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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

May 10, 2001

COMMITTEES

PROFESSIONAL LICENSURE,
MAJORITY CHAIRMAN
LIQUOR CONTROL
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COCHAIRMAN EMERITUS

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REGULATORY
REVIEW COMMISSION

John R. McGinley, Jr., Chairman
Independent Regulatory Review Commission
14th Floor, Harristown 2
333 Market Street
Harrisburg, PA 17101

Dear Chairman McGinley:

I am writing to inform you that the House Professional Licensure Committee held a meeting on May 8, 2001, and voted to approve Regulation 16A-458, State Board of Cosmetology.

In addition, the Committee voted to take no formal action on Regulation 16A-694, State Board of Social Workers, Marriage and Family Therapists, and Professional Counselors, until final form regulations are promulgated. However, the Committee submits the following comments:

- (1) Relevant to proposed Sec. 48.1, the Committee recommends that the definition of "Field closely related to the practice of marriage and family therapy" be less restrictive. The Committee notes and agrees with comments forwarded by the Pennsylvania Alliance of Counseling Professionals (PACP) that recognizing only the six listed degrees will have the effect of excluding qualified and experienced individuals from licensure who are otherwise qualified in all respects. The Committee recommends that the Board adopt the language proposed by the PACP with respect to the specifically listed fields. Should the Board determine that the proposed "or any other field" language be too broad, the Committee suggests that "any other behavioral science field" might be appropriate.
- (2) Relevant to proposed Sec. 48.13(b)(2), the Committee questions why clinical supervision of a MFT must be provided by a supervisor as defined in Sec. 47.1, when that definition pertains to CSW supervisors. The Committee further notes that apparently all MFT supervisors must be licensed, as defined in Sec. 48.1 and 48.3. The Committee agrees with comments of the PACP that a transition period be allowed for supervision by non-licensed but otherwise qualified MFTs to ensure an adequate supply of supervisors.

- (3) Relevant to proposed Sec. 48.13(b)(1), the Committee recommends that the Board adopt the language suggested by the PACP, in that "individual" and "group" therapies are services that are provided by MFTs and consistent with the MFT scope of practice as defined in Act 136.
- (4) Relevant to the continuing education requirements set forth in proposed Secs. 48.15(5)(v) and (vi), the Committee notes the comment of the PACP that the AAMFT does not approve continuing education courses. Although the Committee believes that the term "any other course which is related to the practice of marriage and family therapy" as suggested by the PACP is too broad, the Committee recommends that the list of appropriate continuing education be expanded.
- (5) The Committee notes the comments of the PACP relevant to Sec. 48.13(b)(5). In the interest of ensuring flexibility and supervisor availability during the initial years of MFT licensure, the Committee recommends that the Board "allow" rather than "require" group supervision.
- (6) Relevant to proposed Sec. 49.1, the Committee recommends that the definition of "Field closely related to the practice of professional counseling" be less restrictive. The Committee notes and agrees with comments forwarded by the PACP that recognizing only the six listed degrees will have the effect of excluding qualified and experienced individuals from licensure who are otherwise qualified in all respects. In addition to the additional fields to be included in Sec. 49.1(a) as suggested by the PACP, the Committee recommends that a degree in human services be included. In Act 136, the term "field closely related to the practice of professional counseling" is used in the context of what "degree" will be recognized as being closely related to a master's degree in professional counseling. Accordingly, the Committee recommends that the Board adopt the approach suggested by the PACP, that the course content of the degree be examined to determine whether the degree will qualify as being closely related to a degree in professional counseling. The Committee also recommends that the Board adopt the suggestions of the PACP with regard to doctoral degrees.
- (7) The Committee notes the comments of the PACP regarding the practicum and internship requirements of proposed Sec. 49.2(9). The PACP states that many counselor preparation programs are currently unable to provide 600 hours of clinical instruction. Accordingly, the Committee recommends that a transition period be provided to allow programs to develop appropriate internships.
- (8) The Committee notes the comments of the PACP relating to the continuing education requirements of proposed Sec. 49.15(5)(iv)(C). Although the Committee believes that the term "any other course which is related to the

