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HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES

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STATE OF MAINE

SENATE

132ND LEGISLATURE

FIRST SPECIAL SESSION

COMMITTEE AMENDMENT “ ” to S.P. 528, L.D. 1298, “An Act Establishing Alternative Pathways to Social Worker Licensing”

Amend the bill by striking out the title and substituting the following:

'Resolve, to Establish the Commission to Evaluate the Requirements for Licensing of Social Workers and Certification of Behavioral Health Workers'

Amend the bill by striking out everything after the title and inserting the following:

'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this resolve establishes a commission to evaluate the requirements for licensing of social workers and certification of behavioral health workers; and

Whereas, the Legislature believes it is important to conduct this evaluation to address workforce shortages that impact the availability of mental health services to Maine residents; and

Whereas, this legislation must take effect as soon as possible in order to provide adequate time for the commission to complete its work in a timely manner before submitting its report; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Commission to Evaluate the Requirements for Licensing of Social Workers and Certification of Behavioral Health Workers established. Resolved: That the Commission to Evaluate the Requirements for Licensing of Social Workers and Certification of Behavioral Health Workers, referred to in this resolve as "the commission," is established to conduct a holistic evaluation of the process of social work licensure for licensed master social workers, licensed master social workers, conditional

1 clinical, licensed clinical social workers and licensed social workers, including an
2 evaluation of any disparities based on race, age or disability in the licensure process, and
3 the process of certification for behavioral health workers. The evaluation conducted by the
4 commission must include the purposes and goals of the licensure and certification process;
5 the steps taken by individuals in order to obtain and retain their licensure and certification,
6 such as examination, training and supervision requirements; the efficacy of these steps in
7 meeting the purposes and goals of the licensure and certification process and in creating
8 and retaining a social work and behavioral health workforce that meets the needs of the
9 State; any systemic obstacles associated with building and maintaining a diverse social
10 work and behavioral health workforce; all costs associated with the licensure and
11 certification process; and the development of alternative pathways to licensure. During the
12 evaluation, the commission shall consider the perspective of the individual seeking to
13 obtain and retain licensure or certification and the impact the process of licensure and
14 certification has on multiple systems.

15 **Sec. 2. Commission membership. Resolved:** That, notwithstanding Joint Rule
16 353, the commission consists of 19 members as follows:

17 1. Two members of the Senate, appointed by the President of the Senate, including one
18 member from each of the 2 parties holding the largest number of seats in the Legislature;

19 2. Three members of the House of Representatives, appointed by the Speaker of the
20 House of Representatives, including one member from each of the 2 parties holding the
21 largest number of seats in the Legislature;

22 3. One member with experience as a licensed clinical social worker, appointed by the
23 President of the Senate;

24 4. One member currently enrolled in a social work degree program in the State,
25 appointed by the President of the Senate;

26 5. One member representing a nonprofit community mental health provider, appointed
27 by the President of the Senate;

28 6. One member representing the interests of a national nonprofit organization
29 composed of social work regulatory boards and colleges, appointed by the President of the
30 Senate;

31 7. One member holding a faculty or administrative appointment with a master of social
32 work degree program in the State, appointed by the President of the Senate;

33 8. One member representing a statewide association of social workers, appointed by
34 the Speaker of the House of Representatives;

35 9. One member who has graduated from a social work degree program in the State
36 within the past 5 years, appointed by the Speaker of the House of Representatives;

37 10. One member with experience as a licensed master social worker or licensed social
38 worker, appointed by the Speaker of the House of Representatives;

39 11. One member employed by a state agency or office with supervisory capacity over
40 a licensed master social worker or licensed social worker, appointed by the Speaker of the
41 House of Representatives;

1 12. One member employed by a community-based agency with supervisory capacity
2 over a certified behavioral health worker, appointed by the Speaker of the House of
3 Representatives;

4 13. One member holding a faculty or administrative appointment with a bachelor of
5 social work degree program in the State, appointed by the Speaker of the House of
6 Representatives;

7 14. One member who is a representative of the State Board of Social Worker Licensure
8 appointed by the State Board of Social Worker Licensure;

9 15. One member who is a representative of the Department of Health and Human
10 Services or a contracted organization responsible for behavioral health certification
11 designated by the Commissioner of Health and Human Services; and

12 16. The Commissioner of Professional and Financial Regulation or the commissioner's
13 designee.

14 When making the appointments required under this section, the appointing authorities
15 shall consider racial, ethnic, gender, socioeconomic and geographic diversity.

16 **Sec. 3. Chairs. Resolved:** That the first-named Senate member is the Senate chair
17 and the first-named House of Representatives member is the House chair of the
18 commission.

