

January 25, 2024

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

Good afternoon Senator Bailey, Representative Perry, and honorable members of the Health Coverage, Insurance, and Financial Services Committee. Thank you for the opportunity to provide these comments in support of LD 1990. My name is Chris McLaughlin, and I am humbled to be the Executive Director of the Maine Chapter of the National Association of Social Workers (NASW ME). On behalf of our over 1000 members here in Maine, I'm honored to share thoughts on this important piece of proposed legislation. I also am a licensed clinical social worker with almost 25 years of experience providing and leading behavioral health services across a variety of treatment settings here in Maine. Also of note, I volunteered on the Maine Board of Social Work Licensure for almost 5 years prior to starting my role with NASW ME in 2022. For the last 4 of those years, I served as the Board's Complaint Officer.

I want to personally thank the Speaker for her sponsorship of LD 1990 and her leadership, passion, and commitment to finding solutions to our state's behavioral health crisis, our understaffed and under-resourced behavioral health workforce, and the barriers so many Mainers are experiencing as they try and access behavioral healthcare. The proposed bill before you today is not just about altering a regulatory licensing process; it's about re-envisioning how we validate competence and commitment in the great profession of social work. LD 1990 is directly related to finding solutions for the behavioral health crisis that our state, our nation, is currently in and provides solutions to growing a diverse workforce of trained providers to serve on the front lines of this crisis. This bill is also, though, about equity, inclusion, and representation for many marginalized and oppressed communities across Maine.

Currently, the Association of Social Work Boards (ASWB) is the owner of the only nationally recognized exam for social work licensure. It's important to note that the exam, including fees and prep materials, is ASWB's primary source of revenue which totalled over \$9 million in calendar years 2021 and 2022. In Maine, passage of the ASWB exam is required for licensure at the bachelors, masters, and clinical levels of licensure. The existing evidence indicates that this exam does not accurately measure the competencies required for effective social work. Social work is a profession built on empathy, cultural sensitivity, and the ability to navigate complex human situations. These competencies are poorly assessed through standardized tests. Furthermore, in my role of Complaint Officer for the Board of Social Work Licensure, I participated in the investigation of countless complaints brought forth against licensed Maine social workers. These complaints reflected every variety of ethical violations, breaches of trust, and illegal behavior by social workers at every level of licensure. Each of those social workers also passed the ASWB exam...

In the summer of 2022, ASWB released pass rate data that had been collected over the years between 2011 and 2021. The data was heartbreaking, but not surprising, to so many as it revealed significant disparities in pass rates for Black, Indigenous, and Latinx test takers as well as test takers for whom English is not their primary language. While white test takers had an "eventual pass" rate on the Masters level exam of almost 91%, Black test takers reflected an "eventual pass" rate of 52% , and Latinx and Indigenous test takers had a 71% "eventual pass" rate. In Maine, we saw an eventual pass rate of 97% for white test takers. That rate dropped to 64% for Black test takers. In February of 2023, NASW National issued statement opposing the ASWB exam and calling for additional methods of assessing competence to enter the field of social work. Since that time, a movement of sorts has spread out across the country. Many of my NASW Executive Director colleagues in other states are pursuing similar action to remove the exam requirement. To date, Illinois, Rhode Island, and Utah have successfully removed the exam requirement for social work licensure, and Connecticut has placed a moratorium on the exam through the start of 2027. As I stand before you today, several other states, including Colorado, Delaware, Maryland, Massachusetts, Michigan, Nevada, New

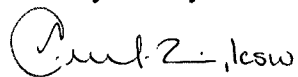
Jersey, New York, North Dakota are all exploring similar legislation to LD 1990. It's important to note that in Illinois and Rhode Island, who both have eliminated the exam requirement the longest, no increase in licensing complaints have been seen. In fact, these states are starting to report growth in their social work workforce with noticeable positive impacts anticipated on some of the healthcare access issues in their state.

Simply put, this exam creates unnecessary barriers for many aspiring social workers. The examination requirement for social work licensure slows down the process of getting qualified professionals where they are most needed. The ASWB exam is particularly burdensome for individuals from marginalized communities, for whom the cost and format of the exam can be prohibitive. This barrier stands in stark contrast to our profession's commitment to social justice and inclusivity. By removing this exam, we can create a pathway for a more diverse range of individuals to enter the profession, enriching our field with a broader range of perspectives and experiences. Removal of the exam solidifies trust in accredited schools of social work to train, evaluate, and graduate professional social workers. Clinical supervision for bachelors level social workers and social workers practicing clinically at the conditional level will continue to be paramount in advancing into the LCSW level of licensed practice. The five schools of social work here in Maine all agree with me: Maine can do better than simply relying on a standardized exam which has not been independently validated to determine who should be able to call themselves a "social worker".

