

<h1 style="margin: 0;">Regulatory Analysis Form</h1>		<p style="margin: 0;">This space for use by IRRC</p>  <p style="margin: 0;">JAN 13 2018</p>  <p style="margin: 0;">IRRC Number: 2178</p>
<p>(1) Agency</p> <p>Department of State, Bureau of Professional and Occupational Affairs, State Board of Social Workers, Marriage and Family Therapists and Professional Counselors</p>		<p>(2) I.D. Number (Governor's Office Use)</p> <p>16A-694</p>
<p>(3) Short Title</p> <p>Licensure of Social Workers, MFTs and Professional Counselors</p>		
<p>(4) PA Code Cite</p> <p>49 Pa. Code §§ 47.1, 47.1a, 47.11, 47.12, 47.12a, 47.12b, 47.12c, 47.12d, 47.13, 47.13b, 48.1, 48.2, 48.3, 48.11, 48.12, 48.13, 48.14, 48.15, 48.16, 49.1, 49.2, 49.3, 49.11, 49.12, 49.13, 49.14, 49.15, 49.16</p>	<p>(5) Agency Contacts &amp; Telephone Numbers</p> <p>Primary Contact: Beth Sender Michlovitz, Counsel, State Board of Social Workers, Marriage and Family Therapists and Professional Counselors 783-7200</p> <p>Secondary Contact: Joyce McKeever, Deputy Chief Counsel, Department of State 783-7200</p>	
<p>(6) Type of Rulemaking (check one)</p> <p><input type="checkbox"/> Proposed Rulemaking</p> <p><input checked="" type="checkbox"/> Final Order Adopting Regulation</p> <p><input type="checkbox"/> Final Order, Proposed Rulemaking Omitted</p>		<p>(7) Is a 120-Day Emergency Certification Attached?</p> <p><input checked="" type="checkbox"/> No</p> <p><input type="checkbox"/> Yes: By the Attorney General</p> <p><input type="checkbox"/> Yes: By the Governor</p>
<p>(8) Briefly explain the regulation in clear and nontechnical language.</p> <p>This regulation implements Act 136 of 1998, which amends Act 39, Act of July 9, 1987, P.L. 220, 63 P.S. §1901, by delineating and defining qualifications for the three new licensure groups: Clinical Social Workers, Marriage and Family Therapists and Professional Counselors.</p>		
<p>(9) State the statutory authority for the regulation and any relevant state or federal court decisions.</p> <p>The regulation is authorized under Section 6(2) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act, (Act) Act of July 9, 1987, P.L. 220, No. 39 <u>as amended</u>, 63 P.S. §1906(2).</p>		

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(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

Yes. Section 6(2) of Act 39 of 1987, as amended, empowers the Board to promulgate regulations as may be necessary to carry into effect the provisions of the Act.

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

Act 136 of December 1998 amends Act 39, Act of 1987, by expanding the Board of Social Work Examiners to include Marriage and Family Therapists and Professional Counselors. This Act also provides three additional licensure groups: licensed Clinical Social Workers, Marriage and Family Therapists, and Professional Counselors. This regulation is necessary to implement the provisions of Act 136 regarding licensure.

(12) State the public health, safety, environmental or general welfare risks associated with nonregulation.

Nonregulation is not an option as the regulation is necessary to carry into effect the provisions of the Act.

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

Clinical Social Workers, Marriage and Family Therapists and Professional Counselors will benefit because they will now have the ability to become licensed. Licensure is increasingly important to individuals in these professions as insurance companies are more frequently requiring licensure as a requirement for reimbursement. It is unknown at this time the number of potential applicants for licensure who will benefit from this regulation.

Consumers will also benefit from this regulation. The regulation establishes requirements for educational programs and supervised clinical experiences for licensees, which will result in qualified licensed professionals who are able to provide quality services to consumers.

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(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effects as completely as possible and approximate the number of people who will be adversely affected.)

There are no perceived people or groups of people who will be adversely affected by the proposed regulation.

(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)

Any potential applicant for licensure will be required to comply with this regulation. It is unknown at this time how many individuals will fall into this category.

(16) Describe the communications with and input from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.

Both prior to publication and during the public comment period following publication of proposed rulemaking in the Pennsylvania Bulletin, the Board obtained input from numerous professional organizations, educational institutions, individuals, the House Professional Licensure Committee and IRRC. The Board has considered and incorporated many of the suggestions in final rulemaking as noted in the Preamble thereto.

(17) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required.

The costs associated with this regulation will be for licensure fees. However, those fees are unknown at this time and are not included in this regulation. The fees are determined by considering the number of applications filed and the administrative time and costs associated with processing the applications. The applications cannot be filed until this regulation is final. Therefore, the fees cannot be calculated at this time. The State Board of Dentistry implemented legislation by promulgating regulations in the same manner for expanded function dental assistants.

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(18) Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures which may be required.

Not applicable

(19) Provide a specific estimate of the costs and/or savings to state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required.

There is no cost and/or savings to the Board associated with implementation of this regulation. Costs of licensure and enforcement of new licensure classes created by Act 39 will be borne by the licensing population.

## Regulatory Analysis Form

(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY	FY +1	FY +2	FY +3	FY +4	FY +5
<b>SAVINGS:</b>	\$	\$	\$	\$	\$	\$
Regulated Community	NA	NA	NA	NA	NA	NA
Local Government						
State Government						
Total Savings						
<b>COSTS:</b>						
Regulated Community	U/K	U/K	U/K	U/K	U/K	U/K
Local Government						
State Government						
Total Costs						
<b>REVENUE LOSSES:</b>						
Regulated Community	NA	NA	NA	NA	NA	NA
Local Government						
State Government						
Total Revenue Losses						

(20a) Explain how the cost estimates listed above were derived.

The costs associated with this regulation will be for licensure fees. The fees are determined by considering the number of applications filed and the administrative time and costs associated with processing the applications. The applications cannot be filed until this regulation is final. Therefore, the fees cannot be calculated at this time and are not included in this regulation.

