

2023 SENATE WORKFORCE DEVELOPMENT

SB 2203

2023 SENATE STANDING COMMITTEE MINUTES

Workforce Development Committee Fort Lincoln Room, State Capitol

SB 2203
2/16/2023
9:50 AM

Relating to the licensure of social workers.

9:50 AM **Chairman Wobbema** called the hearing to order. **Senators Wobbema, Axtman, Elkin, Larson, Sickler, Piepkorn** are present.

Discussion Topics:

- Social worker Licensure
- Licensure test validity

9:50 AM **Senator Tim Mathern District 11** introduced the bill in favor #20994.

9:57 AM **Elizabeth Loos, Lobbyist for the North Dakota Chapter of the National Association of Social Workers** in favor #20958.

10:05 AM **Senator Tim Mathern** provided additional information verbally.

10: 08 AM **Heidi Nieuwsma, Licensed Social Worker** in opposition #20968.

Additional written testimony:

Mercedez Rosario in favor #20829.

Jennifer Boeckel, Board Member, North Dakota Board of Social Work Examiners in favor #20912.

10:26 AM **Chairman Wobbema** closed the hearing.

Patricia Lahr, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Workforce Development Committee Fort Lincoln Room, State Capitol

SB 2203
2/16/2023
11:44 AM

Relating to the licensure of social workers.

11:44 AM **Chairman Wobbema** called the meeting to order. **Senators Wobbema, Axtman, Elkin, Larson, Sickler, Piepkorn** are present.

Discussion Topics:

- License test validity

11:59 AM **Senator Sickler** moved **DO NOT PASS**.

11:59 AM **Senator D. Larson** seconded.

11:59 AM Roll Call Vote

Senators	Vote
Senator Michael A. Wobbema	Y
Senator Michelle Axtman	Y
Senator Jay Elkin	Y
Senator Diane Larson	Y
Senator Merrill Piepkorn	Y
Senator Jonathan Sickler	Y

Motion carried 6-0-0

Senator Piepkorn carries.

12:02 AM **Chairman Wobbema** closed the meeting.

Patricia Lahr, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2203: Workforce Development Committee (Sen. Wobbema, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2203 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

TESTIMONY

SB 2203

SB 2203

Senate Workforce Development

Testimony of Mercedes Rosario

February 16, 2023,

Mr. Chairman and Members of the Committee:

Hello, my name is Mercedes Rosario, and I am here to offer testimony in support of SB 2203 which is Relating to the licensure of social workers in North Dakota. Thinking about the licensure exam and how this can make or break a person's career that they have been working for for the past four years, going to classes and getting good grades to get the degree that they have wanted this whole time just to have to turn around and take a big exam that tells them if they can, or they can not practice as a social worker even after all the work that they did in school. After all that work and money spent to get the degree and they fail the exam, it is all over, and they feel that nothing they did was worth it. Not having to take the exam after four years of schooling can be distressing, and a lot of social work students and even individuals that practice social work now know that they do not have to pass a big test after they worked so hard in school to get the degree of social work.

The licensure exam also has many flaws that make it hard for some groups of people to be able to pass the exam. Some people are book smart, and others are testing smart or both. Still, the people it affects the most are people of diverse communities and individuals with a hard time taking a test where they blank out when looking at the trial. They start to guess themselves in the

end second, making them fail the exam. This causes many issues, as the number of people licensed as social workers is decreasing because many people can not pass the test. Let's take the exam out of the requirements to become a licensed social worker. This could bring our numbers up tramentisly, and this will make caseloads smaller, which will benefit the people that the social workers are working with as the social worker will have a smaller caseload, to be able to spend more time with their clients and help them the best they can with the resources that they have.

Senate Workforce Development Committee
Testimony in Support of SB 2203
February 15, 2023

Chairman Wobbema & Members of the Committee,

My name is Jennifer Boeckel, and I am testifying today on behalf of the North Dakota Board of Social Work Examiners. As a representative of the board, I am here today to testify in favor of SB 2203.

The NDBSWE believes that the licensure of social workers is necessary and important for the profession of social work and to protect clients and client systems. However, after the recent data findings released by the Association of Social Work Boards (ASWB) it has been clear that the licensing exam is not a reliable indicator of competence or aptitude. Rather, the examination data has revealed testing bias based on race/ethnicity, gender, and age (see Attachment 1).

