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Testimony of Speaker Rachel Talbot Ross presenting

**LD 1990, An Act to Improve the Licensing Procedure for Certain
Social Workers by Removing the Examination Requirement**

Before the Joint Standing Committee on Health Coverage, Insurance and Financial Services

Good afternoon Senator Bailey, Representative Perry, and esteemed members of the Joint Standing Committee on Health Coverage, Insurance and Financial Services. My name is Rachel Talbot Ross. I represent House District 118, and I serve as Speaker of the House. I am proud to present before you LD 1990, An Act to Improve the Licensing Procedure for Certain Social Workers by Removing the Examination Requirement. I'll say first that I'm here to present an amendment to the bill. So I'll start with the vision for the bill, and then I'll explain the evolution from bill to amendment.

This bill exists because of the intersection of two phenomena. The first is a crisis in our behavioral health care workforce, of which this committee is well aware. According to the Alliance for Addiction and Mental Health Services, Maine people struggling with mental health issues are currently facing 7-month waitlists for outpatient treatment, and young people being sent out of state for care, all while the agencies that provide these services are being forced to eliminate programming due to workforce shortages. The second phenomenon we see is systemic barriers to entering the healthcare workforce, particularly for low-income Mainers, Mainers of color, and Mainers facing other systemic disadvantages.

These phenomena share common roots and intertwine to create the same story. Long wait times for adequate care. The necessity to travel, at great cost, to reach that care. And inadequate care for those most dear to us: this might mean a caretaker that does not look like us, a caretaker that does not understand us or our needs, or no caretaker at all. We know what this looks like, and we know that it's not going to change unless we fix the problem at its roots.

The goal of LD 1990 is to begin to break down these systemic and discriminatory barriers to entry into the field of one particular, and incredibly important, realm of health care: social work. To that end, LD 1990, in its original form, would have removed the exam that is currently

required for licensure as a licensed social worker (LSW), licensed master social worker (LMSW), and licensed master social worker-conditional (LMSW-CC). These are social workers who work in schools, in policy or organizational roles, or in counseling settings with supervision. It would not have affected licensed clinical social workers (LCSWs), who can practice independently and have the ability to bill commercial insurance companies for their services. As it is now, to be a licensed master social worker or a licensed social worker, Maine law requires passage of the masters-level social work exam. To be a licensed clinical social worker, Maine law requires passage of the clinical-level social worker exam. So again, LD 1990 would have removed the requirement of the masters-level exam for LMSWs, LMSW-CCs, and LSWs, it would not have touched the clinical exam for LCSWs at all.

The removal of the exam from the licensure process was based on a few factors. In August 2022, the Association of Social Work Boards, the national organization which administers the social work exam, released analysis of its data that correlated the pass rates of its exam with demographic factors, including race and age. The results were stark. From 2018, to 2021, the eventual pass rate was 90.7% for white test-takers taking the clinical exam, and 90.8% for white test-takers of the masters' exam. The eventual pass rate for Black test-takers was 57% for the clinical exam, 51.9% for the masters' exam. Those eventual pass rates were somewhere in between those two extremes for other racial groups: for example, Hispanic test-takers eventually passed the clinical exam at a rate of 76.6% and the masters' exam at a rate of 71.2%.

Regarding age, the eventual pass rate was between 85% and 91% for the age ranges 20-29, 30-39, and 40-49 taking the clinical exam, and between 69% and 85% for those in those age ranges taking the masters' exam. For those 50 and above, the eventual pass rate was 64.8% for the clinical, and 61.6% for the masters' exam. For those who primarily speak English, the eventual pass rate was 83.4% for the clinical exam and 80% for the masters' exam, and for all non-English speakers, that pass rate was 70% for the clinical exam and 63.2% for the masters' exam.

