialize in a particular population such as children or the elderly. BLS projections anticipate that employment for social workers will grow faster than the average for all occupations and that job prospects are particularly favorable for social workers specializing in aging populations or working in rural areas.

The social work profession in Maryland closely follows national trends. The largest single employer of social workers in Maryland is the Department of Human Resources (DHR). According to a BLS report, Maryland is one of the top five paying states for social workers with an annual mean wage of \$60,210, according to data collected over the three-year period from May 2007 through May 2010.

## **The State Board of Social Work Examiners**

Established in 1975, the State Board of Social Work Examiners, housed in the Department of Health and Mental Hygiene (DHMH), regulates the practice of social work in Maryland. The board operates under Title 19 of the Health Occupations Article. The purpose of the board is to protect and promote public safety through the licensing and regulation of social workers. The board is authorized by statute to establish, create, and enforce a code of ethics. Currently, there are a total of 12,021 licensed social workers in Maryland. The board licenses four distinct levels of social work practice: licensed social work associate (LSWA); licensed graduate social worker (LGSW); licensed certified social worker (LCSW); and licensed certified social worker-clinical (LCSW-C).

The board comprises 12 members, 10 of whom must be licensed social workers. There must be at least one representative from each of the four licensure levels. In addition, there must be one social worker employed by DHR and one licensed social worker primarily engaged in social worker education. Two members must be consumers.

Board members are appointed by the Governor with the advice and consent of the Senate. Appointments are made from a list of nominations from professional social work associations, deans and directors of Maryland social work education programs, the secretaries of public agencies where social workers are employed, or any person who provides a statement of nominations signed by at least 25 licensed social workers.

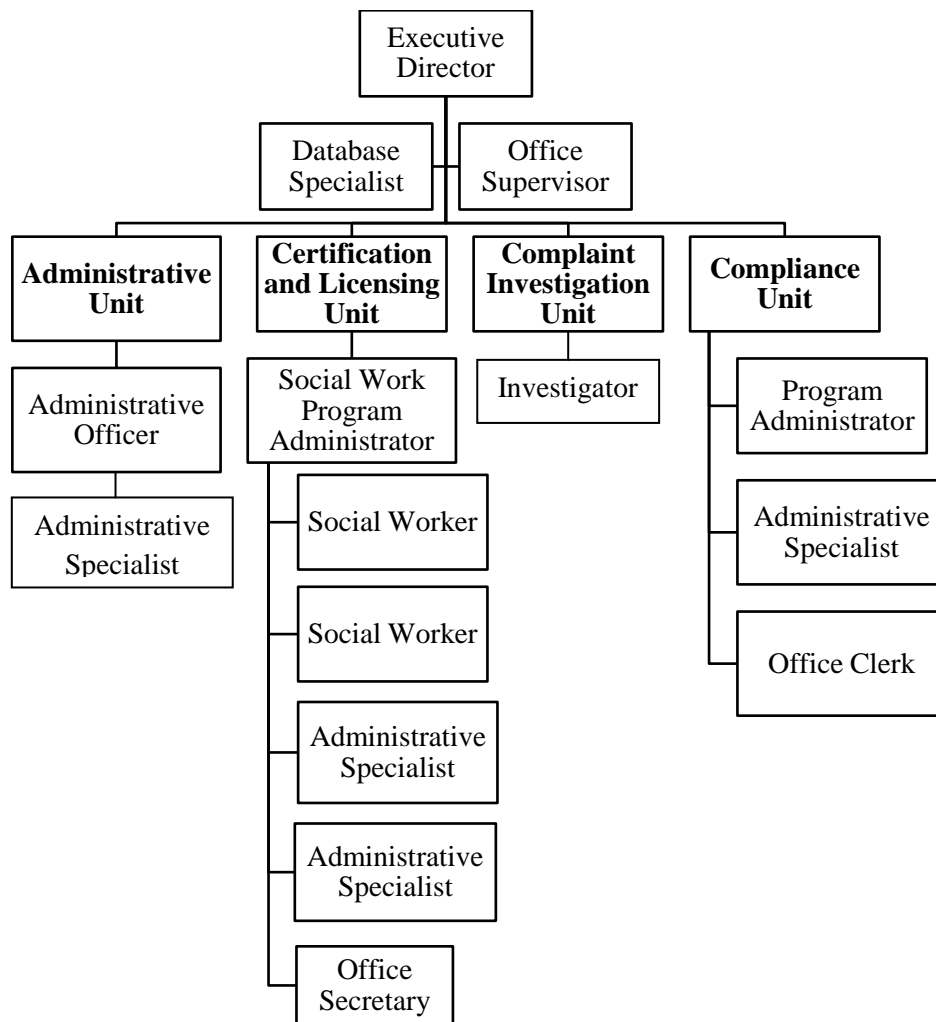
The term of a member is four years, and at the end of a term a member must continue to serve until a successor is appointed. A board member may not serve more than two consecutive full terms. The Governor is required, to the extent possible, to fill any vacancy on the board within 60 days.

During the 2002 sunset evaluation of the board, DLS identified major delays in both the nomination and appointment processes for filling vacant board seats. Since then, changes in both statute and policy regarding the board's nominating process have reduced the time it takes to fill a vacant board seat. Currently, all 12 board positions are filled.

