

Questionnaire B – Scope of Practice

Proposal Summary/ Overview

To be completed by proposal sponsor. (500 Word Count Limit for this page) Please read the entire questionnaire before completing this page.

Name: Jenny Arneson

Organization: NASW-MN

Phone: 612-201-2685

Email Address: jarneson.naswmn@socialworkers.org

Is this proposal regarding:

- *New or increased regulation of an existing profession/occupation? If so, complete Questionnaire A.*
- *Increased scope of practice or **decreased regulation** of an existing profession? If so, complete this form, Questionnaire B.*
- *Any other change to regulation or scope of practice? If so, please contact the Committee Administrator to discuss how to proceed.*

1) State the profession/occupation that is the subject of the proposal.

Social Work

2) Briefly describe the proposed change.

Social workers need to expand and diversify our workforce. We have identified barriers in our licensing process that interfere with this goal. Our proposal expands the eligibility for the existing provisional licensing pathway, creating an alternative pathway.

This infographic describes the proposal below visually.

Social work licensing is described in Chapter 148E in MN statute. Social workers have a robust training and licensing process that includes:

- A degree from an accredited social work program that includes a supervised internship.
- Supervision in the first 4000 hours of practice with additional hours required for clinical social workers.
- Continuing education expectations.
- Accountability with a code of ethics and licensing regulation.

Chapter 148E also requires passing an exam, currently administered by the Association of Social Work Boards (ASWB). Yet, the ASWB licensing exam is not the strongest measure of competency and creates an unnecessary barrier because of its demonstrated bias. Additionally, 148D.061 details an existing alternative provisional licensing pathway.

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In our proposed language:

1. All social work license applicants would *continue* to meet the following preparation requirements:
 - a. Enter an accredited social work bachelor or master's program. Complete 400 internship hours (bachelor's) or 900 internship hours (master's)
 - b. Graduate with a BSW or MSW
 - c. Complete background check
 - d. Complete 100 hours of supervision in the first 4000 hours of practice*
 - e. Maintain 40 hours of continuing education every 2 years

*Applicants for clinical licenses need to complete 200 hours of supervision in their first 4000-8000 hours of practice, and demonstrate 360 clinical clock hours.

2. Provisional license eligibility would *no longer* be limited to those born in a different country or speaking English as a second language. It would *no longer be required* to fail the Association of Social Work Board Exam before applying for a provisional license.
3. Social work graduates will choose the licensure pathway that best fits their career needs:
 - a. Complete steps a-c in #1, and pass the ASWB licensing exam, then complete steps d-e; OR
 - b. Complete steps a-c in #1 and complete an additional 37.5 hours of supervised practice in the first 2000 hours of practice (with at least 3 hours for every 160 hours of practice), then complete steps d-e.

3) If the scope of practice of the profession/occupation has previously been changed, when was the most recent change? Describe the change and provide the bill number if available.

In 2022, supervision requirements were adjusted to allow 100% on-line (with eye to eye contact). SF3543/HF2743

4) If the proposal has been introduced, provide the bill number and names of House and Senate sponsors. If the proposal has not been introduced, indicate whether legislative sponsors have been identified. If the bill has been proposed in previous sessions, please list previous bill numbers and years of introduction.

Not introduced or previously proposed. Sen Zaynab Mohamed and Rep Jessica Hanson will sponsor the bill.

5) Given the press of business in the 2023 legislative session it is unlikely that health licensing and scope of practice bills will be taken up this year. If there is an urgent need for the bill to be heard this year, please explain the urgency.

N/A

Questionnaire B: Change in scope of practice or reduced regulation of a health-related profession (adapted from Mn Stat 214.002 subd 2 and MDH Scope of Practice Tools)

This questionnaire is intended to help legislative committees decide which proposals for change in scope of practice or reduced regulation of health professions should receive a hearing and advance through the legislative process. It is also intended to alert the public to these proposals and to narrow the issues for hearing.