## Regulatory Analysis Form

(20b) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3	FY -2	FY -1	Current FY
State Board of	\$180,727.49	\$209,506.58	\$262,445.44	\$244,000.00.
Social Work				
Examiners				

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.

The information provided above relates to licensure of social workers. The three new groups affected by this regulation have no prior history. No adverse effects and costs associated with compliance with the regulation are anticipated.

(22) Describe the nonregulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.

Nonregulatory alternatives were not considered because this regulation is necessary to carry into effect the provisions of the Act. Section 6(2) of Act 39 of 1987, as amended, empowers the Board to promulgate regulations as may be necessary to carry into effect the provisions of the Act.

(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide the reasons for their dismissal.

No other regulatory schemes were considered. See 22 above.

## Regulatory Analysis Form

(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulation.

Not applicable

(25) How does this regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?

A comparison with those states bordering Pennsylvania revealed very similar statutory and regulatory requirements for licensure. The educational curriculum and supervised clinical experience requirements are equivalent, and in one case exceeds, those of other states. This regulation will not put Pennsylvania at a competitive disadvantage, but rather, will result in licensees with qualifications meeting or exceeding national standards.

(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

The regulation amends current Sections 47.1, 47.11, 47.12, reserving 47.13, adding 47.1a, 47.12a, 47.12b, 47.12c, 47.12d, 47.13b and adds Chapters 48 and 49.

(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.

The Board reviews its regulatory proposals at regularly scheduled public meetings. The Board meets each month, for 8 out of 12 months each year.

## Regulatory Analysis Form

(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available.

Act 136 of 1998, amending Act 39 of 1987, adds three new licensure groups to the Act. The regulation implements the provisions of the Act. Record keeping and paperwork for applications for all three licensure groups will be added to the existing procedures currently in place.

(29) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

The Board has perceived no special needs of any subset of its applicants or licensees for whom special accommodations should be made.

(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?

Act 136, amending Act 39 of 1987, became effective on December 21, 1998. The regulation will be effective upon publication in the Pennsylvania Bulletin as final rulemaking. The compliance date for Exemption from licensure examination (grand-parenting) is February 19, 2002, as provided in Act 136 of 1998. Applications for licensure cannot be submitted until the regulation is final.

(31) Provide the schedule for continual review of the regulation.

The Board reviews the effectiveness of its regulations on a regular basis.



**FACE SHEET  
FOR FILING DOCUMENTS  
WITH THE LEGISLATIVE REFERENCE BUREAU**

(Pursuant to Commonwealth Documents Law)

2001 DEC 18 PM 1:51

REVIEW COMMISSION

#2178

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Executive or Independent  
Agencies.

State Board of Social Workers, Marriage and  
Family Therapists and Professional Counselors

BY: \_\_\_\_\_  
(DEPUTY ATTORNEY GENERAL)

(AGENCY)

*John V. Tunney*

DOCUMENT/FISCAL NOTE NO. 16A-694

DATE OF ADOPTION: \_\_\_\_\_

BY: Thomas F. Matta, Ph.D.  
Thomas F. Matta, Ph.D.

DATE OF APPROVAL

(Deputy General Counsel  
(Chief Counsel,  
~~Independent Agency~~  
(Strike inapplicable  
title)

DATE OF APPROVAL

TITLE: Chairman  
(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

[ ] Check if applicable  
Copy not approved.  
Objections attached.

[ ] Check if  
applicable. No Attorney  
General approval or  
objection within 30 day  
after submission.

**FINAL RULEMAKING**

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS  
STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND  
FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS  
49 Pa. Code, Chapter 47, 48 and 49  
Licensure

The State Board of Social Workers, Marriage and Family Therapists and Professional Counselors (Board) hereby amends its regulations at 49 Pa. Code Section 47, and adds Chapters 48 and 49, as set forth in Annex A.

**A. Effective date**

The amendments take effect upon publication of the final form regulation in the Pennsylvania Bulletin.

**B. Statutory Authority**

The amendments and additions are authorized under Section 6(2) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act (Act), Act of July 9, 1987, P.L. 220, No. 39 as amended, December 21, 1998, P.L. 1017, No. 136, 63 P.S. Section 1906(2).

**C. Background and Purpose**

The General Assembly of the Commonwealth of Pennsylvania enacted Act 136 of 1998, amending The Social Work Practice Act, Act of July 9, 1987 (63 P.S. §1901-1922) by expanding the State Board of Social Work Examiners to include Marriage and Family Therapists and Professional Counselors. Act 136 of 1998 also added three licensure groups: (1) Licensed Clinical Social Workers, (2) Licensed Marriage and Family Therapists (MFT) and (3) Licensed Professional Counselors. The purpose of these regulations is two-fold: respond to the comments received on proposed rulemaking and incorporate the changes addressing definitions and licensure qualifications necessitated by Act 136.

**D. Summary of Comments and Responses on Proposed Rulemaking**

Notice of the proposed rulemaking was published at 31 Pa.B. 1571 (March 24, 2001). Publication was followed by a 30-day public comment period during which the Board received comments from a large number of professional associations and organizations, colleges and universities and individuals. The following professional associations and organizations commented on the proposal: The Pennsylvania Social Work Coalition; The Pennsylvania Association for Marriage and Family Therapy; The Pennsylvania Alliance of Counseling Professionals; The Pennsylvania Counseling Association; The Pennsylvania Society for Clinical Social Work; The Pennsylvania Psychiatric Society; The National Association of Social Workers; Countryside Haven for Health; Pennsylvania Community Providers Association; Pennsylvania Council for Relationships; Case Management Society of America; Philadelphia Child and Family Therapy Training Center, Inc.; Reading Area Community College; Commission for Case Manager Certification; Eastern Baptist Theological Seminary; Moravian Theological Seminary and Samaritan Counseling Center.

Following the close of the public comment period, the Board received comments from the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC). The Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) did not comment. The following is a response to the comments.