The full board generally meets every month. Members of the board serve on one of five committees: continuing education; credentialing; legislative/regulations; statute; and disciplinary.

The board has 14 regular employees, as well as 1 contractual office clerk. The organizational chart for the board is shown in **Exhibit 1**. The office clerk provides additional administrative support to the board's Compliance Unit. There is only one recent vacancy due to a retirement. The board also shares a fiscal officer with the other health occupations boards.

**Exhibit 1**  
**State Board of Social Work Examiners**  
**Organizational Chart**



Source: State Board of Social Work Examiners

## Statutory Changes Affecting the Board Since the 2002 Full Sunset Evaluation

Several legislative changes have affected the board since the last sunset evaluation. Major legislative changes are noted in **Exhibit 2**. In addition to the legislation extending the termination and evaluation dates for the board, key changes include (1) allowing vacant board positions specified for a certain licensure level to be filled by any licensed social worker if there are no candidates at the specific licensure level within six months of a vacancy; (2) expanding the scope of practice for clinical social workers; (3) adding a board member who must be a licensed social worker primarily involved in education; and (4) establishing standardized guidelines for all health occupations boards regarding discipline, board membership and training, and other administrative matters.

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### Exhibit 2 Major Legislative Changes Since the 2002 Full Sunset Review

<u>Year</u>	<u>Chapter</u>	<u>Change</u>
2003	111	Permits a social worker licensed in another state, or who possesses social work qualifications in another jurisdiction comparable to what is required in Maryland, to practice social work in Maryland for up to six months.
	228	Requires that, if a licensed social work associate or licensed graduate social worker cannot be found to serve on the board within six months of the position becoming vacant, any level of licensee must be appointed immediately to fill the vacancy.  Extends the termination date of the board by 10 years to July 1, 2014.
2004	250	Clarifies that, if a licensed certified social worker or a licensed certified social worker-clinical is not appointed to the board within six months of a vacancy, a qualified licensee of any license level must be appointed immediately.
2006	539	Changes the definition of a quorum of the board from the full authorized membership to a majority of appointed members.  Clarifies the requirements for an individual licensed as a social worker in another state wishing to become licensed in Maryland.  Allows applicants for board licensure to have received the required degree from a program that is accredited by an organization equivalent to the Council on Social Work Education and approved by the council.
2007	235	Expands the scope of practice for an individual licensed as a certified social worker-clinical to allow the evaluation, diagnosis, and treatment of mental and emotional conditions and impairments.
2008	227	Adds one licensed social worker who is primarily engaged in social work education at an accredited social work program to the board membership.

<u>Year</u>	<u>Chapter</u>	<u>Change</u>
2009	86/87	<p>Require the board to notify each applicant whether he or she has been approved to take the licensure exam within 60 days after the application was submitted.</p> <p>Require the board to establish a workgroup to examine licensure and reciprocity issues and submit a specified report.</p>
2010	533/534	<p>Set standardized guidelines for all health occupations boards regarding disciplinary processes, board membership, and other administrative matters.</p> <p>Require each board, to the extent permitted by administrative and fiscal resources, to establish a disciplinary subcommittee to be responsible for the investigation of complaints and other aspects of the disciplinary process.</p> <p>Establish a six-year statute of limitations on the bringing of charges by a board against a licensee.</p> <p>Require boards to adopt sanctioning guidelines and post final public orders on the boards' websites.</p> <p>Require board membership to reasonably reflect the geographic, racial, ethnic, cultural, and gender diversity of the State.</p> <p>Require boards to notify licensees of board vacancies.</p> <p>Require boards to develop a training process and materials for new board members.</p> <p>Require boards to collect racial and ethnic information about applicants.</p> <p>Authorize boards to establish a program that provides training, mentoring, or other forms of remediation to licensees who commit a single standard-of-care violation.</p> <p>Require the Secretary of Health and Mental Hygiene to confirm the appointment of an administrator or executive director to each board and establish goals for the timeliness of complaint resolution.</p>

Source: Laws of Maryland

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To date, the board has moved forward with implementing many aspects of Chapters 533 and 534 of 2010. The board was already in compliance with some of the new requirements, including having a long-standing Disciplinary Complaint Review Committee and providing the opportunity to new board members to attend an Association of Social Work Boards training in addition to the new member orientation offered to all health occupations boards. However, some provisions still need to be implemented. Regulations to implement sanctioning guidelines were submitted to the Joint Committee on Administrative, Executive, and Legislative Review (AELR) in November. Further, while the board does collect racial or ethnic data, board staff is in the process of changing the categories and nomenclature of the board's licensing database to be in compliance with § 10-606 of the State Government Article.

## Regulatory Changes Since the 2002 Full Sunset Evaluation

In addition to statutory changes, several changes to board regulations have been adopted since the last full sunset evaluation. Regulatory changes since 2002 are shown in **Exhibit 3**. Most recently, changes were made in defining “licensure by endorsement” and other requirements for a social worker licensed in another state seeking a license in Maryland. Other changes include various alterations to fees for license renewal and replacement.