- practice of professional counseling," as suggested by the PACP is too broad, the Committee recommends that the list of approved continuing education be expanded to include other bona-fide organizations and accredited institutions. The Committee further recommends that courses approved by the Pennsylvania Certification Board (PCB) for Certified Addiction Counselors (CACs) be included.
- (9) The Committee notes the comments of the PACP and the Pennsylvania Society for Clinical Social Work (PSCSW) regarding the supervision provisions in proposed Secs. 49.13(b)(5) and 47.12C(b)(5). These organizations state that group supervision is a key process in the development of PCs and CSWs. Accordingly, the Committee recommends that the proposed sections be amended to allow for group supervision.
- (10) The Committee notes the comments of the PACP relevant to proposed Sec. 49.13(b) and questions the Board's rationale for requiring supervision by a licensed PC or, for a five-year period, a PC with five years experience as a PC, for the first 1800 hours of a supervisee's supervision requirement. In light of the PACP's statement that supervision by professionals in related fields is the norm in rural areas of the Commonwealth, and in light of the Board's determination that supervision by licensees in related fields is appropriate as defined in Sec. 49.1, the Committee questions the restriction for PC supervision for the first 1800 hours. This comment is also pertinent to the corresponding regulations for MFTs and CSWs.
- (11) The Committee notes the comments of the PACP and PSCSW relevant to the proof of practice standards for licensure by grandfathering. The Committee agrees that the requirement that an applicant's practice consist of at least 15 hours per week, with 10 of those hours consisting of direct client contact, would unfairly exclude experienced professionals who practice in supervisory, administrative, academic or other capacity in which hours are irregular and client contact minimal. The Committee recommends that the Board adopt an alternate standard for demonstrating proof of practice.
- (12) The proposed regulations establish March 24, 2002, as the last day by which individuals may apply for licensure by grandfathering. However, Act 136 required such applications to be filed no later than three years from the effective date of the act. The effective date of the act was February 19, 1999. Accordingly, February 19, 2002, should be the last day to apply for licensure by grandfathering.
- (13) The regulations require a supervisor who wishes to terminate supervision during a training period to give a supervisee 60 days written notice of the intent to terminate. The Committee agrees that a notice requirement for this situation is necessary. However, the Committee requests an explanation as to why a

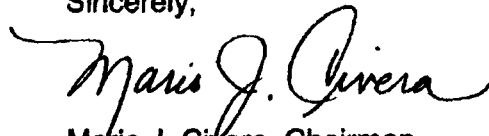
John R. McGinley, Jr., Chairman
Independent Regulatory Review Commission
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60 day period was established, whether this is standard notice in a supervisor/supervisee relationship, or whether there is precedence for a 60 day notice period in other states.

- (14) The Committee recommends that the Certified Addiction Counselor (CAC) credential be added to the list set forth in proposed Sec. 49.15(6) as a credential recognized for the purpose of licensure be grandfathering. The CAC is the credential awarded to addiction counselors upon passing the national certification examination of the International Certification & Reciprocity Consortium, a nationally recognized credentialing agency. Although bachelor's level candidates are eligible to take the CAC examination, Act 136 only requires that an applicant for grandfathering have passed a national certification examination, not necessarily a master's level exam. Accordingly, the Committee believes that should the holder of a CAC credential also hold an appropriate master's degree and satisfy the experience requirements, he or she should be eligible for licensure by grandfathering.
- (15) The Committee recommends that the Advanced Alcohol and Drug Counselor Examination (AADC) given by the International Certification & Reciprocity Consortium be added to the list set forth in proposed Sec. 49.11(a) as an approved examination for licensure.

Please feel free to contact my office if any questions should arise.

Sincerely,



Mario J. Civera, Chairman
House Professional Licensure Committee

MJC/sms

Enclosures

cc: Carol M. Thompson, Chairperson
State Board of Cosmetology
Thomas F. Matta, Ph.D., Chairman
State Board of Social Workers, Marriage and Family
Therapists and Professional Counselors
Honorable Kim H. Pizzigrilli, Secretary of the Commonwealth
Department of State

Regulation 16A-458**State Board of Cosmetology**

PROPOSAL: Regulation 16A-458 amends 49 PA Code, Chapter 7, regulations of the State Board of Cosmetology. The amendment makes revisions to the schedule of Board fees by increasing a number of fees, decreasing one fee, and adding fees for three services for which there is currently no fee.

Regulation 16A-458 is Final Rulemaking which was delivered to the Professional Licensure Committee on April 26, 2001. The Professional Licensure Committee has until May 16, 2001 to approve or disapprove the regulation.

ANALYSIS: Pursuant to Sec. 16(c) of the Cosmetology Act, 63 P.S. Sec. 522(c), the Board is required to meet expenditures from revenues raised by fees, fines and civil penalties. The Board is required to increase fees by regulation so that projected revenues will meet or exceed projected expenditures. The Board states that a recent systems audit determined that the fees for certain services did not accurately reflect the actual cost involved in providing the service. Accordingly, the Board proposes to amend the schedule of fees as follows:

| <u>Application/Service</u> | <u>Current Fee</u> | <u>Proposed Fee</u> |
|---|--------------------|---------------------|
| Licensure of cosmetologist, manicurist or cosmetician | \$ 5.00 | \$ 10.00 |
| Licensure of cosmetology shop, manicurist shop or cosmetician shop | \$ 35.00 | \$ 55.00 |
| Licensure of cosmetology school | \$ 95.00 | \$160.00 |
| Licensure by reciprocity | \$ 25.00 | \$ 20.00 |
| Registration of cosmetology apprentice | \$ 35.00 | \$ 70.00 |
| Approval of cosmetology school supervisor | \$ 10.00 | \$ 20.00 |
| Change in cosmetology shop (inspection required) | \$ 35.00 | \$ 55.00 |
| Reinspection of cosmetology shop | \$ 15.00 | \$ 40.00 |
| Reinspection of cosmetology school | \$ 0.00 | \$ 30.00 |
| Certification of student or apprentice training hours | \$ 0.00 | \$ 30.00 |
| Verification of license, registration, permit or approval | \$ 0.00 | \$ 15.00 |

RECOMMENDATIONS: It is recommended that the Professional Licensure Committee approve the regulation.

House of Representatives
Professional Licensure Committee
May 7, 2001