19 **Sec. 4. Appointments; convening of commission. Resolved:** That all
20 appointments must be made no later than 30 days following the effective date of this
21 resolve. The appointing authorities shall notify the Executive Director of the Legislative
22 Council once all appointments have been completed. After appointment of all members,
23 the chairs shall call and convene the first meeting of the commission. If 30 days or more
24 after the effective date of this resolve a majority of but not all appointments have been
25 made, the chairs may request authority and the Legislative Council may grant authority for
26 the commission to meet and conduct its business.

27 **Sec. 5. Duties. Resolved:** That, in conducting the holistic evaluation of the social
28 work licensure and behavioral health certification system required by this resolve, the
29 commission shall review and evaluate:

30 1. The purposes and goals of licensure and certification in the State, including:

31 A. The historic development of the concept and practice of licensure and certification
32 in the State; and

33 B. The systems and institutions that have historically defined the purposes and goals
34 and the concept of licensure and certification and have administered and mediated the
35 design and execution of the licensure and certification process;

36 2. The steps taken by individuals in order to obtain and retain licensure and
37 certification, including but not limited to:

38 A. All legal requirements of the process of licensure and certification prior to and upon
39 the effective date of this resolve, including but not limited to educational requirements,
40 examination requirements, training requirements, supervision requirements and other
41 requirements set forth in law or rule; and

1 B. Any steps that, while not technically required, are taken by those pursuing a license
2 or certification prior to and during the process of licensure and certification with the
3 intent of aiding the potential licensees and trainees with the licensure and certification
4 process;

5 3. The efficacy of the steps under subsection 2 in meeting the purposes and goals of
6 the licensure and certification process under subsection 1, and any barriers to these steps,
7 including but not limited to cost;

8 4. The efficacy of the steps under subsection 2 in creating a social work and behavioral
9 health workforce that meets the needs of the State, including but not limited to the need
10 for:

11 A. Workforce equity, including reviewing and evaluating the quantity, type and
12 distribution of social workers and behavioral health workers particularly with respect
13 to equity factors such as race, ethnicity, socioeconomic status, gender, sexuality or
14 sexual orientation, disability, primary language and geographic location; and

15 B. Social work and behavioral health services, particularly with respect to the equity
16 factors in paragraph A, and the systems that currently provide those services;

17 5. Alternative pathways to licensure and certification, including but not limited to
18 licensure by endorsement, expedited licensing or reciprocity, and multistate licensure
19 through the Social Work Licensure Compact, taking into consideration the impact of any
20 particular step for an alternative pathway on the current licensure and certification process,
21 such as changes to the examination and training requirements; and

22 6. The impact of potential changes to the licensure and certification process on state
23 entities and entities contracted by the State responsible for licensing and certification,
24 including staff resources and administrative and technology requirements.

25 The commission shall also review and identify best practices for licensure of social
26 workers and certification of behavioral health workers adopted in other states and the
27 District of Columbia, including statutory or regulatory requirements or other policies or
28 processes for licensure and certification, and shall develop recommendations for suggested
29 legislation or other changes to the process for licensure of social workers and certification
30 of behavioral health workers in the State.

31 **Sec. 6. Staff assistance. Resolved:** That the Legislative Council shall provide
32 necessary staffing services to the commission, except that Legislative Council staff support
33 is not authorized when the Legislature is in regular or special session.

34 **Sec. 7. Report. Resolved:** That the commission shall submit a report that includes
35 its findings and recommendations, including suggested legislation, to the Joint Standing
36 Committee on Health Coverage, Insurance and Financial Services no later than December
37 3, 2025. The joint standing committee may report out legislation related to the report to the
38 Second Regular Session of the 132nd Legislature.

39 **Sec. 8. Outside funding. Resolved:** That the commission may seek funding
40 contributions to fully fund the costs of the study. All funding is subject to approval by the
41 Legislative Council in accordance with its policies.

42 **Emergency clause.** In view of the emergency cited in the preamble, this legislation
43 takes effect when approved.'

1 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
2 number to read consecutively.

3 **SUMMARY**

4 This amendment is the majority report of the committee and replaces the bill with a
5 resolve. The amendment establishes the Commission to Evaluate the Requirements for
6 Licensing of Social Workers and Certification of Behavioral Health Workers. The
7 commission is directed to conduct a holistic evaluation of the process of social work
8 licensure and certification of behavioral health workers, including the development of
9 alternative pathways to licensure and certification. The commission is required to submit
10 its report to the Joint Standing Committee on Health Coverage, Insurance and Financial
11 Services no later than December 3, 2025.

12 The amendment also adds an emergency preamble and emergency clause to the bill.

13 **FISCAL NOTE REQUIRED**

14 **(See attached)**