In the board’s 2002 sunset evaluation, DLS recommended that the board become more efficient in developing and writing regulations and that board members should become more involved in the regulations process. Based on DLS observations during this preliminary evaluation, the board appears to have addressed this recommendation and is generally efficient and timely in their development and submission of regulations.

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### Exhibit 3 Regulation Changes Since the 2002 Full Sunset Review

<u>Year</u>	<u>COMAR Provision</u>	<u>Change</u>
2002	10.42.03.03	Establishes recordkeeping and reporting requirements.
	10.42.04.01-.12	Revises and expands regulations relating to procedures and rules of board hearings and clarifies both procedures to follow when a complaint is made and the rights of a licensee against whom a complaint is filed.
	10.42.05	Repeals a regulation regarding renewal fees and amends the regulation regarding notice of fee charges to require that notification by the board to the licensee be done by any reasonable means.  Clarifies the total amount of fees due upon reactivation and reinstatement of a social work license.
	10.42.07	Authorizes the board to disclose information discovered during licensure or investigation to the appropriate authorities.
2003	10.42.05.01	Clarifies issues relating to the practice of social work and licensure of social workers including issues relating to independent practice and the practice of clinical social work.
	10.42.06.01-.06	Aligns continuing education requirements with expanding roles in the profession of social work.
2004	10.42.01.01-.19	Redefines “licensed” and clarifies when an individual licensed in another state can practice in Maryland.
	10.42.08.04 and .06	Grandfathers certain social workers already supervising other social workers into the supervisor role.

<u>Year</u>	<u>COMAR Provision</u>	<u>Change</u>
2007	10.42.06.11	Eliminates the requirement that a licensee be granted a hearing for noncompliance upon renewal if the licensee fails to comply with continuing education requirements.
2008	10.42.05.02	Increases biennial license renewal fees and institutes new fees for initial licensing, supervision registration, failure to notify of address changes, and record retrieval.
2010	10.42.01.08, .16-.19	Requires a licensee to reapply to take the licensure exam if the licensee fails to take the exam within the two-year approval period, adds a continuing education report requirement for license renewal, clarifies the requirements to reinstate a license that was not renewed, and specifies criteria for the board to reactivate a license that has been placed on inactive status.
	10.42.05.02	Allows for a free replacement license if the original license is never received, reduces the inactive status fee, changes the reactivation and reinstatement processing fees, and eliminates the late fee.
2011	10.42.01.02, .12	Defines “licensure by endorsement,” allows social workers licensed in another state to practice at the same level of licensure in Maryland, and authorizes the board to issue licenses by endorsement.

Note: Does not include recently submitted regulations related to sanctioning guidelines.

Source: Code of Maryland Regulations, *Maryland Register*

## **Licensing Activity**

### **Four Levels of Licensure Issued**

In order to qualify for any of the four levels of licensure, an individual must be at least 18 years old, have graduated from a social work program accredited by the Council on Social Work Education, be of good moral character, and pass an examination. As shown in **Exhibit 4**, each level of licensure requires different educational, experience, and supervision requirements, and each level has a different scope of practice.



**Exhibit 4**  
**Four Levels of Licensure**

<u>Level of Licensure</u>	<u>Educational Requirements</u>	<u>Experience Required for Licensure</u>	<u>Scope of Practice and Supervision Requirements</u>
Licensed Social Work Associate (LSWA)	Bachelor in Social Work		May perform nonclinical social work under the supervision of an LCSW, LCSW-C, or LGSW who meets certain conditions.
Licensed Graduate Social Worker (LGSW)	Master in Social Work		May perform social work under the supervision of an LCSW, LCSW-C or LGSW who meets certain conditions for nonclinical social work, treatment of psychosocial conditions and mental disorders, and provision of psychotherapy.
Licensed Certified Social Worker (LCSW)	Master in Social Work*	≥ 3,000 hours postgraduate experience, supervised by an LCSW-C.	May perform unsupervised nonclinical social work and treatment of psychosocial conditions and mental disorders and psychotherapy under the supervision of an LCSW-C.
Licensed Certified Social Worker-Clinical (LCSW-C)	Master in Social Work*	≥ 3,000 hours postgraduate clinical experience, supervised by an LCSW-C, of which 50% must be face-to-face; must be a part of an employment contract.	May perform nonclinical social work; evaluation, diagnosis, and treatment of psychosocial conditions and mental disorders; and psychotherapy. No supervision required.

\*Some licenses may also have a doctorate; however, a master of social work degree is required.

Source: Laws of Maryland

Licensure requires a minimum educational attainment of a master’s degree, with the exception of an LSWA, which requires only a bachelor’s degree. Neither an LSWA nor an LGSW may practice unsupervised. The “highest” level of licensure – LCSW-C – is the only level of social work licensure with a scope of practice that includes the diagnosis of psychological and mental conditions.

