

**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 9<sup>th</sup>, 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 4<sup>th</sup>, 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*