This form must be completed by the sponsor of the legislative proposal. The completed form will be posted on the committee's public web page. At any time before the bill is heard in committee, opponents may respond in writing with concerns, questions, or opposition to the information stated and these documents will also be posted. The Chair may request that the sponsor respond in writing to any concerns raised before a hearing will be scheduled.

A response is not required for questions that do not pertain to the profession/occupation (indicate "not applicable"). Please be concise. Refer to supporting evidence and provide citation to the source of the information where appropriate.

While it is often impossible to reach complete agreement with all interested parties, sponsors are advised to try to understand and to address the concerns of any opponents before submitting the form.

1) Who does the proposal impact?

- a. Define the occupations, practices, or practitioners who are the subject of this proposal.

Social work regulation is defined in [Chapter 148E](#) and [Chapter 148D](#).

- b. List any associations or other groups representing the occupation seeking regulation and the approximate number of members of each in Minnesota

The National Association of Social Workers, MN Chapter (NASW-MN) is joined by other professional social work organizations to sponsor the proposal. Together, they form the Coalition of Licensed Social Workers, representing approximately 3000 professional social workers. It includes:

- [National Association of Social Workers, MN Chapter](#)
- [MN School Social Workers Association](#)
- [MN Society for Clinical Social Workers](#)
- [MN Hmong Social Workers' Coalition](#)
- [MN Association of Black Social Workers](#)
- [MN Nursing Home Social Workers Association](#)

- c. Describe the work settings, and conditions for practitioners of the occupation, including any special geographic areas or populations frequently served.

Social workers do both direct practice (clinical and non-clinical) in settings such as schools, hospitals, nursing homes, counties, non-profits, mental health clinics, and private practice, and macro practice including policy, leadership, fund development, and community organizing.

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- d. Describe the work duties or functions typically performed by members of this occupational group and whether they are the same or similar to those performed by any other occupational groups.

Social work services are defined in Minnesota Statutes section 148E.010, subdivision 6 or 11. Read [here](#) for the Social Work Practice Act which defines activities and limits practice. Read [here](#) for clinical social work practice.

- e. Discuss the fiscal impact.

This will impact the MN Board of Social Work which does not receive general funds and supports their work entirely with fees generated by licensed social workers.

Yet, states passing similar legislation have experienced an increase in social work license applications. On one hand, this will likely increase the fiscal need of the state agency of the Board of Social Work to meet the increased demand. On the other hand, more demand for licenses will increase the revenue for the Board of Social Work. Furthermore, agency costs are passed down to licensees through fees. The Board of Social Work raised fees in 2023, citing increased fiscal need.

2) Specialized training, education, or experience (“preparation”) required to engage in the occupation

- a. What preparation is required to engage in the occupation? How have current practitioners acquired that preparation?

*Described in Chapter [148E.](#) and [148D.061.](#)

1. Enter an accredited social work bachelor or master’s program. Complete 400 internship hours (bachelor’s) or 900 internship hours (master’s)
2. Graduate with a BSW or MSW
3. Complete background check
4. Pass the Association of Social Work Board Exam (bachelor’s, master’s, advanced generalist, or clinical)
5. Complete 100 hours of supervision in the first 4000 hours of practice*
6. Maintain 40 hours of continuing education every 2 years

*Applicants for clinical licenses need to complete 200 hours of supervision in their first 4000-8000 hours of practice, and demonstrate 360 clinical clock hours.

OR

1. After meeting steps 1-3 and **failing** the exam described in step 4, **AND IF the applicant** is born in a different country and speaks English as a second language, applicants may pursue a *provisional license* that includes:
 - a. Prior approval and completion of a plan that includes 37.5 hours of supervision for the first 2,000 hours of practice with at least 3 hours of supervision for every 160 hours of practice. Must be completed within 3 years.
 - b. Reviewal by the Board of Social Work for a permanent license. If granted, applicants will begin on step 5 above.
- b. Would the proposed scope change or reduction in regulation change the way practitioners become prepared? If so, why and how? Include any change in the cost of entry to the occupation. Who would bear the increase or benefit from reduction in cost of entry? Are current practitioners required to provide evidence of preparation or pass an examination? How, if at all, would this

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change under the proposal?

