Expand California Labor Code Section 3209.3 to include Licensed Clinical Social Workers

The U.S. is facing a mental and behavioral health crisis, which has further escalated due to the stresses of the Covid-19 pandemic. States such as Texas and New York have mobilized Licensed Clinical Social Workers (LCSW) to help fill the need for mental health clinicians; however, California’s Labor Law explicitly excludes LCSWs in the definition of those permitted to treat mental illness. The state should consider expanding Labor Code Section 3209.3 to include LCSWs to broaden the resources available to those in need of mental health services.

The need for mental and behavioral health professionals is growing rapidly

The pandemic has intensified mental illness in the U.S. Factors such as mandatory quarantine, job loss and resulting financial pressures, missing loved ones and health related fear have caused people to struggle with anxiety, depression, substance abuse and thoughts of suicide. Among those most affected are frontline workers including First Responders, health professionals, grocery store employees and other essential workers.

While 8.7% of the general population experiences post-traumatic stress disorder in their lifetime, the number is exponentially higher for essential workers such as medical staff, police officers, EMTs and firefighters. Twenty percent of First Responders experience PTSD – a number that is steadily increasing due to the stresses of Covid-19.

Mental illness in the U.S. is a longstanding issue

46.4% of adults reported struggling with mental illness prior to the pandemic. With limited resources and financial limitations to treatment, Americans continue to suffer.

Mental health problems have been exacerbated by Covid-19

2 in 5 adults report struggling with mental illness since Covid-19 struck the globe. The pandemic in conjunction with the resulting economic crisis has compounded stress on individuals in many professions.

Essential workers are most at risk of experiencing mental illness

Frontline health care workers are most likely to experience mental and behavioral illness as a result of the pandemic. Limitations on workers’ compensation make seeking treatment difficult and often out of reach.

About California Labor Code Section 3209.3

California Labor Code Section 3209.3 is limited to, “physicians and surgeons holding an M.D. or D.O. degree, psychologists, acupuncturists, optometrists, dentists, podiatrists, and chiropractic practitioners licensed by California state law…”

The definition limits the treatment of mental and behavioral health under workers’ compensation by not recognizing LCSWs as qualified professionals – this puts frontline workers at risk of not receiving the help they need to recover from the mental and physical stress they continue face pre-pandemic and post-pandemic, and throughout the deadly wildfire disasters our First Responders continue to experience throughout the year.

As unprecedented times continue and stress and fatigue plague the front lines, it is the state’s responsibility to call on additional professionals to serve those who serve us.

Please support the addition of LCSWs to Labor Code Section 3209.3 to help improve mental healthcare access to essential workers under workers’ compensation.