**Overall Growth in Licenses Issued, but Entry-level Licensing Declines**

**Exhibit 5** shows initial and renewal licensing trends for each level of licensure. Between fiscal 2008 and 2011, the total number of initial licenses issued grew by 8.6%, while the number

of total licenses renewed grew by 26.7%. Among new licenses issued, the three “highest” levels of licensure experienced the greatest growth (12.7% to 21.4%). However, the number of new licenses issued for the “entry level” LSWA license actually decreased by 51.4%. Among renewal licenses issued, the two highest levels of licensure (LCSW and LCSW-C) experienced the most robust growth, 28.8% and 30.1% respectively; however, growth among the entry-level and graduate license categories (LSWA and LGSW) was also significant at 17.1% and 19.5%, respectively. Growth among nearly all categories of licensure illustrates the growth of social work as a field and the increasing need for licensed social workers throughout the mental health and social services system.

The LSWA license is sought after a student graduates from a baccalaureate program with a major in social work. Employment opportunities for this licensure category include entry-level social work positions (*i.e.*, case management services), and work must be performed under supervision. The board attributes some of the reduction in the number of new LSWA licenses issued to students continuing straight to a master’s program in social work. This explanation seems to be corroborated with the licensing trends. During the same time period, the total number of LGSW licenses issued increased by 12.7%. Representatives from the University of Maryland School of Social Work offer an alternative explanation for the drop in LSWA licenses – the cost of the license may be prohibitive. Employment opportunities for LSWAs tend to be lower-paying jobs than those with higher-level licenses. The LSWA renewal fee is the lowest of any of the licenses (\$80) and the initial application fee (\$100) is the same for all levels of licensure.

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**Exhibit 5**  
**Initial and Renewal Licenses Issued by Type**  
**Fiscal 2007-2011**

	<u>FY 2007</u>	<u>FY 2008</u>	<u>FY 2009</u>	<u>FY 2010</u>	<u>FY 2011</u>	<u>% Change</u> <u>FY 2007-2011</u>
<b><u>Initial Licenses</u></b>						
LSWA	72	71	46	50	35	-51.4%
LGSW	543	471	585	557	612	12.7%
LCSW	14	14	34	17	17	21.4%
LCSW-C	354	311	357	397	404	14.1%
<b>Total</b>	<b>983</b>	<b>867</b>	<b>1,022</b>	<b>1,021</b>	<b>1,068</b>	<b>8.6%</b>
<b><u>Renewal Licenses</u></b>						
LSWA	303	302	362	319	355	17.1%
LGSW	964	961	1,079	1,131	1,152	19.5%
LCSW	104	105	192	131	134	28.8%
LCSW-C	2,800	2,798	3,662	3,303	3,644	30.1%
<b>Total</b>	<b>4,171</b>	<b>4,166</b>	<b>5,295</b>	<b>4,884</b>	<b>5,285</b>	<b>26.7%</b>

Source: State Board of Social Work Examiners

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**Initial Application Fee Same for All Licensees, Renewal Fee Higher As Licensure Level Increases**

For all levels of licensure, the initial licensing fee is \$100. The renewal fee is higher as the level of licensure increases. **Exhibit 6** shows the application and license renewal fee for all levels of licensure. The most expensive licenses are the LCSW and LCSW-C. The LSWA renewal fee is significantly lower than the other fees and even lower than the cost of an initial license. All other licensure levels require a higher fee for renewal.

**Exhibit 6  
State Board of Social Work Examiners’ Fee Structure**

	<u>2002</u>	<u>Current</u>
Application Fee	\$100	\$100
Licenses Renewal		
Associate	75	80
Graduate	150	165
Certified	200	225
Clinical	200	225

Source: State Board of Social Work Examiners

**The board should continue to monitor the decline in the number of initial LSWA applications and consider lowering the initial application fee for a new LSWA license to more accurately reflect employment opportunities for this level of licensure.**

**Many Seeking License for Clinical Practice Even If Unnecessary**

Another notable licensing trend is the increase in the number of LCSW-C licenses issued. Between fiscal 2008 and 2011, the total number of new LCSW-C licenses issued grew by 14.1%, while the number of renewal licenses grew by 30.1%. LCSW-C licenses also comprised 63.7% of the total new and renewal licenses issued by the board in fiscal 2011.

The clinical distinction of an LCSW-C license allows an individual to diagnose and treat emotional and mental health conditions. It also allows an individual to bill health insurance. This level of licensure is therefore the most flexible and allows a social worker to be employed in a broader variety of settings, including private practice. The major difference between an LCSW and an LCSW-C is that the LCSW-C allows an individual to practice psychotherapy.

In the 2002 full sunset evaluation of the board, it was noted that the number of initial and renewal LCSW licenses were declining. This trend seems to have stabilized if not reversed; however, many master's in social work graduates are deciding to pursue the LCSW-C licensure even if they have no intention of practicing psychotherapy. Employment pressures are exacerbating this trend. According to University of Maryland School of Social Work representatives, many employers are looking for the highest level of licensure even if the job description does not necessitate the clinical distinction.

Maryland requires all social work licenses to be renewed every two years. All licenses expire on October 31. Initial licenses are active from the original date of issuance until October 31 two years later, and renewal licenses are active from November 1 until October 31. Licensure renewals generally require 40 credit hours of continuing education (a lower threshold of 30 is required for the LSWA license) in programs and categories approved by the board and can be renewed online. The board's Managing for Results' (MFR) goal is to issue 100% of initial licenses within 10 days of receipt and to have all renewal licenses issued within 5 days of receipt. The board consistently achieves these goals. According to the board, use of online renewals and the fact that examination results for applicants for initial licensure are sent to the board via e-mail, the board can typically issue both new and renewal licenses within one to three business days.