Yes, our proposal expands the eligibility for the existing provisional licensing pathway. [This infographic](#) describes the proposal below visually.

Social workers have a robust training and licensing process that includes:

- A degree from an accredited social work program that includes a supervised internship.
- Supervision in the first 4000 hours of practice with additional hours required for clinical social workers.
- Continuing education expectations.
- Accountability with a code of ethics and licensing regulation.

Chapter 148E also requires passing an exam, currently administered by the Association of Social Work Boards (ASWB). Yet, the ASWB licensing exam is not the strongest measure of competency and creates an unnecessary barrier because of its demonstrated bias. Additionally, [148D.061](#) details an existing alternative provisional licensing pathway.

In our proposed language:

All social work license applicants would *continue* to meet the following preparation requirements:

- a. Enter an accredited social work bachelor or master's program. Complete 400 internship hours (bachelor's) or 900 internship hours (master's)
- b. Graduate with a BSW or MSW
- c. Complete background check
- d. Complete 100 hours of supervision in the first 4000 hours of practice*
- e. Maintain 40 hours of continuing education every 2 years

*Applicants for clinical licenses need to complete 200 hours of supervision in their first 4000-8000 hours of practice, and demonstrate 360 clinical clock hours.

Provisional license eligibility would *no longer* be limited to those born in a different country or speaking English as a second language. It would *no longer be required* to fail the Association of Social Work Board Exam before applying for a provisional license.

Social work graduates will choose the licensure pathway that best fits their career needs:

1. Complete steps a-c above, and pass the ASWB licensing exam, then complete steps d-e; OR
2. Complete steps a-c above and complete an additional 37.5 hours of supervised practice in the first 2000 hours of practice (with at least 3 hours for every 160 hours of practice), then complete steps d-e.

The Association of Social Work Boards (ASWB), not the state government, collects social work exam fees from individual social work license applicants. ASWB exam fees range from \$230-\$260. Applicants who fail the exam will pay this fee multiple times.

The loss of fees will be to the Association of Social Work Boards (ASWB), not the state of MN nor the MN Board of Social Work.

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- c. Is there an existing model of this change being implemented in another state? Please list state, originating bill and year of passage?

There is extensive discussion across the nation about the role of the ASWB exam in measuring social work competency. This mirrors discussions in other professions.

In May, 2023, the MN Legislature passed language allowing an alternative pathway to a teaching license. In lieu of an exam, a portfolio is now accepted. Additional protections, like free test retakes, were added. See 122A.185 subd.1, amended by [Chapter 55, Article 5, Section 39](#).

Utah [HB250](#), passed in 2023, eliminates exam requirements for generalists and advanced generalist social workers regardless if they are under clinical supervision (equivalent to MN LSW, LGSW, LISW). It maintains exam requirements for clinical social workers.

In 2022, Rhode Island suspended exam requirements for clinical social workers under supervision (equivalent to MN LGSW) until at least 2025. Rhode Island does not regulate generalist or advanced generalist practice (equivalent to MN LSW and LISW). This is documented in [RI Title 216, Chapter 40, Subchapter 05, Part 7](#).

In [SB1632](#) passed in 2022, Illinois eliminated exam requirements for generalists and advanced generalist social workers regardless if they are under clinical supervision (equivalent to MN LSW, LGSW, LISW). IL also passed an alternative for Licensed Clinical Social Workers (equivalent to MN LICSW) which took effect January 1, 2024. [This language](#) is similar to our provisional licensing pathway.

Michigan recently introduced [HB5184](#) and [HB5185](#) to eliminate exam requirements for all licensed social workers.

3) Supervision of practitioners

- a. How are practitioners of the occupation currently supervised, including any supervision within a regulated institution or by a regulated health professional? How would the proposal change the provision of supervision?

This proposal does not change supervision requirements.