After the data was released, the Council of Social Work Education (CSWE; the national accrediting body for social work education) wrote a letter to each state board asking that the current and only licensing exam for social workers be “suspended until a thorough analysis can be completed that can suggest recommendations to correct inequalities.” It was suggested that in place of the current exam state licensing boards consider “students graduating from a CSWE-accredited program as the evidence of being competent.” This could be one approach to solving the national crisis we are facing. Accredited schools go through the rigorous process of demonstrating that they meet the accreditation set by both CSWE and the Council of Higher Education Accreditation (CHEA).

There are other options we have yet to fully consider (i.e. internships, supervision hours, continuing education, state written exams. What we are asking for is the ability to research ideas and options to ensure that we are licensing social workers in a manner that is best for both the profession and the state of North Dakota. Approving this bill does not change state law but rather it gives us the opportunity to bring about change in a timely manner, versus having to wait two years before we can address this work force issue.

The Bureau of Labor Statistics reported that in 2020 there were more than 715,000 social workers in the United States, with an expected growth of 12% by 2030. As it sits currently, the ASWB exam data shows that the exam itself is impeding the creation of a diverse health, behavioral health, and social service workforce. We are one of the fastest growing professions in the United States and a strong workforce is needed to meet this growing need here in North Dakota.

As a result of the national crisis that we find our profession in, the NDBSWE asks that we are given the opportunity to determine the licensing requirements necessary for North Dakota’s social workers. Our concern, if this goes unaddressed, is that we are not going to have enough North Dakota social work licensees to meet the growing demand for social workers.

To address this work force issue, we urge you to support SB 2033.

Thank you for the opportunity to testify today.

ASWB reported cumulative data for years 2011-2021 stating, “Demographic pass rate trends by state/province largely mirrored the trends observed in the association’s 2022 ASWB Exam Pass Rate Analysis. Women tended to have higher pass rates than men, white test-takers tended to have higher pass rates than test-takers from other race/ethnicity groups, and test-takers in lower age categories (e.g., 18–29) tended to have higher pass rates than test-takers from higher age categories (e.g., 50 and older) across many states/provinces”. For North Dakota specifically the data shows similar patterns (see Table 1, 2 & 3).

Table 1. Number of test-takers & first-time pass rates (Bachelors exam) by demographic group 2011-2021

State/Province	# test-takers (overall)		Pass rate (overall)
ND	1,085		79.4%
Demographic	Group	# test-takers	Pass rate
Race/Ethnicity	Asian	7	
	Black	21	47.6%
	Hispanic/Latino	13	69.2%
	Multiracial	18	88.9%
	Native American/Indigenous people	41	56.1%
	White	965	80.9%
Gender	Men	65	84.6%
	Women	1,020	79.1%
Age	18 – 29	815	79.4%
	30 – 39	158	83.5%
	40 – 49	78	78.2%
	50 and older	34	64.7%

Note: To protect the privacy of individual test-takers, results are not shown for groups where the number of test-takes is < 10.

Table 2. Number of test-takers & first-time pass rates (Masters exam) by demographic group 2011 - 2021

State/Province	# test-takers (overall)		Pass rate (overall)
ND	501		87.0%
Demographic	Group	# test-takers	Pass rate
Race/Ethnicity	Asian	6	
	Black	14	57.1%
	Hispanic/Latino	14	64.3%
	Multiracial	12	75.0%
	Native American/Indigenous people	23	69.9%
	White	422	90.0%
Gender	Men	52	80.8%
	Women	449	87.8%
Age	18 – 29	212	87.3%
	30 – 39	171	87.7%
	40 – 49	81	85.2%
	50 and older	37	86.5%

Note: To protect the privacy of individual test-takers, results are not shown for groups where the number of test-takes is < 10.

Table 3. Number of test-takers & first-time pass rates (Clinical exam) by demographic group 2011 - 2021

State/Province	# test-takers (overall)		Pass rate (overall)
ND	216		84.7%
Demographic	Group	# test-takers	Pass rate
Race/Ethnicity	Asian	1	
	Black	1	
	Hispanic/Latino	4	
	Multiracial	3	
	Native American/Indigenous people	6	
	White	199	85.9%
Gender	Men	21	81.0%
	Women	195	85.1%
Age	18 – 29	42	83.3%
	30 – 39	99	90.9%
	40 – 49	48	79.2%
	50 and older	27	74.1%

Note: To protect the privacy of individual test-takers, results are not shown for groups where the number of test-takes is < 10.