Sections 47.1, 48.1, and 49.1 – Definitions

HPLC, IRRC, and the professional organizations had several comments and questions regarding the definition of supervisor. Following their recommendations, the Board rewrote this section in each of the chapters, and moved the qualifications for supervisors to a separate section (Section 47.1a) of the Annex for clarity, and then referenced this section in the definition of supervisor. Individuals qualify as supervisors if they are licensed with 5 years full time experience, or are licensed in a related field with at least a master's degree and 5 years full time experience. Additionally, the Board allows a window of time in which unlicensed individuals can qualify as supervisors if they too have 5 years of full time experience. This provision recognizes the necessity for a transition period for individuals to become licensed and available to serve as supervisors. However, at the end of the transition period, individuals must be licensed to continue as a supervisor. If they are not licensed by that time, a supervisee would need to change supervisors and obtain one that is qualified in order to have their hours of supervised clinical experience continue to be credited. The transition period in Chapters 47 and 49 lasts until January 1, 2006. The Board treats MFT supervisors differently in Chapter 48 in that the transition period lasts until January 1, 2010. MFT supervisors have the additional requirement that they must be an AAMFT approved supervisor or supervisor-in-training. Consequently, it will take longer for MFTs to have qualified supervisors, even though courses in MFT supervision are readily available. Therefore, the Board gives them additional time for a transition period. The Board also removed the requirement that MFTs be licensed during the transition period, as this was not their original intent, and the inclusion of the requirement was an oversight. Finally the Board removed the language in Section 47.1 regarding individuals licensed "by a statutory board or social work examiner of another state...." This provision was not included in the definition of supervisor in Chapters 48 and 49 and IRRC questioned why similar language was not included in Sections 48.1 and 49.1. The Board determined that this provision should be removed from Section 47.1 to be consistent with the other chapters.

The Board added a definition for "Related Field" in all three chapters because it is referenced in the qualifications for supervisor sections.

IRRC questioned whether the definition for Institution of higher education was intended to be the same as the statutory definition in 24 P.S. § 2502-2. This definition was taken from 22 Pa. Code § 33.102, and the Board has added this cross-reference to the definition.

The Board agreed with the recommendations made by HPLC, IRRC, professional organizations and individuals that the definition of "field closely related" be expanded, and used the language suggested by PACP for both Chapters 48 and 49. In Chapter 49, the definition is now a master's degree in, or a doctoral degree in, a field closely related to the practice of counseling to take the emphasis off of limited fields and placed on the educational degree itself. The Board also added Human Services to this definition in Chapter 49 after receiving numerous comments from public commentators, HPLC and IRRC.

IRRC noted that the format of the Purdon's citations are inconsistent in Section 47.1 in the definitions of Licensed clinical social worker, Licensed social worker and Provisional licensed

social worker. These citations have been corrected to reflect consistency in the final form regulation.

IRRC also questioned why there was no definition of the phrase “national accrediting agency” which is used in Section 48.13(a)(3)(ii)(B). The Board considered this and determined it was unnecessary. This is a term of art created by the legislature and is defined as an accredited agency approved by the U.S. Department of Education. IRRC also questioned why there was not a definition for the phrase used in Section 48.15(5)(iii)(v) and (vi) “in marriage and family therapy as defined in § 48.1” The entire phrase is “graduate level coursework in marriage and family therapy” which is defined in Section 48.1. Accordingly, further clarification is unnecessary.

The Board followed IRRCs recommendation and included a definition for the acronym MFT.

#### Section 48.2 Educational requirements

IRRC commented that the word “should” in this section and the phrase “intended to” are indirect, and recommended more direct language. IRRC also noted that plural words were mismatched with singular words. It also recommended that the word “family” should be added to Subsection (2) to make it consistent with subsection (3)(i). The Board revised the provisions in this section to incorporate IRRC’s suggested changes.

IRRC also noted that the word “family” should be added to Subsection 48.2(2) in order to be consistent with Subsection 48.2(3)(i). The Board has incorporated this suggestion.

#### Section 49.2 Educational requirements

HPLC, IRRC and PACP noted that many counselor preparation programs are currently unable to meet the clinical instruction requirement for 600 hours of supervised internship experience in Subsection (9). The Board followed the commentators’ recommendations and included language that allows for a transition period of 5 years where this requirement may be satisfied by completion of a total of 6 semester hours or 9 quarter hours of practicum/internship experience.

#### Sections 47.11(f), 48.11(c) and 49.11(c)

IRRC questioned why the applicant is responsible for directing that the testing organization send examination results and other information requested to the Board. The examinations in these sections are all from national testing organizations. In most cases the individuals apply directly to the testing organization and direct which state they want their examination results sent to. In some instances, they might want scores sent to more than one state. Additionally, some individuals may have taken the examination to obtain their national certification and then direct the testing organization to send that score to the Board at a later date when they are applying for licensure. The regulations provide flexibility for individuals to take this examination whether it is pursuant to a national certification or whether it is for licensure by examination. The Board

contracts with the testing organization for the use of the organization's examination. Consequently, the examination is available to our applicants, but the applicant him/herself must still tell the organization what state he/she wants the examination scores sent to for the above stated reasons. The "other information" language is also in the regulation to provide flexibility. There are several different licensure groups under this one Board, there are numerous testing organizations, and the information provided by the testing organizations may differ. However, if additional information would be needed by the Board the applicant would be provided notice of that on his/her application form or by letter. Finally, IRRC inquired what passing grade the Board will require on the respective examinations. The Board will accept the national passing score as determined by the professional testing agency.

HPLC, IRRC, and a large number of public commentators requested inclusion of the Advanced Alcohol and Other Drug Abuse Counselor Examination (AAODA) given by the International Certification and Reciprocity Consortium/Alcohol and Other Drug Abuse Inc. (IC&RC), and the Examination for Master Addictions Counselors (EMAC) given by the National Board for Certified Counselors (NBCC), as acceptable examinations for licensure as a professional counselor. The Board reviewed materials provided by both organizations and spoke with individuals regarding these examinations and decided to include them as approved licensure examinations.

