

Senate Executive Departments and Administration Committee

Kevin Condict 271-7875

SB 318-FN, relative to adoption of the social work licensure compact.

Hearing Date: January 17, 2024

Time Opened: 10:53 a.m.

Time Closed: 11:30 a.m.

Members of the Committee Present: Senators Pearl, Carson, Gendreau, Perkins Kwoka and Altschiller

Members of the Committee Absent : None

Bill Analysis: This bill codifies the social work licensure compact.

Sponsors:

Sen. Pearl
Sen. Gannon
Sen. Soucy
Sen. Fenton

Sen. Watters
Sen. D'Allesandro
Sen. Abbas
Sen. Chandley

Sen. Rosenwald
Sen. Perkins Kwoka
Sen. Ricciardi

Who supports the bill: In total, **274** individuals signed in in support of SB 318-FN. The full sign in sheets are available upon request to the Legislative Aide, Kevin Condict (kevin.condict@leg.state.nh.us).

Who opposes the bill: In total, **2** individuals signed in as opposed to SB 318-FN. The full sign in sheets are available upon request to the Legislative Aide, Kevin Condict (kevin.condict@leg.state.nh.us).

Who is neutral on the bill: In total, **1** individual signed in as neutral on SB 318-FN. The full sign in sheets are available upon request to the Legislative Aide, Kevin Condict (kevin.condict@leg.state.nh.us).

Summary of testimony presented:

Senator Howard Pearl, Senate District 17

- Senator Pearl introduced Senate Bill 318-FN.

- Sen. Pearl said that he has introduced two compact bills due to the workforce shortage that New Hampshire is currently experiencing. He said that he believes the compacts will create portability with licenses that will allow workers to come into the state and help in vital areas.
- Sen. Pearl stated that this bill deals with social workers, which New Hampshire has a shortage of.
- Sen. Pearl asked the committee to call up Dir. Lindsey Courtney of the OPLC to explain how the compacts work.
- Sen. Pearl noted that with compacts, the state must accept the language as is to participate in the compact. He explained that the ability to make amendments to the compact bills is negligible.

Lindsey Courtney, Executive Director of the NH Office of Professional Licensure and Certification

- Dir. Courtney stated that the OPLC fully supports the bill. She said that she worked with the Council of State Governments to draft the bill.
- Dir. Courtney explained that there are two compact models. The first model allows the home state to issue a license and allows licensees to work in any compact state. She said that the first model is used in New Hampshire for nursing licensing, and it has helped increase the workforce within that field. The second is a privilege to practice model. She said the second model is used by many of the compacts. An individual is issued a compact license and then must be issued a privilege to practice within each state that they wish to practice.
- She stated that both models serve the same goal: to allow someone to obtain licensure or authorization to practice quickly so they may work in other compact states.
- Dir. Courtney stated that the bill uses the first model. She said that they decided on the model to increase portability and reduce administrative costs on the licensee.
- Dir. Courtney said that the language of the bill is standard in all other compact legislation.
- Dir. Courtney pointed to Section 3, which sets forth the requirements for the state to participate in the compact, and Section 4, which sets forth the requirements for the licensee to participate in the compact.
- Dir. Courtney stated that if New Hampshire were to adopt the legislation, the state would be eligible to participate in the compact.
- She said that the social work compact is different from other compacts. She explained there are three categories of licensure that are proposed.
- Dir. Courtney noted that even if the state were to adopt the compact, there is always a single state licensure opportunity. She said there are always two

pathways to licensure: one is through the compact and the other is a single state license. The single state licensure allows the boards to continue to set standards and make rules of their own.

- Dir. Courtney said that the OPLC has received many questions regarding universal recognition of licensure, the reciprocity bill introduced last year, and why New Hampshire should adopt the compact. She said that last year's HB 594 made strides in allowing for portability, but it did not allow for the sharing of information between states as it relates to discipline. She said that the compact promotes public protection.
- Dir. Courtney explained that if an individual is under investigation, the state can notify other compact states.
- Sen. Altschiller asked for clarification that if there is a pending investigation, information is shared between compact states.
 - o Dir. Courtney said yes, the compact requires states to share information regarding pending investigations.
- Sen. Altschiller noted that there are multiple pathways for someone who is pursuing a social worker's license. She asked for clarification that the single state license does not automatically grant a compact license.
 - o Dir. Courtney said that is correct. She said that to receive a compact license in New Hampshire, the individual must be domiciled in the state. She said that an out of state worker would have to apply for a single state license in New Hampshire. She said that an individual notes if they are applying for a compact or single state license on their application.
- Sen. Altschiller pointed to Section 5 on page 4. She asked what the advantage is regarding two pathways to licensure. She asked why not enter everyone into the compact.
 - o Dir. Courtney said that the compact is a compromise between states. She said that there are states with lower and higher bars for licensure. She said that some states want to retain their additional requirements. She explained that Massachusetts is not a compact friendly state, and that people who live there would not be eligible for a New Hampshire compact license. She said the state would need another licensure option for those people if they chose to work in New Hampshire.
- Sen. Altschiller asked if, in joining the compact, other members of the compact have lower standards than New Hampshire in achieving a social worker's license.
 - o Dir. Courtney said no, all states are agreeing to the same requirements in the compact. She said that the New Hampshire Board of Mental Health Practice supports adoption of the compact. She clarified that some states like to retain the authority for other pathways to licensure. She said that they may grandfather in certain social workers. She said that Wisconsin is a prime example: there was no license requirement and they allowed people who had worked for decades in the field to be grandfathered in.