Chairman Wobbema and members of the Senate Workforce Development Committee:

My name is Elizabeth Loos and I am representing the North Dakota Chapter of the National Association of Social Workers (NASW-ND). I am here today to voice support for SB2203 – a bill concerning social work licensure testing.

The statewide workforce shortage impacts multiple sectors of our economy and society including a shortage of child welfare, addiction, and mental health professionals. There are currently more than 200 jobs requiring a social work license that are unfilled in North Dakota. Contributing to this shortage of social workers are issues with the licensure process. This bill presents an effective way to address the workforce shortage to better serve the state's families and communities with no cost to the state.

Currently, North Dakota Century Code requires that the North Dakota Board of Social Work Examiners (NDBSWE) measure competency through performance on a national exam. This bill would give the NDBSWE the ability to measure the competence of a licensed social worker in ways other than the exam currently in place. This **does not require** NDBSWE to change its licensure requirements, it merely gives them the option to suspend the test, adopt an alternative to the test, and/or create a waiver to the test. Two states have recently suspended passage of a national test as part of their licensure requirements, while seven other states are currently considering suspending the test or providing alternative pathways to licensure. Removing this barrier to licensure will increase the competitiveness of our social work job openings.

This bill does not automatically remove the precondition that NDBSWE requires applicants to pass a licensing exam, rather it provides the opportunity for NDBSWE to make changes after careful consideration and research. Further, it is important to note that any changes to licensure requirements that the board believes are necessary would have to go through the administrative rule-making process, including public comment.

On behalf of NASW-ND, I urge you to make a DO PASS recommendation on SB 2203.

Respectfully,

Elizabeth Loos
Lobbyist
North Dakota Chapter of the National Association of Social Workers

Senate Workforce Development Committee
Senate Bill 2203
Testimony from Heidi J. Nieuwsma, MSW, LCSW

Hello, my name is Heidi Nieuwsma, I have my master's in social work, and I am licensed clinical social in the state of ND. As a licensed social worker, I have experience in serving the needs of our most vulnerable and some of the most affluent people in our state. I have worked with individuals, groups, communities, and organizations within the state of North Dakota. Included in my experiences is being appointed by the Governor of ND to the North Dakota Board of Social Work Examiners. For six years, I held the position of Chair. During those six years I worked with a wonderful attorney from the States Attorney's office and an active hard-working group of board members. As Chair, I lead the Board through a variety of changes. Some of those changes successfully create legislation in 2017 and 2019. During that session, the board members and I worked with you to reduce complications and make licensure more seamless. The most significant change was that in 2017 you passed a Bill that made an enormous change to the Boards ability to grant licenses to highly qualified applicants. That statute—NDCC § 43-41- 07(1)(b)—allows the Board to grant a license to applicants that have experience and qualifications substantially like North Dakota's regular licensing standards to help with the workforce shortage in ND. In addition, it was our hope that this legislation would assist North Dakota social workers with practice mobility. During the legislative process, the Health and Human Services Committee highly recommended that we gather input from all stakeholders in our state and nation. We took their recommendation serious, and we gathered input from stakeholders within our communities, county, private, and state social service agencies, and national organizations such as the National Association of Social Work Board (NASW) which is the largest membership organization of professional social workers in the world, with 135,000

members in 56 chapters nationwide. NASW works to enhance the professional growth and development of its members, to create and maintain professional standards, and to advance social policies. Also, the Northern American Association of Christian Social Workers (NACSW) and their mission is to equip its members to integrate Christian faith and professional social work practice, and the Association of Social Work Board (ASWB). The ASWB is an organization that provides support and services to the social work regulatory community to advance safe, competent practices to strengthen public protection and administers the national exams that are required by all licensed social workers in the state of North Dakota. Each level of license has an exam and applicants are required by the NDBSWE to pass the exam before a license is approved. I stand before you this morning to provide you additional information as you consider SB2203. I have been off the board for a few years and felt it necessary to gather some information before preparing my testimony. I spoke with Senator Mathern, reviewed meeting minutes from Feb. 2022 through January 2023 from the NDBSWE and the Acute Psychiatric Treatment Committee meetings. In addition, I spoke to several practicing ND licensed social workers and community members that have worked with ND licensed social workers during some difficult and celebratory times in their lives.