#### Section 48.13(a). Licensed marriage and family therapist

IRRC questioned the Board's intent in Subsection (a)(3)(i) and (ii) regarding "graduate course work which is closely related to marriage and family therapy." First, this language is taken directly from the statute, and is, thus, consistent with the intent of the legislature, not the Board. Second, Subsection (a)(3)(i)(A) and (B) and Subsection (a)(3)(ii)(A) and (B) explain what the legislature considers graduate course work which is closely related to marriage and family therapy. IRRC also questioned how much "graduate coursework in marriage and family therapy" the Board will require. The educational requirements for the graduate level coursework are set forth in Section 48.2.

#### Sections 47.12c(b), 48.13(b), 49.13(b) Supervised clinical experience

HPLC, IRRC and several professional organizations and individuals commented about these supervised clinical experience requirements. The Board has reworked this section in all three chapters to reflect those comments and make all three chapters consistent.

IRRC and several professional organizations recommended the deletion of the word "diagnosis" from Section 47.12c(b)(1)(i) and the addition of Family Therapy and Group Therapy. HPLC, IRRC and others recommended the addition of Individual Therapy and Group Therapy to Section 48.13(b)(1), and the addition of Family Therapy and Group Therapy to Section 49.13(b)(1). The Board revised these provisions to incorporate these recommendations.

Subsection (b)(2) and (4) have been revised in each chapter to reflect the changes made to the definition of Supervisor and the addition of the Qualifications for Supervisors section in each chapter. Additionally, following the recommendations of HPLC, IRRC, and professional

organizations, these Subsections have also been revised to eliminate the requirement that the first 1800 hours be supervised by a licensed individual in that profession. As noted by IRRC, commentators stated that supervision by professionals in related fields is the norm in rural areas, and that there may not be sufficient numbers of supervisors available in rural areas to meet this requirement. The Board agrees, but still believes that at least 1800 hours must be supervised by an individual licensed in the supervisee's profession because this is fundamental to the development of the supervisee in his/her field. Therefore, 1800 hours must still be supervised by an individual licensed in that profession (Chapter 47- licensed clinical social worker; Chapter 48- licensed marriage and family therapist; Chapter 49-licensed professional counselor); however, it does not need to be the first 1800 hours.

IRRC and The Pennsylvania Society of Clinical Social Workers commented that the provision in Subsection (b)(3) requiring disclosure of a supervisee status to the patient and obtaining written permission to discuss the patient's status with the supervisor was contrary to the current practice in agencies. Because communications between a psychotherapist and a client are privileged and may not be disclosed without consent from the client, the Board believes this requirement is necessary, both for the protection of the client and the protection of the supervisee.

IRRC and other commentators stated that the phrase in Subsection (b)(4), "delegate, order and control," was not appropriate since many professionals currently work independently and do not have direct supervisors. The Board agrees and will replace this phrase with "oversee, direct, recommend and instruct". This also makes this section consistent with the definition of "supervision". This Subsection also allows a supervisor to delegate responsibilities to another qualified individual. IRRC questioned what qualifications a delegate must have and what the limits were on the supervisory responsibility that could be delegated. A qualified substitute would be an individual meeting the qualifications as a supervisor. The Board revised the language in this provision to make this more clear. The word "temporarily unable to provide supervision" limits the delegation of supervision to those situations in which the supervisor is temporarily unable to provide the supervision. For example, if a supervisor were to leave for a 2 week vacation the supervisee should not have to sacrifice 2 weeks of his/her supervised clinical experience. In this scenario, the supervisor could designate another supervisor to fill in for that 2 week period.

HPLC, IRRC, and some professional organizations recommended that Subsection (b)(5) be amended to allow for group supervision. IRRC noted that commentators indicated that group supervision is a key process in the development of professional counselors and clinical social workers. However, it should not be mandatory, as currently provided for in Section 48.13(b)(5). The Board agrees, and has amended this section in all three chapters to require that a supervisor meet with the supervisee for a minimum of 2 hours for every 40 hours of supervised clinical experience. At least 1 of the 2 hours shall be with the supervisee individually and in person, and 1 of the 2 hours may be with the supervisee in a group setting and in person. The Board chose a ratio of 2 hours for every 40 hours of supervised clinical experience because this is standard in the profession, and also consistent with the supervision requirements of other states (commonly 1 hour for every 20 or 25 hours of experience). The supervision is not required to be on site. If on site, the agency itself could provide the supervision or the supervision could be contracted out to

be paid for either by the agency or by the supervisee. The Board will monitor the fiscal impact of this requirement in the future.

Section (b)(7) has been amended to reduce the 60 day written notice of the intent to terminate supervision to a 2 week notice as recommended by HPLC, IRRC, and several public commentators. Originally, the Board chose a 60 day notice requirement to provide the supervisee with an adequate amount of time to find another supervisor. However, commentators noted that most employment situations only require a 2 week notice, and it would be burdensome for a supervisor to be required to continue supervision for several weeks after he/she had left the employment setting.

IRRC had several questions about Subsection (b)(8). One of IRRC's 3 questions concerned why the experience must be in a single setting. The Board included this provision because there are individuals in many different work situations. The Board's primary goal is to ensure that supervisees are providing quality care to their patients as well as gaining valuable experience from the supervised activity. This provision requires an individual to work in one place long enough to establish a relationship with a client and a supervisor. If individuals frequently change work settings and supervisors, the quality of the supervised clinical experience will deteriorate. The Board believes that a 3 month setting (if the individual is working at least 30 hours per week but no more than 50 hours per week) or a 6 month setting (if the individual is working at least 15 hours per week) accomplishes this goal. However, this provision does not preclude an individual from working in more than one setting. For example, it would be acceptable for an individual to hold 2 part time positions, so long as each setting meets the requirements of this provision. IRRC also questioned the Board's reasoning for limiting an applicant's work week to 40 hours. The Board believes that after a certain number of hours the learning experience, as well as the therapeutic service to clients, deteriorates. The Board did, however, increase the maximum hours per week from 40 to 50 hours.

