

**MD – LCSWO: THE MARYLAND LEGISLATIVE COUNCIL OF  
SOCIAL WORK ORGANIZATIONS**  
*Advocating for Social Workers and Their Clients in Maryland and the District of Columbia*  
**Representing Maryland Society for Clinical Social Work  
Greater Washington Society for Clinical Social Work**

CANDIDATE QUESTIONNAIRE, 2006

**Richard B. Weldon, Jr., Delegate, District 3B**  
DISTRICT: 3B (Frederick County)  
SEAT SOUGHT: Delegate

**PART I. Can we count on your support on the following issues?**

**Expansion of coverage to the uninsured and underinsured**

1. Efforts have been made to insure more Marylanders by allowing “Association Health Insurance Plans.” Proposals for such plans - thus far – would waive state-mandated benefits such as mental health and substance abuse treatment, in order to make these plans “affordable.” Maryland has taken a leadership role among states in attempting to provide its citizens with needed access to mental health and substance abuse care. We believe that waiving the state-mandated benefits would be a false economy, as there is compelling evidence that the availability of mental health and substance abuse treatment in health insurance plans does not increase costs to the insurer.  
***Are you willing to work to support the protection of the state-mandated benefits and find alternative approaches to insuring more Marylanders?***

**Response:** yes

**Comment:** I will support mandated benefits, but I also want to see MD make personal responsibility a larger component of the healthcare decision process. I voted against the AHP bill in HGO, but recognize that mandated benefits are at least partially responsible for a lack of insurance choice and rising cost.

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2. We have joined the Maryland “Health Care for All” Coalition, working to win all Marylanders access to quality, affordable health care.  
***Do you support Health Care for All legislation? What are your ideas about what should be done to expand insurance coverage and/or health/mental health care services to those in our state who are either uninsured or underinsured?***

**Response:** No

**Comment:** I do support providing health insurance to every MD resident, regardless of ability to pay. That said, a \$1.00 per pack cigarette sales tax is not the answer, at least it isn't a panacea. I would like to see a balanced approach, including a financial stake from those for-profit entities that benefit from health consumer spending.

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**Regulation of insurers**

LCSW-Cs find that many of their clients face a variety of problems of access, choice, and privacy in dealing with their mental health and substance use treatment needs. Meanwhile, insurers have lowered allowable fees to *below* the “reasonable and customary charges” established in 1990. We have supported legislation addressing these issues, including expansions of state regulation of insurance companies and managed behavioral health companies.

*Will you be supportive of efforts to*

*a) Expand the networks of highly qualified providers by allowing increased fees and/or reimbursement rates?*

*b) Broaden coverage in the private sector to include those services currently offered mostly in the public system, such as inpatient rehabilitation, day hospital treatment, community behavioral rehabilitation, etc.?*

*c) Assure Marylanders of the privacy of their mental health and substance abuse treatment records?*

**Response:** yes, with a condition

**Comment:** I have been a consistent proponent of increasing reimbursement rates to pay providers for the care they dispense, and that applies to mental health services. I also support medical records privacy, and serve on a Task Force on the Confidentiality of Patient Medical Records. I cannot, however, offer a blanket support of broadening coverage to include all services offered in the public system without a better understanding of the cost ramifications.

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#### **LCSW-Cs as qualified evaluators of mental health and functioning**

Licensed Certified Social Worker-Clinical (LCSW-C) is the highest level of social work licensure in Maryland; the LCSW-C is licensed to “evaluate, diagnose, and treat mental disorders as defined in the Health General Article.” In addition, legal precedents establish that LCSW-Cs can qualify to serve as expert witnesses in court cases pertaining to mental disorders.

Legislation has established pools of professionals on which judges can draw for certain evaluations. Specialized training will be required of all clinicians in this pool, whatever their discipline. In several cases, LCSW-Cs have been excluded from this legislation, thus limiting the pool of qualified professionals available to judges and, in turn, increasing the possibility of delays for those in need of evaluation.

*Would you support efforts to include LCSW-Cs - with the appropriate specialized training required by any other such clinician - in the pool of mental health professionals available to a judge for*

*a) evaluation of a juvenile’s competency to participate in legal proceedings?*

*b) evaluation of Permanent Impairment due to mental disorder for purposes of Workers’ Compensation?*

*c) participation, with a licensed physician, in verifying a certificate of competency or non-competency of a disabled person, to assign guardianship?*

*d) evaluation of the competency of a patient to select a Health Care Agent through Advance Directives?*

**Response** – no; no blanket scope expansions, but open to evidence and facts.

**Comment:** These are serious expansions of the scope of practice, and deserve a full and complete hearing before a politician promises to vote one way or the other. My promise to you is to listen carefully, ask questions, and make a logical, reasonable determination to expand the range and type of tests that LCSW-C’s can administer. Please remember that

anyone can promise you a vote to get your support. I will only promise to review your evidence and argument, hear the opposing side, then make a fair and equitable decision based on what is in the best interests of Maryland residents. In many cases, that could well be a scope expansion.

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**Evaluation and Treatment of Mentally Retarded Clients:**

LCSW-Cs are licensed to evaluate, diagnose, and treat developmental disability and mental illness, but the wording of the Maryland law regarding Mental Retardation (ie, distinguishing Mental Retardation from Mental Illness) has led to confusion about whether LCSW-Cs are authorized to evaluate, diagnose, and treat mentally retarded individuals.

*Would you support efforts to include LCSW-Cs - with the appropriate specialized training required by any other clinician - in the pool of mental health professionals available to a judge for evaluation, diagnosis, and treatment of mentally retarded (developmentally disabled) patients?*

**Response:** yes

**Comment:** As an example of my statement above, this is an area where you have made a conclusive argument. Also, by allowing LCSW-C's the ability to evaluate and treat these clients, we may be able to provide a greater level of service to a dramatically underserved population.

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**PART II. What are the most important concerns you might want us to address *with you* in the next four years?**

**Comment:** I am working right now to craft a version of the MA reforms for Maryland. I know I can count on the support of LCSW-C community to craft a comprehensive solution to the problem of universal access. It won't work with gimmicky solutions, it will take a serious commitment and a lot of hard work, crossing all lines and specialties. I consider it my mission to work over the next four years to see that every citizen has access to affordable primary care. If we can get there, adding mental health services and specialty care is certainly possible.