She explained that those grandfathered in do not qualify under the compact.

- Sen. Carson brought attention to page 15, line 33 which concerns the data system. She noted that New Hampshire has a constitutional amendment speaking to privacy. She asked if there is a conflict between the data gathering and sharing provisions in the compact and the state's constitutional amendment.
 - o Dir. Courtney said that it can be clarified, but changes cannot be made because it would make the state ineligible for the compact. She said instead of using a social security number to tie people together, they would be assigned a random number. She said that the identifying information is typically publicly available already but does include licensure and non-public information as well. She explained that by using the identifying number, all licensure history is available.
- Sen. Carson said that the information is going into a national database. She noted that line 24 on page 16 allows a state to designate information that may not be shared with the public without express permission of the state. She asked if the OPLC would make a stand and tell other compact states that they will not share certain information.
 - o Dir. Courtney said that the OPLC will certainly conduct an analysis on what information is publicly available and if it is not, they will designate it as non-public.
- Sen. Carson asked about significant investigation information. She asked how to ensure the protection of the information of everyone involved, especially the person filing a complaint.
 - o Dir. Courtney said that much of that will be fleshed out in the Compact Mission Rules. She said that practically they do not input data regarding the complaint into the system, but instead just raise a red flag. She said that in New Hampshire they only have authorization to share the information with other regulatory bodies.
- Sen. Pearl asked if that is a standard operating procedure for almost all interstate licensure compacts.
 - o Dir. Courtney said that it is.

Melissa Willette, Department of Defense

- Ms. Willette said that states have turned to interstate compacts address licensure portability issues for military family members.
- Ms. Willette stated that taking care of military families remains the top priority for the Department of Defense (DOD). She said that military families provide a strong foundation for the military. She said that to further expand employment

opportunities for military spouses, the DOD has been directed to accelerate the passage of interstate licensure compacts.

- Ms. Willette said that interstate licensure compacts provide support for military spouses when relocating active-duty personnel. She said that frequent moves and burdensome licensure requirements limit employment options for military spouses.
- Ms. Willette stated that removing barriers, creating licensure reciprocity, and facilitating placement opportunities can help a military family's financial stability, speed up the assimilation of the family into its new location and create a new employee pool for a state.

Lynn Currier Stanley, Executive Director of the National Association of Social Workers New Hampshire (NASWNH) Chapter

- Ms. Stanley said that the DOD brings forth the grants to write the model legislation because military spouses are some of the most underemployed people in the workforce.
- Ms. Stanley said that she is happy that SB 318-FN is a multistate compact as opposed to a person privilege model. She said this means that there is no additional cost for the social worker for all the states they work in.
- Ms. Stanley stated that the NASWNH strongly supports the bill because it benefits the social worker, local state agencies, and military families. She stated that the bill helps social workers because there are many licensed social workers whose clients go to different states during different parts of the year. She said that it can be expensive to be licensed in multiple states and to renew licensure every two years. She said that the different requirements in various states can be hard to keep track of.
- Ms. Stanley stated that with this legislation, social workers who move to New Hampshire would be able to enjoy a grace period where they could work as opposed to waiting a couple of months in which they either cannot work, or the agency they are employed with cannot be paid. She explained that the agency cannot be paid through insurance if the social worker is not licensed in New Hampshire.
- Ms. Stanley said that, most importantly, the bill would help with client care and continuity of care. She said that when patients move to New Hampshire, their care provider is currently unable to practice in the state.
- Ms. Stanley said that there are currently 22 states who have introduced legislation to join the social worker compact.
- She said that New Hampshire is already a part of the psychology compact and the mental counselor compact.

Holly Stevens, Director of Public Policy for NAMI NH

- Ms. Stevens said that NAMI NH supports SB 318-FN because of the workforce shortage.
- Ms. Stevens said that 1 in 5 adults and 1 in 6 youths experience a mental illness each year in New Hampshire. She said that 17% of those people were unable to receive therapy services. She said that 41% of that group did not receive services due to cost.
- Ms. Stevens said that people in New Hampshire are more likely to have to go out of network for their mental health care. She said that none of the service providers are accepting new patients. She said that many providers are not taking on patients with insurance because there are many people willing to pay in cash.
- She said that SB 318-FN would reduce the workforce shortage by giving social workers from other states easier access to employment in New Hampshire.
- Sen. Altschiller asked about online telehealth and its temporary allowance during the pandemic. She asked if the bill would allow that to resume.
 - o Ms. Stevens said that she believes it would but that she is not the best person to answer that question.

Warren Perry, Deputy Adjutant General of the Department of Military Affairs and Veteran Services

- Mr. Perry said that the Department of Military Affairs and Veteran Services supports SB 318-FN.
- Mr. Perry said that increasing the portability of licensure positively impacts military members and their families. He said that it also positively impacts those in the state that need care by providing more workforce and a greater capacity to meet social work needs.

Lindsey Courtney, Executive Director of the NH Office of Professional Licensure and Certification

- Sen. Altschiller asked about page 9, lines 16-17. She asked about the sharing of investigation information between compact states.
 - o Dir. Courtney said that there is one home state license which punches the ticket to work anywhere else. She said that the home state has jurisdiction over the entire process. She said that if that license were to be revoked, all privileges to work in another state go away immediately. She

said that other states have jurisdiction to say to someone that they cannot work there.

- Dir. Courtney said that each state has different views on what constitutes misconduct.

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Date Hearing Report completed: January 23, 2024