These data reflect a profound set of discrepancies. For both the clinical exam and the masters-level exam, older people, those who do not speak English as a first language, and people of color, particularly Black people, results are dramatically and disproportionately worse, which can only serve to limit the representation of these groups in the social worker field in states where the exam is required. I'll also note that the data did not cover disability, and as you'll hear, the exam is significantly more difficult to pass for those who are Deaf and hard-of-hearing and those who have other disabilities. As a response to these trends, over the past few years, a range of states have implemented legislation over the past few years to remove the exam entirely or limit its use, for either the masters-level or the clinical-level exam, including Utah, Connecticut, Illinois, and Rhode Island, among others. Although the state of Maine does not collect data on race and age of social work licensees, you will hear later today from those for whom the exam

has been an active barrier to licensure and who are thus not able to serve their communities in the way that they are trained and qualified to do.

In coming together with stakeholders over the past few months, however, we have found that this may be too significant a step for the moment. Still, it is necessary that we act. In replacing the bill, the amendment would take two major steps towards a more fair and equitable system of licensure.

- First, rather than remove the exam entirely from the licensure process, this bill would impose a moratorium on the use of the exam for the period of September 1, 2024 to September 1, 2027.
- Second, this bill establishes a Commission to Evaluate Requirements for Licensing of Social Workers, to be housed within the Department of Professional and Financial Regulation, to look carefully at the barriers to entry into the field presented by the various steps of licensure, including the exam. The Commission would be required to come back to the Legislature on January 1, 2026 with an interim report, and to present a full report on March 1, 2027, with any recommendations and findings.

I'll explain each of these two steps in more depth. First, the temporary removal of the exam would address the reality in which we find ourselves today, and the harm that we see caused by the exam. In creating a moratorium, we would be able to open the doors to those currently blocked from the field by the imposition of the exam. This has been the path taken by Connecticut, which in 2023 began a moratorium on the requirement of the masters-level exam which will end on January 1, 2026, and is currently in the process of creating a more equitable alternative to the current exam.

In the same pattern, the amendment pairs that moratorium with the Commission to Evaluate Requirements for Licensing of Social Workers, which would be charged with an evaluation of our current licensure process for all levels of social work, including for licensed clinical social workers. The Commission's membership would include social workers, representatives of the social work higher education field, representatives of nonprofit organizations that provide mental health care, and legislators, among other important stakeholders. This group of practitioners and experts would be convened by the Department of Professional and Financial Regulation, and would have the following five goals:

- First, to study the purpose and goals of social work licensure in the state, not to undermine the licensure process, but rather to step back and ensure that the Commission has a complete and refreshed understanding of its importance and its relevance in the State today;
- Second, to examine the steps taken by individuals in order to obtain and retain their license, including both the steps required by law and the steps that are undertaken as a result of the licensure process, although they may not technically be required;

- Third, to understand the efficacy of these steps in meeting the agreed-upon goals of the licensure process, and any barriers to accessing or achieving those steps, including but not limited to cost;
- Fourth, to assess the efficacy of these steps in creating a social work workforce that meets the needs of the state, particularly with respect to geography, race, ethnicity, socio-economic status, gender, sexuality or sexual orientation, disability, and primary language;
- And finally, the Commission would be required to study the alternative pathways to licensure that may follow from the removal of any particular part of the licensure process, including but not limited to examination requirements.

Their findings regarding best practices for licensure of social workers and recommendations for legislative changes would be submitted to the Legislature via an interim report on January 1, 2026 and a full report on March 1, 2027.

In the process of undertaking this study and forming recommendations, this Commission would be able to evaluate the full scope of the licensure process, with a particular focus on the barriers that are currently in place for social work students and those entering the field and with the specific identification of the exam as an object of study. They would be able to compare our system with those in other states and decide what the best path forward for licensure could look like in Maine, a path upon which they can base legislative recommendations. Then, future Legislatures can thoughtfully and fully consider the changes that do or do not need to be made to the licensure process in this state.

This amendment, by creating a moratorium on the exam and a Commission to further create guidelines, gives us the chance to address an urgent problem now while also tackling the issues buried deep in the fabric of our social work workforce development system in a forward-looking, thoughtful way. Its vision is resolute: equity in the licensure process, equity in the development of our workforce, and equity in the social service delivery system in our State. I urge you to support this bill. I'm happy to answer any questions you may have.