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TESTIMONY OF KRISTINA HALVORSEN
REGULATORY BOARD MANAGER, OFFICE OF PROFESSIONAL AND
OCCUPATIONAL REGULATION

In Opposition to the Provisional License Section of L.D. 1494

**“An Act to Help Address the Worker Shortage in Behavioral Health Care Services by
Allowing Provisional Licensure and Providing for Reimbursement for Out-of-state
Licensees”**

Sponsored by Representative Lydia Crafts

BEFORE THE JOINT STANDING COMMITTEE ON

Health Coverage, Insurance and Financial Services

Public Hearing: April 25, 2023, 1:00 PM

Senator Bailey, Representative Perry, and honorable members of the Health Coverage, Insurance and Financial Services Committee, my name is Kristina Halvorsen, and I am a Regulatory Board Manager for the Board of Counseling Professionals Licensure and 8 other allied health boards within the Office of Professional and Occupational Regulation (OPOR). I am here to testify in opposition to the section of this bill creating a new “provisional license.”

It is our understanding that this bill was brought forward due to concerns related to application processing timelines for Licensed Clinical Professional Counselor (LCPC) license applicants. OPOR is deeply committed to processing license applications as quickly and professionally as possible and so we did a deep dive into our data which we shared with a representative of the proponents. Our data reveals the following:

- **For applicants for initial licensure – those who have never held a license in Maine or elsewhere:**
 - the average time for the board to process a **complete** license application and issue that license is 10 days.
 - The average time for the board to process an **incomplete** exam application and issue that exam approval is 33 days. Once the board notifies the applicant that

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their exam application is incomplete, the timing is entirely in the applicant's control.

- **For applicants who hold an out-of-state license, the 130th Legislature enacted a new, expedited process called "licensure by endorsement."** Licensure by endorsement has only been in effect since September 2022 and the LCPC rule was one of the first to be completed. Rules are also in effect for all mental health licensing programs.

Since January 1, 2022, the Board of Counseling Professionals Licensure has issued 266 licenses to out-of-state licensees. (Of the 266 licensees, 39 currently reside in Maine.)

- **Complete** applications were issued within an average of 11 days. The board received 136 complete applications.
- **Incomplete** applications were issued within an average of 49 days. The board received 130 incomplete applications from out-of-state licensees.
 - Applicants were notified within two weeks of receipt of their application that their application was incomplete.
 - The Board has no control over the applicant's time frame for completing their incomplete application.
- **There were 5 incomplete applications that took more than 180 days to process.**
 - All five incomplete applications were submitted online, and each applicant received an instant transaction receipt that listed the missing items.
 - Within 2 weeks of the sending the transaction receipt, each applicant also received a checklist outlining the missing items. Any ongoing delays were due to the applicant not submitting required documentation.

It is possible that some applicants believe they have initiated their license application when in fact they are applying to take the licensing exam. All initial license applicants must first take the national licensing exam (NBCC.) Currently, applicants must first apply to the board for approval to take the exam and then, once approved, take and pass the exam. We are in the process of removing the Board from the exam approval step and instead having the applicant apply directly to NBCC. We hope this will expedite the process and remove any potential confusion that the applicant has started their licensure application.

Our exam application processing data reveals that the average time for the board to process a **complete** exam application and approve that applicant to take the exam is 8 days.

- **The board receives many incomplete exam applications** and has no control over the time it takes for applicants who have submitted incomplete applications to send in the required documentation.

- The board also has no control over the applicants timing between exam approval and passing the exam.

The staff of all OPOR boards are working diligently to implement the many licensing flexibilities enacted by the 130th Legislature, many of which were bills initiated by OPOR, including:

- **Licensure by Endorsement**, Public Law 2021 Chapter 167, a DPFR/OPOR initiated bill creating the fast-track application process for applicants who have a license in good standing from another US jurisdiction that maintains substantially equivalent license requirements.
- **Provisional Licensure**, *Public Law 2021, Chapter 167*, also part of a DPFR/OPOR-initiated bill, which is intended for applicants with licenses from other countries or applicants whose out of state license might not meet the standards for licensure by endorsement. The provisional license will require the licensee to meet certain established conditions and work under supervision in order to gain full licensure. Whether a provisional license is appropriate for a particular license seeker will depend on the license sought, the applicant's qualifications, and the complexity of the licensing program. Research and rulemaking are necessary before provisional licenses can be implemented. OPOR has hired a policy consultant to assist with the board-by-board rulemaking necessary to implement this license type.
- **The Interstate Counseling Compact**, *Public Law 2022, Chapter 547*. The Counseling Compact Commission is currently drafting Commission Rules and expects to begin accepting applications by late 2023 or early 2024. A practitioner who receives compact privileges will be able to provide services into the states that are compact members via telehealth or other means as determined in Commission Rules.
- **Telehealth**, *Public Law 2021, Chapter 29*. This law was based, in part, on a DPFR/OPOR initiated bill and allows the practice of telehealth both in and into the State of Maine by practitioners with a Maine license. Many practitioners have applied for licensure to practice telehealth into Maine from other jurisdictions and many do not reside in Maine.

OPOR is confident it is processing licensing applications quickly and seamlessly but if there are any systemic issues, we welcome the opportunity to work with proponents to address them. The work to establish a new license type, including data configuration, application changes and rulemaking, would divert staff time and attention away from timely license application processing. Given our commitment and the many licensing flexibilities already in statute, we oppose establishing yet another type of provisional licensure for this profession.

Thank you and I would be happy to answer questions now or at the work session.