### **Maryland Waives License Examination to Social Workers Licensed in Other Jurisdictions**

In response to concerns from the General Assembly regarding a workforce shortage, the board formed a workgroup in 2009 to study the issue of reciprocity for individuals who had been practicing for a number of years as social workers in another jurisdiction but who were still required to pass the Maryland examination in order to obtain a Maryland license. Based on the findings of the workgroup, Chapter 715 of 2010 allows for an individual with long-standing practice in another jurisdiction to waive the Maryland examination without prior approval of the board.

### **Board Is Special Funded**

All but 2 of the 18 health occupations boards are funded through special fund licensing revenue. The board must use fees to support its operation during the fiscal year. Any fee revenue that is not appropriated and spent in one fiscal year is credited to the board's fund balance and carried over to the next fiscal year. This creates a financial cushion in the event that there are any unanticipated expenditures. Given its size, the board's target fund balance is 25% of annual expenditures.

**Exhibit 7** shows the financial history of the board since fiscal 2006. Board expenditures consist of indirect costs (departmental costs such as information technology and human resources expenses) and direct costs (all other budget items). Most of the board's expenditures are

personnel related. Since the board is fully staffed, in fiscal 2011, 72.1% of expenditures were attributable to personnel expenses (including health insurance). The next largest expenditure for the board was office rental space, which totaled \$75,035 in fiscal 2011 (6% of expenditures).

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**Exhibit 7**  
**Financial History of the State Board of Social Work Examiners**  
**Fiscal 2006-2012**

	<u>FY 2006</u>	<u>FY 2007</u>	<u>FY 2008</u>	<u>FY 2009</u>	<u>FY 2010</u>	<u>FY 2011</u>	<u>FY 2012*</u>
Beginning Balance	\$965,577	\$450,437	\$366,923	\$70,576	\$195,470	\$180,259	\$199,697
Revenues	759,914	876,620	823,291	1,324,831	1,203,404	1,281,319	1,269,525
Total Available Funds	1,725,491	1,327,057	1,190,214	1,395,407	1,398,874	1,461,578	1,469,222
Direct Costs	683,962	800,630	937,852	1,016,781	983,200	1,042,524	1,272,200
Indirect Costs	165,742	159,504	181,786	183,156	183,318	197,321	130,936
Total Expenditures	849,704	960,134	1,119,638	1,199,937	1,166,518	1,239,845	1,403,136
Transfer to General Fund	425,350				52,097	22,036	
Ending Fund Balance	450,437	366,923	70,576	195,470	180,259	199,697	66,086
Balance as % of Expenditures	53%	38%	6%	16%	15%	16%	5%
Target Fund Balance	\$212,426	\$240,034	\$279,910	\$299,984	\$304,654	\$315,470	\$350,784

\*Fiscal 2012 figures are estimates.

Source: State Board of Social Work Examiners

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With respect to revenues, approximately 45% of social workers renew their licenses in odd-numbered fiscal years, while 55% renew in even-numbered fiscal years, making revenues relatively even.

### **Board Fund Balance Impacted by Several Transfers to General Fund**

Since fiscal 2003, there have been five occasions when funds were transferred from the board to the general fund to help balance the State budget or for other reasons; almost \$1 million has been transferred. Most notably is a transfer in fiscal 2006 of \$425,350 from the board to DHR for the "Child Welfare Training Academy." As mentioned previously, because DHR is the largest single employer of social workers in the State, the funds were transferred to provide training opportunities to those employees. In fiscal 2006, the board was struggling to fill positions and had accumulated a significant fund balance. Due to this large transfer, revenues in fiscal 2006 appear substantially lower than other years. However, actual collections in fiscal 2006 were \$759,914. All fund balance transfers from the board can be seen in **Exhibit 8**.

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**Exhibit 8**  
**Fund Balance Transfers for the State Board of Social Work Examiners**  
**Fiscal 2003-2011**

<u>Fiscal Year</u>	<u>Transfer Amount</u>	<u>Description</u>
2003	\$218,000	Help balance State budget
2004	251,000	Help balance State budget
2005	-	
2006	425,350	Transfer for use by DHR for training
2007	-	
2008	-	
2009	-	
2010	52,097	Help balance State budget including furlough reduction amount
2011	22,036	Help balance State budget including furlough reduction amount

Source: State Board of Social Work Examiners

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### **Board Now Struggles to Reach 25% Fund Balance Target**

Although the board raised fees in fiscal 2009, its fund balance has not yet reached the targeted 25% of expenditures. Even after accounting for any cost containment measures or fund balance transfers, the board continues to fall short of the target. Personnel expenditures continue to increase. Currently there is only one short-term vacancy due to a retirement.