1) Licensing Exam Component

Social work is a licensed profession. Social workers who are licensed:

- Have a qualifying degree from an accredited school or program
- Have demonstrated their competence to practice
- Have completed supervised experience, if required
- Have passed a background check or demonstrated moral character
- Can be held accountable if they cause harm through their work

Social work licensing protects the public. Social work clients are often:

- Part of vulnerable populations

- Lacking the opportunity to select the social worker serving them

Social work licensing exams are an objective, uniform measure of competency. The social work licensing exams:

- Are the one objective measure of competence that is part of a larger licensing process
- Provide important element of public protection because they assess whether an applicant for a social work license has the minimum competence to practice safely and ethically
- Offer uniformity across states and jurisdictions
- ND Licensing Exam Rates 10-year data 2011-2021, first time pass rates:

Clinical 84.7 % (N=216)

Masters 87.0% (N=501)

Bachelors 79.4% (N=1-85)

Historical Information: Licensing Exam and Interstate licensure compact discussions at

NDBSWE's and Acute Psychiatric Committee meetings:

NDBSWE Board Meeting August 9th, 2022 – Minutes

Other Business - Kristin Rubbelke, Executive Director ND-NASW Chapter gave an overview of the work of the legislative Acute Psychiatric Treatment Committee regarding the proposed merger of administrative services for occupational boards. Discussion. She explained a licensure compact that is being worked on through the Council of State Governments. A license granted under the compact would allow the licensee to practice in any states that signed on to the compact. Her last item centered around the overturn of Roe v. Wade and the impact on social workers. She also discussed other topics affecting social workers.

NDBSWE Special Board Meeting September 28, 2022

Reciprocity Compact Discussion: Kayla Effertz Kleven gave an overview of the interstate licensure compact that is being proposed by other states. Marnie Walth from Sanford Health talked about this licensure compact from their perspective. She said the hours required in licensure are similar to ND's but slightly less than MN. David Schaibley was unsure of the number of states required for passage - it is usually seven. He also reminded the board that if a compact were to ever go to the ND Supreme Court, it would likely be struck down because no other entity can make laws for ND except the legislature. The board will continue the discussion at the next meeting.

Kayla Effertz Kleven gave an overview of the agenda of the meeting and that the board will have to voice an opinion on the interstate compact. The board decided that Cory

Pedersen will give the testimony because no other board members can be present. In the meantime, Lacey Corneliusen will have a conversation with Chairman Nelson explaining the board's position.

Acute Psychiatric Committee Board Meeting October 4th, 2022

North Dakota Board of Social Work Examiners Mr. Cory Pedersen, Consumer Board Member, North Dakota Board of Social Work Examiners, presented information (Appendix P: Cory P.'s testimony) regarding potential federal legislation providing reciprocity among licensed social workers in participating states and whether the board would support North Dakota's participation. He noted the board has not taken a position on any potential social work licensure compact legislation, but the board supports reasonable efforts to remove undue barriers to licensure.

Committee Discussion: Senator Mathern presented a bill draft [23.0187.01000] relating to the North Dakota Board of Social Work Examiners' participating in the development of a social work licensure compact.

Appendix M: Workforce and Licensure Update ppt created by Jana Pastir, Workforce Deputy Director, Department of Commerce: Slide 5 Titled OLR Subcommittee Goals: Remove unnecessary barriers while preserving the health and safety of North Dakotans and promoting competition.

Appendix P: Testimony from Cory Peterson, NDBSWE. "The Board is regularly reviewing and fine-tuning the process by which we apply this law and others-to increase efficiencies whenever we can. To the extent any potential federal-or state level-legislation related to reciprocity is firmed up, the Board is ready and willing to quickly review it and share insights with you.

NDBSWE's board meeting on November 22nd, 2022

Guest visitor Kristen Rubbelke, Executive Director of the ND Chapter of the NASW presented a proposal explaining that the Council of Social Work Education (CSWE) is asking state boards to reconsider the use of the ASWB standardized test as a requirement for licensure and instead use schooling and supervised hours. The Board noted there will likely be issues with reciprocity issues when this happens. This topic was suggested to be moved to the January meeting.

Kayla Effertz Kleven gave an overview of the agenda of the meeting and that the board will have to voice an opinion on the interstate compact. The board decided that Cory Pedersen will give the testimony because no other board members can be present. In the meantime, Lacey Corneliusen will have a conversation with Chairman Nelson explaining the board's position.

NDBSWE Link's broken

[June 22, 2022](#) - Special Meeting

What ramifications would be removing the exam have on the profession?