IRRC also recommended that the regulation should clearly set a minimum limit of hours per year to count toward the 3 years experience, and more clearly set forth how the 3600 hours of experience must be met. The Board agrees that the language currently in this provision (the last sentence regarding obtaining experience in the last 10 years, with at least half within the most recent 5 calendar years) is unclear. It amended this Subsection by deleting the last sentence. The Board then added Subsection (b)(9) which more clearly sets forth how the years and hours of experience must be accumulated. Subsection (b)(9) requires that the supervised clinical experience be completed in no less than 2 years and no more than 6 years, and that no less than 600 hours and no more than 1800 hours may be credited in any 12 month period. Commentators indicated that provisions for accumulating supervised clinical experience need to allow flexibility for individuals who may want to take time off to have a baby or for those times when individuals are unable to find work. Additionally, the Board believes that there should be a limit on the number of hours acquired in any 12 month period for the reasons stated above regarding the 50 hour work week. Subsection (b)(9) addresses both of these concerns by allowing an individual to acquire 600 hours per year over the course of 6 years (3600 hours) but no more than 1800 hours per year over the course of 2 years (3600 hours).

Finally, the Pennsylvania Society for Clinical Social Work, the National Association of Social Workers, and other public commentators expressed concern for licensed social workers who will have met 3600 post masters degree hours of supervised clinical experience, but did not know what supervision would be required of them because the regulations had not been established when they were accumulating their 3600 hours. These commentators recommended that the Board provide some transition period for these individuals so that they do not have to start their supervised experience again because this would place an unfair burden on them. The Board agrees with this recommendation, and acknowledges that MFTs and professional counselors will face the same problem. Therefore the Board added Subsection (c) to Section 47.12c, 48.13 and 49.13. This Subsection provides that, for hours of supervised clinical experience which were obtained within 5 years prior to the effective date of adoption of the final form rulemaking, an applicant must present evidence of having acquired at least one-half of those hours under the supervision of an individual in the supervisee's profession. The applicant must also have acquired hours of supervision at a ratio of 2 hours of supervision per 40 hours of supervised clinical experience, one-half of which may be in group supervision and at least one-half of which must be provided by an individual in the supervisee's profession (Chapter 47—clinical social worker; Chapter 48—marriage and family therapist; Chapter 49—professional counselor). Any hours accumulated after the effective date of the final form rulemaking would need to meet the requirements of Subsection (b). Further, this Subsection (c) provides that the Standards for Supervisors in Sections 47.12d, 48.14 and 49.14 do not apply to this supervised clinical experience obtained prior to the effective date of adoption of the final form regulations, because again, these standards would not have been known to the supervisors or the supervisees at the time they were accumulating the experience.

Sections 47.12(d), 48.14 and 49.14. Standards for supervisors

IRRC questioned whether Subsection (3) provides for disqualification of a supervisor subject to any disciplinary action. This Subsection will apply only to supervisors whose licenses have been actively suspended or revoked. It does not apply to situations where an individual has simply been charged with a violation. The subsection sets forth consequences that will follow in the event a supervisor's license has been so disciplined. The supervisor must immediately notify the supervisee of the action and immediately cease supervision. Credit will be given for hours completed prior to the disciplinary action. The supervisee must obtain a new supervisor in order to complete the required experience.

In Subsection (7), IRRC questioned how a supervisor would ensure that the supervisee's status was made known to each patient or client of the supervisee. Subsection (b)(3), in Sections 47.12c, 48.13 and 49.13 requires a supervisee to obtain written permission to discuss the client's case with his/her supervisor. A supervisor may simply ask to see the client's written permission .

IRRC also had several questions and comments regarding subsections (8), (9), (11), (13), and (14). It is an important part of supervision that a supervisor establish objectives for the supervisee (Subsection (8)). Further, the Board believes the supervisor should make recommendations to the supervisee bearing on further professional development, professional study and skills necessary for independent practice (Subsection (13)). There is no requirement in either Subsection (8) or (13) that the objectives and recommendations be in writing. However,



supervisors will be asked to attest to compliance with the standards in 47.12d, 48.14, and 49.14 on the verification of experience form which will accompany the supervisee's application for licensure. The supervisor must prepare written evaluations which delineate the supervisee's strengths and weaknesses, and review these on a quarterly basis with the supervisee. (Subsection (14)). The Board believes it is necessary to discuss these evaluations on a quarterly basis so the supervisee can make steady progress in his/her professional development. Additionally, IRRC questioned where the "issues of practice and ethics" referred to in Subsection (9) could be found. Presently, this Subsection refers to the standards of acceptable and prevailing practice in the professional community. However, this Subsection would also refer to any regulations the Board may promulgate at a later date implementing Board standards. Finally, IRRC and some public commentators questioned why Subsection (11) requires the supervisor to observe client/patient sessions of the supervisee and noted that if the supervisor and supervisee are in separate organizations this may be difficult to accomplish. However, this provision states that a supervisor shall observe the client patient sessions of the supervisee or review recordings of these sessions on a regular basis. The Board wrote this provision specifically so that a supervisor would have the choice of observing the sessions, or in the alternative, reviewing recordings of these sessions. The Board chose to use the word "recordings" without any modifiers. Therefore, any type of recording would be allowed whether it is audio, video, or written. IRRC also stated that the requirement that these sessions be reviewed "on a regular basis" was vague. Therefore this Subsection has been amended to remove this phrase.

#### Sections 47.13b, 48.15, 49.15. Exemption from licensure examination

IRRC questioned whether the applications referred to in Subsection (2) are available and how applicants will know to apply before the February 19, 2002 deadline. Applications will be available upon adoption of the final form rulemaking. Applicants will be notified by publication of the final form rulemaking in the Pennsylvania Bulletin and on the Board's website. Additionally, professional organizations have been very involved in this process and will most likely post a notice on their websites as well. IRRC also inquired about the "required fee" and the need for the Board to establish these fees and include them in the final-form regulation. The fees have been established and the Board has submitted a proposed rulemaking package which is currently in the review process.

HPLC, IRRC and several public commentators noted that the correct deadline for Subsection (3) is February 19, 2002, and it has been amended to reflect this change.