In my role at NASW Maine, I have spoken to numerous colleagues, both here in Maine and those who have sadly left the state to work elsewhere, who excel in their roles as compassionate, effective social workers, yet have struggled with the exam. Many I spoke to have experienced significant financial strain, are faced with the potential loss of their job, and are left with a sense of deep shame around their struggles with the ASWB exam. Today and in the days ahead, you will hear and read many of those stories for yourselves. Their difficulty with a standardized test that lacks validity evidence is not reflective of their professional capabilities. It is time we recognize that use of an unvalidated exam that generates racial impact is not the best way to determine a social worker's qualifications. I have also spoken to many individuals seeking the services of a social worker who want to find someone who represents and best understands their community. These individuals reflect the great diversity of our state whether it be through identification with a particular racial or ethnic group, their neurodiversity, or a disability. These clients deserve to be treated by someone who they can see themselves reflected in. Someone who knows first hand what their identity means. Someone who speaks the same language and honors the same traditions, celebrations, customs, and rituals as they do.

In conclusion, I urge the board to vote Ought to Pass on LD 1990. We must act today to stop the immediate harm being done by this flawed exam while we create an avenue to develop alternative pathways to licensure here in Maine that will take in consideration a more holistic and accurate approach to assess an individual's skills in social work. LD 1990 does just that. The creation of a licensing commission here in Maine to assess the impacts of this legislation and to make recommendations on how we continue to evolve social work licensing for our state is also of critical importance. By advancing LD 1990, we will not only uphold the integrity and standards of our profession but also make a significant step towards a more inclusive and effective behavioral health system of care for ALL Mainers. Please do not hesitate to reach out to NASW ME for any support we can offer, including any social work representation and participation in future work sessions for LD 1990.

Thank you for your time and consideration,



Chris McLaughlin, MSW, LCSW  
Executive Director, Maine Chapter – NASW

**LD 1990: “An Act to Improve the Licensing Procedure for Certain Social Workers by Removing the Examination Requirement” – Sponsored by Speaker Rachel Talbot Ross**

**WHAT THE BILL DOES:**

This legislation will place a moratorium (through 1/1/2027) on the examination requirements for Bachelor’s (BSWs) and Master’s level social workers (MSWs) who have graduated from an accredited school of social work and will support more appropriately trained social workers to come into the field at the LSW, LMSW, and LMSW-CC level of licensure. It maintains the examination requirement for independent licensing at the LCSW level of licensure, generally after two years of supervised work. The bill also calls for the creation of a legislative Social Work Licensing Task for the purpose of further evaluation and review of potential alternative pathways to licensure for the State of Maine. This bill does not impact any of the current supervision or continuing education requirements of these levels of licensure.

**WHY NOW:**

Passage of this bill will allow our state to introduce Bachelor’s and Master’s level social work graduates into the ranks of licensed social workers, while they work toward their independent LCSW level of licensure, to assist in addressing the behavioral health crisis occurring here in Maine.

The Association of Social Work Boards (ASWB) has recently released demographic and historical data on exam pass rates. This data indicates that this test is more of a burden for those who are members of historically marginalized groups like Black, Indigenous, and other People of Color (BIPOC) as well as older test takers and those with English as a second language.

High stakes exams at the entry level of licensure in social work are problematic. We want to ensure that as a state, we are addressing and removing inequitable barriers to entry and promoting workforce development efforts for behavioral health practitioners by reducing unnecessary barriers to licensing. We want to empower accredited schools of social work to train social work students and maintain the graduating workforce of Maine’s social work students by retaining them to stay and work here in our State. Finally, we want to promote the relationships between clinical supervisors and their supervisees as entry-level licensees work towards their ability to practice independently. NASW ME believes that all clients should have the right to be treated by social workers who represent their community.

**KEY FACTS:**

There is a shortage of licensed behavioral health providers across Maine. Removing the examination at the LSW, LMSW, and LMSW-CC level will increase the number of trained social workers available to provide essential services now and will enhance public access to essential mental health services for the people of Maine.

Behavioral health needs across Maine are at an all-time high and demand for clinical services is unprecedented. Maine citizens attempting to access services are being met with significant barriers such as long wait lists and behavioral health organizations without qualified staff to meet the demand.

Accreditation for schools of social work is a rigorous and thorough process with consistent standards in place for curriculum and programming with established competencies that students must meet prior to graduating with BSW and MSW degrees.

Maine would not be the first state to pass such a law. Illinois, Rhode Island, and Utah have already passed legislation removing the examination requirement at entry levels of licensing, and Connecticut has suspended the exam through the start of 2027. Other states are actively pursuing these sorts of measures as well. Some states are beginning to develop “alternative pathways to licensure” standards. These states now anticipate licensure of thousands of additional social workers this coming year, due entirely to passage of the law. California also does not require a test for the first level of licensure.

Removal of the test would be at **only** the LSW, LMSW, and LMSW-CC levels. The LSW and LMSW-CC levels of licensure will continue to practice under the direct supervision of seasoned behavioral health licensees.

#### **MORE INFORMATION:**

For more information, please contact Chris McLaughlin, MSW, LCSW, Executive Director, NASW-ME at [cmclaughlin.naswme@socialworkers.org](mailto:cmclaughlin.naswme@socialworkers.org)