- Eliminating the exams has the potential to affect the status of the profession and the mandate of regulatory boards to protect and be accountable to the public. For example, in September 2022, the Clinical Social Workers Association pointed out that clinical social workers “need to substantiate they have sufficient expertise to practice psychotherapy independently. The examination is a primary means of assessing that ability.” Currently ND has 630 active clinical social workers. Clinical social workers serve 60% of our mental health needs in the United States.
- If North Dakota passes a bill which would allow the NDBSWE the ability to eliminate the exam for social workers, who often serve the most vulnerable populations, legislators are essentially telling clients in those groups that the social worker assigned to them is not being held to professional standards like a nurse, doctor, teacher, dentist, or attorney is. As we are aware, many of those professions have workforce shortages as well.
- To guard against harm to the public, accounting, engineering, medicine, nursing, teaching, social work, and other professions use a standardized, objective assessments to determine licensees’ competence.
- Like other professions’ licensing exams, the social work licensing exams ensure that minimum standards are met across states to protect the public from incompetent and unsafe practice.
- This change could place the NDBSWE’s at risk of political influence and pressure.
- One risk might be the decision to remove the exam would put ND at odds with all state reciprocity and endorsement provisions and will keep ND social workers out of the licensing compact.

2) Workforce Component

The answer to combat workforce challenges is not by reducing standards put in place for public protections (standards to enter practice and enforcement standards), but by finding better solutions that do not create unintended consequences. Examples might include- peer support to supplement licensed professionals; student loan forgiveness or repayment programs; increased pay for social work professionals; decreased caseloads to increase job satisfaction; marketing the profession in a way to dispel myths (example of all of the medical professional, technology, ads), etc.

North Dakota already has very broad exemptions that would not be impacted by this legislative change as some helping professionals in these roles do not have to be licensed. Including: child protection workers who no longer require an LBSW and an exemption for non-profit agency employees.

43-41-02. Social work practice - Exceptions.

4. Nothing in this chapter prevents the employment of social work designees by hospitals, basic care facilities, or skilled nursing facilities, provided these individuals work under the direction of a social worker or social work consultant licensed under this chapter and that the board be notified of the name of the designee's employer and the name of the licensee who is providing direction or consultation to the designees.

43-41-02. Social work practice - Exceptions.

3. Nothing in this chapter prevents the employment of, or volunteering by, individuals in nonprofit agencies or community organizations provided these persons do not hold themselves out to the public as being social workers.

3) Final thoughts

After meeting with several people and reviewing documents, I have made the decision to oppose Senate Bill 2203. I do not believe that this bill is in the best interest of the vulnerable people that we serve, that it aligns well with the social work profession, or that it aligns well with the high professional standards expected in our state. I believe that there could be some unintended consequences of supporting this bill and that there are other strategies that can be implemented to increase North Dakota's workforce shortage. I do support license mobility, I support all that the Board has already changed to reduce unnecessary barriers, and I would love nothing more than to increase our number of licensed social worker. I believe that together we can find solutions that do not produce unintended negative outcomes for our clients. In conclusion, I recommend that a broader discussion take place with all stakeholders involved before moving forward and that each of you take the time to ask more questions to help you reach North Dakota's workforce goals. You can look back to the legislation that was created in 2017 and 2019 as a good example of collaboration and successful outcomes.

Respectfully submitted,

Heidi J. Nieuwsma, MSW, LCSW

February 16, 2023

Chairman Wobbema and members of the Senate Workforce Development Committee:

My name is Senator Tim Mathern and I am here today to introduce SB 2203 regarding social work licensure.

I am a licensed masters level social worker and served as a Interim Acute Psychiatric Treatment Committee member. This committee met regularly since the 2021 legislative session. A focus of the committee has been increasing access to behavioral health professionals in North Dakota. We learned of the shortage of professionals. I also learned that the Council of State Governments was working on increasing the number of states with similar social work licensing laws to more easily permit people to practice in adjoining states. In the process, I also learned that the exam we use may have some inherent biases.

These issues led me to introduce this bill to increase our board of social work options.

This bill would make it possible for social workers to get licensed without a test—whether that be through suspension of the test, a waiver of the test, or adopting an alternative to the test.

Many states are exploring alternative options and a couple have already passed laws that no longer require the test for lower-level licensure.

This bill gives more room to our board of social work to set parameters that I think will lead to more persons being licensed and to more options for social workers to come into North Dakota.

Passage has the potential to safely license more social workers in the state—professionals we desperately need.

I encourage you to make a DO PASS recommendation on this bill.

Thank you.

Senator Tim Mathern
Fargo ND