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STATE OF MAINE
DEPARTMENT OF PROFESSIONAL
& FINANCIAL REGULATION
OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION



Joan F. Cohen
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**TESTIMONY OF
KRISTINA HALVORSEN, BOARD MANAGER**

NEITHER FOR NOR AGAINST L.D. 1298

“An Act Establishing Alternative Pathways to Social Worker Licensure”

Sponsored by Senator Rachel Talbot Ross

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

Public Hearing: April 15, 2025, 1:00 P.M.

Good afternoon, Senator Bailey, Representative Mathieson, and Members of the Committee. 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 the provisions of LD 1298 which remove the requirement to pass a national licensing exam from the social work licensing laws. We are, however, strongly opposed to requiring the board to establish a brand-new jurisprudence exam.

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 SW Board 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 SW Board will implement this change.

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 SW 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 With respect to whether or not to require an exam, it is up to this committee to determine if competency can be assessed without a national exam.

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.)

We, however, oppose substituting the national exam with a Maine specific Jurisprudence exam for several reasons.

1. Neither the SW Board nor its staff have the expertise, resources or time to develop and keep up to date a Maine-specific examination and ensure that it meets the requirements of a defensible exam. Exam development requires significant expertise in content, cultural adaptation, and validation studies. An exam that does not undergo rigorous development runs the risk of duplicating the same bias concerns as raised with the national exam.
2. A jurisprudence exam would not assess practical social work knowledge or clinical decision-making - it would only assess knowledge of Maine law. Licensees already are required to attest that they have knowledge of Maine law. ~~We believe that attestation is sufficient.~~
3. Jurisprudence exams tend to be of minimal rigor and are not a substitute for a national competency exam. Typically, a jurisprudence exam is an open book exam that can be taken over many weeks and applicants have multiple opportunities to pass the exam.

Finally, we wanted to share a few more observations for the committee's consideration.

The bill creates a pathway to licensure for applicants who fail the ASWB national exam by allowing the applicant to instead qualify for licensure by showing evidence of competency in the nine core competencies of social work through an academic internship and by completing additional supervised work experience. (The LMSW is the only license category that wouldn't require supervised work experience if failing the exam.)

The proposed supervised work experience requirement would be in addition to the supervised work experience requirements already in law. The additional supervision requirements means some applicants may need to complete as much as 7 years of supervised work experience prior to licensure. It may be challenging for these applicants to find a supervisor for this extra time as it is expensive and time-consuming to meaningfully supervise. On the other hand, additional supervision creates a pathway to licensure for applicants who otherwise are not successful in passing the ASWB exam.

The bill also requires evidence of competency in the nine (9) core competencies of social work through an academic internship. We are unclear how this competency would be measured. The proposal appears to create a subjective measure and the committee may want to consider the potential for bias in a subjective competency measures. Additionally, we note that *LSW-conditional* licensees who obtained licensure using the alternative educational pathway (meaning that their bachelor's degree was not in social work) would likely not be able to meet this requirement since their undergraduate degree and any internship would likely not have included the nine core competencies which are the hallmark of a social work degree. On the other hand, it creates a pathway to licensure for all other applicants who otherwise are not successful in passing the ASWB exam.

Finally, we note that the 131st legislature passed and enacted 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 that two tiered system in our application processes and database.

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