Given that the board will be looking at its fee structure again this year as part of its five-year fee review process, the board should consider raising fees to ensure that the 25% fund balance target can be met and maintained, to the greatest extent possible, throughout the fee cycle. **While the board may be reluctant to raise fees too drastically, the board should look at raising initial licensing fees for higher levels of licensure to reach the fund balance target.**

### **Board Handles an Average of 125 Complaints Annually**

Under the Maryland Social Work Practice Act, there are 21 grounds for disciplinary action by the board. Violations leading to disciplinary action range from obtaining or attempting to obtain a license through fraud, deceit, or misrepresentation to being convicted of or pleading guilty to a felony. From calendar 2006 through 2010, the board has, on average, received 125 complaints annually. **Exhibit 9** displays the total number and final disposition of complaints filed with the board for calendar 2006 through 2011 (2011 data are year-to-date as of October 6, 2011).

**Exhibit 9**  
**Total Complaints Received and Disposition of Complaints**  
**Calendar 2006-2011**

	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011*</u>
<b><u>Complaints Received</u></b>						
Practicing without a License	30	47	43	19	25	18
Supervisory, Continuing Education, or Recordkeeping	41	69	33	55	29	26
Bias in Child Custody Case	11	6	8	7	8	4
Failure to Report Child Abuse	1	0	1	2	3	1
Fraud	0	5	0	0	5	1
Criminal Conviction or Substance Abuse while Licensed	1	1	2	3	1	1
Other Unprofessional Behavior	<u>30</u>	<u>26</u>	<u>37</u>	<u>37</u>	<u>30</u>	<u>19</u>
<b>Total</b>	<b>114</b>	<b>154</b>	<b>124</b>	<b>123</b>	<b>101</b>	<b>70</b>
<b><u>Disposition of Complaints</u></b>						
Dismissed/Withdrawn or Referred to Another Board	44	46	49	39	38	42
Letter of Education	8	17	22	10	4	3
Letter of Admonishment	43	67	45	53	42	17
Formal Action*	18	19	8	20	11	8
Referred for Criminal Prosecution	1	5	0	1	5	0
Under Investigation	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>1</u>	<u>0</u>
<b>Total</b>	<b>114</b>	<b>154</b>	<b>124</b>	<b>123</b>	<b>101</b>	<b>70</b>

\*Calendar 2011 figures represent complaints received and disposition taken as of October 6, 2011.

Note: Formal action includes all cases referred to the Office of the Attorney General and the Office of Administrative Hearings.

Source: State Board of Social Work Examiners

### **Overall, Number of Complaints Continues to Be Low**

The 2002 sunset evaluation revealed that the number of complaints reported to the board was disproportionately low compared to the number of social workers licensed in the State. Much of this may be due to the delicate nature of the relationship between a social worker and his or her client. In response, the board has tried to educate the public on their right to bring complaints against a social worker and educate social workers to look for possible violations and self-report. The board has updated its website to make it more helpful to those filing a complaint. This includes placing the complaint and release forms online and outlining the complaint process. The 2002 sunset evaluation identified an average of only 42 cases, whereas

the average number of cases from calendar 2006-2010 was 125. The steps the board has taken appear to have increased the number of complaints received, though the number of complaints continues to be low relative to the number of total licensees under the board's jurisdiction. **The board should continue its outreach efforts to ensure the public is aware of the ability to bring disciplinary action against a social worker if necessary.**

### **Majority of Complaints Administrative**

In the past five years, 63.5% of the complaints filed involve practicing without a license, lapsed license, practicing beyond the scope of the license, failing continuing education requirements, or supervisory violations such as completing supervised hours with a nonregistered supervisor. During the 2002 sunset review, a common complaint was that a social worker had engaged in "boundary" violations, or that the social worker engaged in conduct beyond the bounds of a professional encounter with a client. However, in the past five years, these complaints comprised only about 6% of total complaints.

### **Many Complaints Dismissed or Closed; Informal Action or Letters Most Common Action**

The board has many options for action when a complaint is brought against a social worker. Over the past five years, the board has decided to issue a letter of admonishment in 40.6% of the cases brought before the board. These letters indicate that the board has grounds to charge the licensee but declines to do so because of mitigating circumstances, such as it is the first complaint against the social worker, as long as the conduct is not repeated. An additional 31% of the cases were dismissed due to lack of evidence.

### **Initial Board Action Longer than Other Health Occupations Boards**

All health occupations boards strive to complete investigative reports and initial actions on complaints within a targeted timeframe. Many boards strive to complete initial actions in 180 days; however, the State Board of Social Work Examiners aims to have 95% of initial actions completed in 190 days.

The board has continually fallen a bit short of completing initial action in the targeted timeframe, annually completing 92% of initial actions in 190 days rather than 95%. **Exhibit 10** shows the percentage of initial actions completed in the targeted timeframe. The board has commented that the cases that are not completed within the targeted timeframe are those which are referred for criminal action; the board allows that process to be completed prior to board action. Other reasons include investigative delays including an inability to find witnesses and complete the investigation. Given the low number of cases, only a few need to fall behind schedule to lead to the board to miss the MFR goal. **The board should continue to work to complete initial actions within its targeted timeframe, including exploring the possibility of hiring an additional full- or part-time investigator to help with the work if volume increases again.**



**Exhibit 10**  
**Percentage of Investigative Reports and Initial Board Actions**  
**Completed within 190 Days**  
**Fiscal 2006-2011**