HPLC, IRRC, and many public commentators objected to the proof of practice requirements in Subsection (4). Specifically, they were concerned 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 the client contact minimal. This was not the Board's intent. Originally the hourly requirement was directed at individuals who work part-time in a client practice. However, the Board agrees with commentators that there are many different types of work environments, and a weekly, hourly requirement does not fit every situation. Therefore the Board has amended this Subsection by deleting the hourly requirement. Instead, the Board will simply review the applications to

determine whether the applicant has demonstrated proof of practice within his/her given work environment.

HPLC, IRRC, and PACP commented that AAMFT does not approve continuing education courses, and recommended that the list of appropriate continuing education in Section 48.15(5)(v) and (vi) be expanded. The commentators also recommended expanding the list of appropriate continuing education in Section 49.15(5)(iv)(C) to include courses offered by professional organizations and accredited institutions. The Board agrees, and amended these sections by incorporating language suggested by PACP. IRRC also questioned what the Board means by “master’s level difficulty” in these sections. The purpose of the continuing education in these sections is to make up the difference between a master’s degree that is not less than 36 semester hours and the 48 semester hours master’s degree needed for licensure by exemption from examination. To that end, the continuing education for these sections should include materials that are the same level of quality and content as a course in a master’s degree program. To allow anything less than a master’s level difficulty would defeat the purpose.

In Section 48.15(6), IRRC questioned whether “clinical membership status from AAMFT” and professional certification are the same thing. This is the only professional certification available to MFTs, and satisfies the requirement of the Act. This section also lists the examinations approved by the Board for the purpose of licensure by exemption from examination (grand-fathering) only. IRRC had questions about “examinations given by other states” and in what situations they would be acceptable to the Board. In addition to the AMFTRB National MFT examination, the Board will accept an examination given by another state as a requirement for licensure in that state. At least one state (California) has its own examination for licensure. Consequently, there are qualified, experienced individuals now living and practicing in Pennsylvania who passed a state licensing exam rather than the National MFT exam. The Board believes the state licensing exams are equivalent to the national MFT exam for grand-fathering purposes.

After receiving a large number of public comments, as well as recommendations from HPLC and IRRC, the Board amended the list set forth in Section 49.15(6) to include certifications for addictions counselors. The Board added the Certified Addiction Counselor (CAC) credential with the Advanced Alcohol and Other Drug Abuse Counselor Exam given by IC&RC and also the Master’s Addictions Counselor credential with the Examination for Master’s Addictions Counselors given by NBCC.

#### Sections 48(16) and 49(16). Application for licensure by reciprocity

IRRC and some commentators noted that existing Section 47.14 establishes the Board’s reciprocity process for social workers licensed in other states, and cited the need for similar reciprocity provisions for clinical social workers, MFTs and professional counselors. The Board agrees and added Sections 48.16 and 49.16 which mirrors the existing language in Section 47.14. There is no need to add a separate section for clinical social workers as Section 47.14 will apply to them.

### Miscellaneous Issues

IRRC commented that the statutory provision in 63 P.S. § 1920.2 (relating to referral) is an important safeguard to make sure licensees only practice in their area of expertise, and questioned why the Board did not include this provision in the amendments to Chapters 47, 48, and 49. First, this regulation package only addresses definitions and licensure qualifications. Second, this is a statutory provision already existing in the Act itself, and licensees must comply with this requirement. Therefore it is unnecessary to include it in the regulations.

IRRC also asked what recourse or safeguard there is for a supervisee if the Board determines a supervisor is not qualified? The regulations are very clear about both the qualifications for supervisors as well as the standards for supervisors. Supervisees will look to the regulations for guidance when choosing a supervisor. If a supervisee has questions about whether an individual meets the requirements for supervisors he/she can write the Board with his/her concerns prior to engaging that person as a supervisor. As with all licensing Acts, it is ultimately the applicant's/licensee's responsibility to make sure he/she is in compliance with the statutory and regulatory requirements.

IRRC and some professional organizations made recommendations concerning typographical errors and section reference errors. These corrections have been made.

### **E. Compliance with Executive Order 1996-1, Regulatory Review and Promulgation**

The Board reviewed this rulemaking and considered its purpose and likely impact on the public and the regulated population under the directives of Executive Order (E.O.) 1996-1. Additionally, in accordance with E.O. 1996-1, the Board, in developing the regulations, solicited comments from the major professional associations representing the Social Workers and the new licensure classes.

### **F. Fiscal Impact and Paperwork Requirements**

This regulation would have a fiscal impact and impose additional paperwork requirements on the Commonwealth in that there are three new licensure groups for which applications would be processed and fees would be received.

The proposed amendments should not impose any legal, accounting or reporting requirements on the regulated community.

### **G. Sunset Date**

The Board continually monitors the effectiveness of its regulations through communication with the regulated population; accordingly, no sunset date has been assigned.

#### **H. Regulatory Review**

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), the Board submitted copies of the notice of proposed rulemaking, published at 31 Pa.B. 1571, on March 24, 2001, to IRRC, SCP/PLC and HPLC for review and comment.

In compliance with section 5(b.1) of the Regulatory Review Act (71 P.S. §745.5(b.1)), the Board also provided IRRC, SCP/PLC, and HPLC with copies of comments received as well as other documents. In preparing the final-form regulation, the Board has considered the comments received from IRRC, HPLC, and the public. The Board did not receive comments from the SCP/PLC.

Under section 5.1(d) of the Regulatory Review Act (71 P.S. § 745.5a(d)), this final-form regulation was (deemed) approved by the HPLC on\_\_\_\_, \_\_\_\_2001, and (deemed) approved by SCP/PLC on\_\_\_\_, \_\_\_\_2001. Under section 5.1(e) of the Regulatory Review Act (71 P.S. § 745.5a(e)), IRRC met on\_\_\_\_, \_\_\_\_2001, and (deemed) the final-form regulation approved.

