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Governor

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



Joan F. Cohen
Commissioner

**TESTIMONY OF
PENNY VAILLANCOURT, DEPUTY COMMISSIONER**

IN OPPOSITION TO L.D. 1590

“An Act to Reduce the Counselor and Social Worker Shortage by Amending Reciprocity Requirements for Those Professionals from Other Jurisdictions”

Sponsored by Representative Lydia Crafts

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

Public Hearing: April 30, 2025, 1:00 PM

Good afternoon, Senator Bailey, Representative Mathieson, and Members of the Committee. My name is Penny Vaillancourt, and I am the Deputy Commissioner of DPFR and thank you for the opportunity to provide testimony on behalf of the Office of Professional and Occupational Regulation (“OPOR”) in opposition to LD 1590.

Maine already has a fast-track licensure process for out of state license holders that provides a simplified licensing process while also ensuring out of state applicants have met the licensing criteria established by Maine law. The 130th Legislature passed, and the Governor signed into law a DPFR/OPOR initiated bill (LD 149 P.L. 2021 Ch 167) which enabled OPOR boards and programs to establish a fast-track process to issue a “license by endorsement” to an applicant who has a license in good standing in another US state or territory so long as the other jurisdiction maintains *substantially equivalent* license requirements for the licensed profession or occupation.

Licensure by endorsement significantly simplifies the application process for out-of-state license holders by eliminating the need for the applicant to provide proof that they have met all Maine’s education, training and other requirements for licensure. Instead OPOR staff determine if the state in which the applicant holds a license has substantially equivalent licensing standards to the requirements in Maine law. There is no requirement that the applicant hold a license for any period of time before applying for a license by endorsement in Maine.

Each board determines through rulemaking what constitutes substantially equivalent. Generally substantial equivalence includes any education, supervision and exam requirements in Maine law. So, for example, if the state in which the applicant holds a license does not require a

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national exam, but Maine law does require a national exam, that applicant would not qualify through endorsement and may need to take the state required licensing exam.

By contrast, LD1590 changes the endorsement licensure process by requiring the Counseling and Social Work Boards to grant licensure to an applicant who held a license in good standing for at least two years with a **similar** scope of practice. The applicant will not have to show that they have met any of the other requirements of Maine law including education, exam, supervision etc.

When we were developing licensure by endorsement, one of the overarching principles was to not reduce Maine standards. LD 1590, by contrast, will allow a practitioner to get a license without having met Maine's licensing standards.

If the legislature believes that any of Maine's standards are not necessary, the legislature should eliminate those standards. Allowing out of state applicants to circumvent Maine's requirements while at the same time maintaining those higher standards for Maine applicants creates equity issues for Maine applicants. A two-tier system of evaluation would put Maine applicants at a disadvantage.

Some may argue that the requirement of having a license for 2 years is sufficient protection. We note that just because one has a license for 2 years does not mean that the practitioner was employed and practicing full time, or at all, during those two years.

Additionally, the bill as drafted requires the boards to issue a license to an applicant with a license from another country who has held that license for two years so long as there is a similar scope of practice. OPOR boards and staff do not have the expertise to find and translate other countries' licensing laws. We are very interested in helping to facilitate licensure for individuals from other countries and in an effort to do so we hired a policy expert who about a year ago spent over 40 hours unsuccessfully trying to locate and translate online information for two licensing laws for two African countries online. And that unsuccessful effort was for just two countries.

Additionally, depending on the country and the profession, the education and training requirements for out-of-country license holders can be quite different than those required in Maine. Again, we remind the committee that if it wants to waive requisite standards, it should do so for all applicants and not put Maine applicants at a disadvantage.

Finally, we oppose a statutory requirement mandating content on the department's website. We are working on a website update that will include clearer information for all out of state and out-of-country applicants. But the website contains a lot of important information, and we need to balance the information needs of all applicants and licensees.

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