	<u>FY 2006</u>	<u>FY 2007</u>	<u>FY 2008</u>	<u>FY 2009</u>	<u>FY 2010</u>	<u>FY 2011</u>
% Complete	92%	92%	92%	92%	92%	95%

Source: Governor's Budget Books and State Board of Social Work Examiners

## Recommendations

The State has an interest in licensing and overseeing social workers at all levels of licensure. DLS finds that the board is sufficiently meeting its mandated duties, including efficiently issuing licenses and taking disciplinary actions against licensees where warranted. The board has worked toward implanting nearly every recommendation of the previous full sunset evaluation. Specifically, the board has improved data collection by moving the database from the State's mainframe to the board's server and training all staff on how to utilize this tool. Further, the board has filled vacant staff and board positions in a more timely fashion. The staff has improved their relationship with board members. The website has improved the complaint process, and social workers have been educated on self-reporting of disciplinary violations. The board has also improved its financial forecasting. Furthermore, the board was professional and responsive throughout the evaluation process. **Given the significant progress made by the board since the 2002 full evaluation and the positive findings of this preliminary evaluation, DLS recommends that LPC waive the board from full evaluation and that legislation be enacted to extend the board's termination date by 10 years to July 1, 2024.**

To address the handful of administrative issues raised in this evaluation, DLS recommends that the board submit a follow-up report by October 1, 2013, that includes:

- **an analysis of the LSWA licensing trends and options for promoting the number of individuals seeking this level of licensure;**
- **an update on licensing fees, including a long-term financial plan in order to ensure a sufficient fund balance; and**
- **and an update on the disciplinary process including outreach efforts and efforts to meet the MFR goals.**



# **Appendix 1. Implementation of 2002 Sunset Review Recommendation**

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<b><u>Recommendation</u></b>	<b><u>Status of Implementation</u></b>
1. Legislation should be enacted to extend the termination date for the State Board of Social Work Examiners to July 1, 2014. Additionally, uncodified language should be adopted requiring the board and the Department of Health and Mental Hygiene (DHMH) to report to the Senate Education, Health and Environmental Affairs and House Health and Government Operations committees by October 1, 2003, on the implementation of the recommendations contained in the sunset evaluation report.	Chapter 228 of 2003 extended the board's termination date.  The board submitted the required report on September 23, 2003.
2. Given the consistent grievances expressed by several health occupations boards that appointments are not made in a timely fashion, DHMH should review the current appointments process, particularly the timing of the process, and consider revising its procedures under the new administration.	Appointments appear to be made on a timely basis now.
3. Statute should be amended so that the board composition includes two licensed social workers who are required to work under supervision at all times in place of one licensed graduate social worker and one licensed social work associate.	Board composition remains the same. However, Chapter 228 of 2003 provides that if either the licensed graduate social worker or licensed social work associate positions are not filled within six months of a vacancy, the positions must be filled immediately by any qualified social worker of any level.
4. The board should be more efficient in developing and writing regulations. Board members need to become more involved in the regulations process in order to provide broader professional social worker input on all regulations.	Based on observations of the Department of Legislative Services, the board appears to be more involved with the regulatory process.
5. Future cost containments should focus on general funded expenses that can benefit the State budget rather than special funded positions. Also, DHMH should evaluate the board's staffing needs and determine which positions the board needs to request and fill in the future.	Cost containment actions have transferred funds from the board's fund balance for general funded expenses.

### **Recommendation**

6. The board should become more involved in oversight of staff operations. Specifically, the board should require the executive director to develop a board operations manual based on best practices from a well-run health occupations board, which includes direction for typical board processes and correspondence as well as expectations for staff professionalism and accountability. The board chairman and secretary should work closely with the executive director to develop the manual and ensure that appropriate attachments are included such as an approved and updated Records Retention and Disposal Schedule. The board should also revise the current job descriptions, in consultation with the executive director, for each position to reflect a more balanced level of responsibilities and expectations of the staff. The board's Oversight Committee should continue to meet on a quarterly basis to assure that the board's operations are running smoothly both during board meetings and in office processes.
7. The board should monitor licensee trends, in particular the LCSW population, in order to evaluate its position within the social work profession. Should any changes be made to the scope of practice for any of the licensure levels, the board should consider the decreasing number of LCSWs in its evaluation. However, if the scope of practice for each level continues with no changes, the LCSW position should remain in the system given its particular place as an advanced, nonclinical license.
8. The board should work with the Department of Budget and Management's Information Technology Office to make a full inventory of its licensee database capabilities and insufficiencies, develop a report of its needs, and institute a phase-in of database requirements.
9. The board should have a representative from the Annapolis Data Center train board staff in the appropriate usage and updating of the database.
10. The executive director and at least two other professional staff should be trained in computer software programs that allow for trend analysis, such as Access and Excel. Any new staff hired by the board should have basic skills in these or similar programs. These programs should be installed on all computers.

### **Status of Implementation**

The board has an operations manual and offers training for board members through the Association of Social Work Boards.

The board's Oversight Committee meets on a quarterly basis.

There have been no substantive changes made to the scope of practice to any licensure levels that would necessitate the evaluation of the LCSW license in the social work profession.

The database has been moved off of the State mainframe computer and onto the board's computer system. All staff have been trained in how to use the database, and data are now readily available.