#### **I. Contact Person**

Further information may be obtained by contacting Clara Flinchum, Administrative Assistant, State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, P.O. Box 2649, Harrisburg, Pennsylvania 17105-2649, (717) 783-1389.

#### **J. Findings**

The State Board of Social Workers, Marriage and Family Therapists and Professional Counselors finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the Commonwealth Documents Law (45 P.S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and all comments were considered.

(3) This amendment does not enlarge the purpose of proposed rulemaking published at Pa.B. 1088.

(4) This amendment is necessary and appropriate for administering and enforcing the authorizing acts identified in Part B of this Preamble.

**K. Order**

The State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, acting under its authorizing statutes, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 47, are amended by amending Sections 47.1, 47.11, 47.12, reserving 47.13, adding 47.1a, 47.12(a), 47.12(b), 47.12(c), 47.12(d), 47.13(b), and adding Chapters 48 and 49 to read as set forth in Annex A.

(b) The Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General as required by law.

(c) The Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect on publication in the Pennsylvania Bulletin.

THOMAS F. MATTA, PH.D., CHAIRMAN

ANNEX A  
TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS  
PART I. DEPARTMENT OF STATE  
SUBPART A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 47. STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND  
FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS – LICENSURE  
OF SOCIAL WORKERS

GENERAL PROVISIONS

**§47.1. Definitions.**

The following words and terms, when used in this chapter have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \*

*Act*—The Social [Workers' Practice] Workers, Marriage and Family Therapists and Professional Counselors Act (63 P.S. §§ 1901-1922).

\* \* \* \*

*Licensed clinical social worker*—A person who is currently licensed as a licensed clinical social worker under section 7 of the act (63 P.S. § 1907).

*Licensed social worker*—A person who is currently licensed as a licensed social worker under section [3] 7 of the act (63 P.S. § ~~[1903]~~ 1907).

*Provisional licensed social worker*—A person who is currently licensed as a provisional licensed social worker under section [3] 7 of the act (~~63 P.S. § 1907~~).

RELATED FIELD—INCLUDES THE FIELDS OF PSYCHIATRY, PSYCHOLOGY, MARRIAGE AND FAMILY THERAPY, COUNSELING, ART THERAPY, DANCE/MOVEMENT THERAPY, DRAMA THERAPY, MUSIC THERAPY, HUMAN SERVICES, AND COUNSELING EDUCATION.

*Supervisee*—An individual who is fulfilling the supervised experience requirement for licensure as a clinical social worker.

*Supervision*—The act of overseeing, directing or instructing the activity or course of action of [a provisional licensed social worker] another.

*Supervisor*—An individual providing supervision to a supervisee and who is a clinical social worker licensed under the act or by a statutory board or social work examiner of another state, if, in the opinion of the Board, the requirements for licensure are

~~substantially equivalent to the requirements of the act, and who has 5 years experience as a clinical social worker. Until January 1, 2006, a supervisor shall include an individual who is a clinical social worker with 5 years experience as a clinical social worker and is a licensed social worker. A supervisor may also include an individual who holds a license in a related field and who has 5 years experience in that field.~~ WHO MEETS THE CRITERIA IN § 47.1a (RELATING TO QUALIFICATIONS FOR SUPERVISORS).

#### **§ 47.1a. QUALIFICATIONS FOR SUPERVISORS**

IN ORDER TO QUALIFY AS A SUPERVISOR, AN INDIVIDUAL MUST MEET ONE OF THE FOLLOWING CRITERIA:

1. HOLD A LICENSE AS A CLINICAL SOCIAL WORKER AND HAVE 5 YEARS OF EXPERIENCE WITHIN THE LAST 10 YEARS AS A CLINICAL SOCIAL WORKER; OR

2. HOLD A LICENSE AND A MASTER'S OR DOCTORAL DEGREE IN A RELATED FIELD, AND HAVE 5 YEARS EXPERIENCE WITHIN THE LAST 10 YEARS IN THAT FIELD; OR

3. UNTIL JANUARY 1, 2006, MEET THE FOLLOWING CRITERIA:

(A) PRACTICES AS A CLINICAL SOCIAL WORKER;

(B) HAVE 5 YEARS EXPERIENCE WITHIN THE LAST 10 YEARS AS A CLINICAL SOCIAL WORKER; and

(C) HOLD A LICENSE TO PRACTICE AS A SOCIAL WORKER IN THE COMMONWEALTH OF PENNSYLVANIA.

#### **LICENSURE**

##### **§ 47.11. Licensure examination.**

(a) The examination required as a prerequisite to original licensure as a licensed social worker is the Association of Social Work Boards' (ASWB) (formerly known as the American Association of State Social Work Boards' (AASSWB)) intermediate level examination. [It will be given annually and at other times deemed appropriate by the Board, in consultation with the third-party testing organization providing the examination to licensure applicants of the Board.]

(b) The examination required as a prerequisite to being granted a license to hold oneself out as a social worker with a provisional license is the ASWB (formerly known as AASSWB) basic level examination. [It will be given annually and at other times deemed appropriate by the Board, in consultation with the third-party

testing organization providing the examination to provisional licensure applicants of the Board.]

(c) The examination required as a prerequisite to being granted a license to hold oneself out as a licensed clinical social worker is the ASWB (formerly known as AASSWB) clinical level examination.

(d) The applicant shall apply to the testing organization for admission to the applicable licensure examination and shall pay the required fee at the direction of the testing organization.

[(d) An applicant for admission to an examination shall submit an application to sit for the examination to the testing organization at least 60 days prior to the examination date. The application to sit for the examination may be obtained by contacting the Board by mail at: State Board of Social Work Examiners, Post Office Box 2649, Harrisburg, Pennsylvania 17105-2649, or by telephone at: (717) 783-1389]

\* \* \* \*

(f) The applicant shall be responsible for directing that the testing organization send examination results and other information requested to the Board.

