



Janet T. Mills
Governor

STATE OF MAINE
DEPARTMENT OF PROFESSIONAL
AND FINANCIAL REGULATION
**OFFICE OF PROFESSIONAL AND OCCUPATIONAL
REGULATION**
35 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0035

Anne L. Head
Commissioner, DPFR
Director, OPOR

TESTIMONY OF KRISTINA HALVORSEN
OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION

NEITHER FOR NOR AGAINST L.D. # 1990

**AN ACT TO IMPROVE THE LICENSING PROCEDURE FOR CERTAIN SOCIAL
WORKERS BY REMOVING THE EXAMINATION REQUIREMENT**

Sponsored by Speaker Rachel Talbot Ross

**BEFORE THE JOINT STANDING COMMITTEE ON
HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES**

Public Hearing: January 25, 2024, 1:00 PM

Senator Bailey, Representative Perry, and honorable members of the Joint Standing Committee on Health Coverage, Insurance and Financial Services, my name is Kristina Halvorsen, and I am a Regulatory Board Manager for seven licensing boards within the Office of Professional and Occupational Regulation (OPOR) including the Board of Social Worker Licensure (“SW Board”). I am here to speak on behalf of OPOR neither for nor against LD 1990 but strongly opposed to the provision in the amendment that requires OPOR to provide the staffing to support the proposed commission’s work.

Tasking OPOR with the responsibility to staff this commission would stretch the staff beyond their capacity to do their core licensing functions. We know this committee is concerned about licensing delays – and this will divert staff from their license application processing responsibilities. Furthermore, since I would likely be staffing the commission given that I am the board manager for the social work board, I would necessarily have to reduce my attention to the other 6 boards that I oversee – which includes all of OPOR’s behavioral health boards.

OPOR is currently understaffed in the unit supporting the behavioral health boards – despite several unsuccessful efforts to hire additional staff. These boards and staff are challenged to keep pace with their core licensing functions and are being tasked with significant additional work to expand licensing such as the efforts associated with participating in licensing compacts and to process and issue licenses to out-of- state licensees under “licensure by endorsement.” Most recently, this committee tasked the board with significant additional work related to LD 1494 with convened stakeholders. We are truly worried about losing our highly competent, dedicated but overworked existing staff. We simply cannot take on this additional staffing responsibility.

With respect to whether or not to require an exam, the purpose of a professional licensing board is to regulate the *minimum* qualifications to practice the licensed profession. Typically, licensing laws include some combination of requisite education, experience, and examination to ensure that a person is competent to hold a professional license. An examination is often used as one of the tools to assess competence. Once licensed, the board holds the licensee to professional standards, and disciplines individuals who engage in conduct in violation of those standards. Any required licensing and regulating functions of a board must be necessary to protect the public health and welfare.¹

We appreciate that concerns have been raised about the current social work exam and understand that nationally there are efforts to make improvements to the current exam as well as efforts to eliminate it. The Maine Board of Social Worker Licensure is not a policymaking board. If it is the opinion of this Committee and the Legislature that no examination should be required for an individual to initially qualify at any level of social work licensure, then the Board will implement this change. However, it is important to note that the SW Board and its staff do not have the expertise or the resources to either develop a Maine-specific examination or to develop an acceptable and equivalent substitute to measure competency.

OPOR also notes that LD 2140, which will also be heard by this committee this session, would enact the model legislation required for Maine to join the Social Work Interstate Compact (“Compact”). To maintain membership in the Compact, member states must require applicants for a “Multistate License” to pass a “Qualifying National Exam.” If Maine eliminates the national exam requirement for social work licensure, Maine licensees who do not take the national exam would be *ineligible* to participate in the Compact. While Maine may allow applicants who *choose* to take (and pass) the national exam to apply for a Multistate License, that will create a two-tier licensure system in Maine and OPOR will need to configure and implement.

Thank you for your attention and I am happy to answer questions now or at the work session.

¹ See 10 M.R.S. § 8008 (The sole purpose of an occupational and professional regulatory board is to protect the public health and welfare. A board carries out this purpose by ensuring that the public is served by competent and honest practitioners and by establishing minimum standards of proficiency in the regulated professions by examining, licensing, regulating and disciplining practitioners of those regulated professions. Other goals or objectives may not supersede this purpose.)