The board's database was moved off of the State mainframe, negating the need for such training. Since the database was moved to the board's computers, all board have been trained in using the software.

Access and Excel have been installed on the computers of all board staff and are used to analyze trends.

### **Recommendation**

11. Board staff should be required to work with DHMH to develop an appropriate five-year licensee projection model.
12. Board staff, with consultation from DHMH, should undertake a full review of its licensee processing and tracking procedures, including, but not limited to, addressing the concern of late receipt of certificates and invalid contact information. Moreover, the board should consider providing more information up front to new licensees and eliminating the second charge for applications that have already been received and reviewed by the board but not yet approved.
13. The board should adjust its fees in order to draw down its fund balance to a more appropriate level. The new fees should take into account the 25% target level, future inflation, and realistic growth in expenditures.
14. Statute should be amended to make it the role of the board secretary to monitor board finances. In addition, the board should require the secretary to make at least semi-annual financial reports to the board and bring to the board's attention any major financial decisions to be made.
15. Board staff should be required to meet with and provide the necessary information to the board secretary at least one month before each meeting on finances to discuss the board's financial situation. The information to be provided should include a balance sheet of expenditures, revenues, and fund balances for past, current, and future fiscal years.
16. Board staff should develop a working relationship with the shared fiscal officer for the boards and commission. In addition, key board staff should be required to have training in basic fiscal accounting, forecasting and recordkeeping.
17. The board should add to its tracking system fields for who the board liaison is on each case and for the location of the case in the disciplinary process so that it is easier for board members to be aware of the current status of each case. The tracking system should also contain time line information about the case throughout all stages of the disciplinary process, including the status of the case after the board takes it to final action.

### **Status of Implementation**

The board now works with the health occupations boards' joint fiscal officer to develop financial plans, as well as updates fees accordingly.

The licensure department is now fully staffed, and there are few complaints from licensees regarding licensee processing.

The board reviews its fees every five years. However, in the past few years, the board's fund balance has been well below the 25% target fund balance.

This statutory recommendation was not adopted. The board's executive director delivers quarterly reports to the board on the board's finances and updates on the budget after the fiscal year budget is passed.

See above.

Board staff works closely with the shared fiscal officer.

Fields have been added to the board's complaint tracking system.

### **Recommendation**

18. Additional oversight of board staff is needed to ensure that board staff reduces errors in minutes from board meetings in order for information about disciplinary cases to be accurate and clear. Administrative documents should accurately state information about disciplinary cases.
19. The board, in consultation with DHMH's Council on Boards and Commissions, should examine how the Rehabilitation Committee could be used more effectively to help social workers get the treatment they may need.
20. As the Department of Human Resources (DHR) is the largest single employer of social workers in the public sector, it is important for the board and the department to have a working relationship, particularly for disciplinary cases before the board. Because an audit revealed serious problems with documentation, the board and DHR should improve outreach to professionals on established standards for documentation.
21. The board and DHMH should work together to address problems raised in the evaluation. DHMH should exercise its oversight authority and take a more active role in providing assistance to the board, particularly with regard to the appointments process, staffing issues, and problems with board operations.
22. The board should engage in more public outreach by using its website more efficiently. Regulations and statutes should be accessible through the board's website for the convenience of the general public and social workers wanting more information about social work in Maryland. Also, the board should utilize its website to provide information about how the disciplinary system works and about how consumers can make complaints to the board about social workers in the State. In addition, the board should consider other options of providing more public outreach, such as brochures specific to social work in licensee offices.

### **Status of Implementation**

Board representatives have indicated satisfaction with the performance of board staff.

The board contacted the National Association of Social Workers to discuss more effectively utilizing it as the board's Rehabilitation Committee.

A licensed social worker who is employed by DHR serves as a member of the board.

Relationships between the board, board staff, and DHMH have improved.

The board's website now follows the standard format for all State websites and allows for keyword searches. The website includes information on the disciplinary system and how to file a complaint.

**Appendix 2. Written Comments of the  
State Board of Social Work Examiners**

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STATE OF MARYLAND

**DHMH** Department of Health and Mental Hygiene

Martin O'Malley, Governor – Anthony G. Brown, Lt. Governor – Joshua M. Sharfstein, Secretary

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**MARYLAND BOARD OF SOCIAL WORK EXAMINERS**

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November 29, 2011

Mr. Warren G. Deschenaux  
Director, Office of Policy Analysis  
Department of Legislative Services  
90 State Circle  
Annapolis, Maryland 21401

Dear Mr. Deschenaux:

The Maryland Board of Social Work Examiners (the “Board”) has received and reviewed the Department of Legislative Services (DLS) Exposed Draft Sunset Review Evaluation report of the Board. The Board agrees with and is looking forward to working on the recommendations presented in the report.

In addition the Board would like to take this opportunity to express its appreciation for diligent work by the DLS staff in putting together this comprehensive and thorough document.

Sincerely,

Daniel Buccino, LCSW-C, BCD  
Board Chair

cc: Secretary Joshua M. Sharfstein, M.D.  
Mr. Patrick D. Dooley, Chief of Staff  
Mr. Karl S. Aro, Executive Director, DLS  
Mr. James Merrow, Executive Director, BSWE