Social workers complete 400 internship hours (bachelor's) or 900 internship hours (master's) while acquiring their degree, and then must complete 100 hours of supervision in the first 4000 hours of practice or for those pursuing a clinical license, 200 hours of supervision in the first 4000-8000 hours of practice.

The provisional license pathway currently requires an additional 37.5 hours of supervision for the first 2,000 hours of practice with at least 3 hours of supervision for every 160 hours of practice. It must be completed within 3 years.

- b. If regulatory entity currently has authority over the occupation, what is the scope of authority of the entity? (For example, does it have authority to develop rules, determine standards for education and training, assess practitioners' competence levels?) How does the proposal change the duties or scope of authority of the regulatory entity? Has the proposal been discussed with the current regulatory authority? If so, please list participants and date.

The Board of Social Work licenses and regulates social workers. Social practice and board authority

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is governed by statute located in Chapter 148E.

This proposal does not change the regulatory authority or scope of the Board of Social Work.

Since the August, 2022, when the Association of the Social Work Boards released the results that demonstrated disparate passage results ([ASWB Exam Pass Results, 2022](#)), NASW-MN and the MN Board of Social Work (BOSW) have engaged on this topic numerous times:

- NASW-MN representatives have provided testimony at nearly every public board meeting.
- NASW-MN is an active participant in the legislative and rules committee which convenes monthly for the purpose of reviewing policy.
- NASW-MN is an active participant in the advisory committee which convenes bi-monthly.
- NASW-MN and BOSW staff meet individually.

- c. Do provisions exist to ensure that practitioners maintain competency? Under the proposal, how would competency be ensured?

This proposal does not change requirements to maintain competency. Licensed social workers are required to demonstrate 40 hours of continuing education every 2 years.

4) Level of regulation (See Mn Stat 214.001, subd. 2, declaring that “no regulations shall be imposed upon any occupation unless required for the safety and wellbeing of the citizens of the state.” The harm must be “recognizable, and not remote.” Ibid.)

- a. Describe how the safety and wellbeing of Minnesotans can be protected under the expanded scope or reduction in regulation.

The Board of Social Work regulates social work practice and will continue to do so regardless of the outcome of our proposal.

When barriers exist to obtaining licensure, it leaves professionals outside the scope of Board of Social Work regulation. Expanding the provisional licensing eligibility will allow more people to enter the field while still maintaining expectations for multiple measures of competencies including a degree from an accredited program, a criminal background check, supervised practice, and continuing education.

We believe this will lead to more protection for the public.

- b. Can existing civil or criminal laws or procedures be used to prevent or remedy any harm to the public?

As stated above, the Board of Social Work is authorized to regulate social work practice. This includes taking disciplinary action against individuals following unethical practice.

5) Implications for Health Care Access, Cost, Quality, and Transformation

- a. Describe how the proposal will affect the availability, accessibility, cost, delivery, and quality of health care, including the impact on unmet health care needs and underserved populations. How does the proposal contribute to meeting these needs?

There is a well documented workforce shortage in Minnesota among many common social work

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professional settings including hospitals, nursing homes, schools, non-profits, counties, and many other settings. Additionally, though clinical social workers are the largest group of mental health providers in the state, the demand for services is outpacing the supply.

Compounding this shortage is the lack of diversity among professionals which impacts the options for care among underserved populations.

In August 2022, ASWB [released exam rate passage data](#) that demonstrated different results by race. People identifying as white consistently passed all exams at much higher rates than those identifying differently.

We assert that this exam is an unnecessary barrier to entering the social work profession and is limiting public access. MN *already* has a limited pathway available that does not require passing an exam, and multiple measures of competency currently exist in the licensing process.

- b. Describe the expected impact of the proposal on the supply of practitioners and on the cost of services or goods provided by the occupation. If possible, include the geographic availability of proposed providers/services. Cite any sources used.

Utah passed legislation in May, 2023, to eliminate the exam requirement for non-clinical exams. In the first month, they saw an increase of 488 master level applications with 75% of those previously failing an exam, and 179 bachelor level applications with 70% previously failing an exam. Between May and August, they saw a total of 923 applications compared to 280 the previous year. (Labor data provided to NASW-UT by Utah Divisions of Occupations and Professional Licensing)

While we can not predict the exact impact on the workforce in MN, NASW-MN has ample anecdotal evidence of unlicensed providers seeking to enter the field and limited only by the exam.

- c. Does the proposal change how and by whom the services are compensated? What costs and what savings would accrue to patients, insurers, providers, and employers?

This will not likely impact patient or insurance costs.

The most positive financial impact will be to individual social workers. In 2023, social workers applying for a license that include exam fees will pay between \$468.75 and \$703.25 *after* higher education costs that include an unpaid internship.

Eliminating exam requirements will reduce costs by \$230-\$260 for individuals, perhaps more if they fail the exam and must pay the fee multiple times.

Employers will likely benefit by having access to a more robust and properly licensed workforce.

- d. Describe any impact of the proposal on an evolving health care delivery and payment system (eg collaborative practice, innovations in technology, ensuring cultural competency, value based payments)?

N/A

- e. What is the expected regulatory cost or savings to state government? How are these amounts accounted for under the proposal? Is there an up-to-date fiscal note for the proposal?

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As stated above, the Association of Social Work Boards (ASWB), not the state government, collects licensing fees. The cost is passed onto individual social workers. Eliminating exam requirements will impact the bottom line for ASWB, not the state of MN nor the MN Board of Social Work.

As noted above, states passing similar legislation have experienced an increase in social work license applications. The Board of Social Work does not receive general funds and is supported by their licensing fees paid by MN social workers.

There is no fiscal note.

6) Evaluation/Reports

Describe any plans to evaluate and report on the impact of the proposal if it becomes law, including focus and timeline. List the evaluating agency and frequency of reviews.

NASW-MN will monitor license application and workforce data, but will rely on state agencies including DEED and the Board of Social Work for data collection.

7) Support for and opposition to the proposal

- a. What organizations are sponsoring the proposal? How many members do these organizations represent in Minnesota?

The National Association of Social Workers, MN Chapter (NASW-MN) is joined by other professional social work organizations to sponsor the proposal. Together, they form the Coalition of Licensed Social Workers, representing approximately 3000 professional social workers. It includes:

- [National Association of Social Workers, MN Chapter](#)
- [MN School Social Workers Association](#)
- [MN Society for Clinical Social Workers](#)
- [MN Hmong Social Workers' Coalition](#)
- [MN Association of Black Social Workers](#)
- [MN Nursing Home Social Workers Association](#)

- b. List organizations, including professional, regulatory boards, consumer advocacy groups, and others, who support the proposal.

See the list above.

The Board of Social Work also advocates for license reform. We initially had very different positions but after discussion and compromise, our positions are quite similar. The primary difference is that the Board of Social Work proposes increasing supervision requirements while NASW-MN and the Coalition of Licensed Social Workers prefer to look at the role of supervision in licensing more deeply across all licensing categories before proposing legislation.

- c. List any organizations, including professional, regulatory boards, consumer advocacy groups, and others, who have indicated concerns/opposition to the proposal or who are likely to have concerns/opposition. Explain the concerns/opposition of each, as the sponsor understands it.

In other states passing licensure reform, the Association of Social Work Boards (ASWB) opposed efforts to remove exam requirements. They have indicated plans to revise the exam, but have not

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provided a timeline.

- d. What actions has the sponsor taken to minimize or resolve disagreement with those opposing or likely to oppose the proposal?

While we appreciate ASWB's plan to address the bias in their exams, we believe the matter requires greater urgency than their timeline for exam revisions. Furthermore, while ASWB has laid out a reform process, we believe attempting to assess social work competencies in a multiple choice exam is fundamentally flawed and not aligned with the standards assigned by the Council on Social Work Education, the body responsible for accrediting social work programs. It is also worth noting that while ASWB is a non-profit, 70% of their income is generated by exam fees ([ASWB Annual Report, 2021](#)).