#### **§ 47.12. Qualifications for licensure.**

[(a)] *General qualifications and requirements for applicants for licensure are as follows[.]:*

\* \* \* \*

(3) The applicant has submitted an application for licensure on forms furnished by the Board. The application for licensure may be obtained by contacting the Board by mail at: State Board of [Social Work Examiners] Social Workers, Marriage and Family Therapists and Professional Counselors, Post Office Box 2649, Harrisburg, Pennsylvania 17105-2649, or by telephone at: (717) 783-1389 or by email at: socialwo@pados.state.pa.us.

\* \* \* \*

(6) The applicant has submitted [a notarized affidavit or] an affirmation signed by the applicant verifying the information on the application.

#### **[(b)] § 47.12a. Licensed social worker.**

[(1)](a) To be issued a license to hold oneself out as a licensed social worker, an applicant shall provide proof satisfactory to the Board, that the applicant has met the following conditions:



[(i)] (1) Satisfied the general requirements for licensure of [subsection (a)]  
§ 47.12 (relating to qualifications for licensure).

[(ii)](2)\*\*\*

[(iii)](3)\*\*\*

[(2)](b)\*\*\*

[(3)](c)\*\*\*

**[(c)] § 47.12b. Provisional license as a social worker.**

[(1)](a) To be issued a license to hold oneself out as a social worker with a provisional license, an applicant shall provide proof satisfactory to the Board, that the applicant has met the following conditions:

[(i)] (1) Satisfied the general requirements for licensure of [subsection (a)]  
§ 47.12 (relating to qualifications for licensure)

[(ii)](2)\*\*\*

[(iii)](3)\*\*\*

[(iv)](4)\*\*\*

[(2)](b)\*\*\*

[(3)](c)\*\*\*

[(4)](d)\*\*\*

**§ 47.12c. Licensed clinical social worker.**

(a) Conditions for licensure. To be issued a license to hold oneself out as a licensed clinical social worker, an applicant shall provide proof satisfactory to the Board, that the applicant has met the following conditions:

(1) Satisfied the general requirements for licensure of § 47.12 (relating to qualifications for licensure).

(2) Holds a master's degree in social work or social welfare or a doctoral degree in social work from a school accredited by the Council on Social Work Education. An applicant who is a graduate of a foreign school shall submit to the Board an evaluation of foreign credentials performed by the Council on Social Work Education, which assesses the foreign credentials to be the equivalent of the curriculum policy of an accredited graduate school during the same time period, to be considered as meeting the requirements of having earned a master's degree in social work or social welfare from an accredited school.

(3) Is licensed under the act as a social worker.

(4) Passed the examination required by § 47.11 (relating to licensure examination).

(5) Completed at least 3 years or 3,600 hours of supervised clinical experience meeting the criteria in subsection (b) after completion of the master's degree in social work. Supervision for the clinical experience shall be provided by a supervisor as defined in §§ 47.1 AND 47.1a (relating to definitions).

(b) *Supervised clinical experience.* Experience acceptable to the Board means experience as a supervisee in a setting that is organized to prepare the applicant for the practice of clinical social work consistent with the applicant's education and training.

(1) At least one-half of the experience shall consist of providing services in one or more of the following areas:

- (i) ~~Diagnosis.~~
- (i) ~~Assessment.~~
- (ii) ~~Psychotherapy.~~
- (iii) ~~Other psychosocial-therapeutic interventions.~~
- (iv) ~~Consultation.~~
- (v) ~~FAMILY THERAPY.~~
- (vi) ~~GROUP THERAPY.~~

(2) Supervision for the clinical experience shall be provided by a supervisor as defined in §§ 47.1. AND 47.1a. However, ~~the first 1,800 hours shall be supervised by a licensed clinical social worker, or, until January 1, 2006, a clinical social worker with 5 years experience and who is a licensed social worker.~~ SUPERVISOR MEETING THE QUALIFICATIONS IN §§ 47.1a(1) and 47.1a(3).

(3) A supervisee shall disclose his status as a supervisee to each patient and obtain written permission to discuss the patient's case with the supervisor.

(4) The supervisor shall ~~delegate, order and control~~ OVERSEE, DIRECT, RECOMMEND AND INSTRUCT the clinical social work activities of the supervisee.

(i) A supervisor who is temporarily unable to provide supervision shall designate ~~a qualified~~ ANOTHER SUPERVISOR AS A substitute. However, ~~for the first 1,800 hours delegation shall be to another licensed clinical social worker, or, until January 1, 2006, a clinical social worker with 5 years experience and who is a licensed social worker.~~

(ii) Although the supervisor shall continue to bear the ultimate responsibility for supervision, those to whom supervisory responsibilities are delegated shall be individually responsible for activities of the supervisee performed under their supervision.

(5) The supervisor, or one to whom supervisory responsibilities have been delegated, shall meet individually and in person with the supervisee for a minimum of 1 hour for every 20 hours of supervised clinical experience WITH THE SUPERVISEE FOR A MINIMUM OF 2 HOURS FOR EVERY 40 HOURS OF SUPERVISED CLINICAL EXPERIENCE. AT LEAST 1 OF THE 2 HOURS SHALL BE WITH THE SUPERVISEE INDIVIDUALLY AND IN PERSON, AND 1 OF THE 2 HOURS MAY BE WITH THE SUPERVISEE IN A GROUP SETTING AND IN PERSON.

(6) A supervisor shall supervise no more than 6 supervisees at the same time. If this provision creates an undue hardship on a supervisee, the supervisor and supervisee may request an exception to this provision. The request shall state, in writing, the reasons why this provision creates a hardship on the supervisee and why the supervisee is not able to obtain a supervisor who meets the requirements of this provision. Before making a determination, the Board may require a personal appearance by the supervisee and supervisor.

(7) A supervisor who wishes to terminate supervision during the training period shall give the supervisee 60 days TWO WEEKS written notice to enable the supervisee to obtain another qualified supervisor. A supervisor may not terminate supervision when termination would result in abandonment of the supervisee's client/patient.

(8) Supervised work activity will be counted toward satisfying the experience requirement only if it takes place in a single setting for either, first, at least 30 hours per week but no more than 50 hours per week during at least a 3 month period or, second, at least 15 hours per week for a period of at least 6 months. The experience shall have been obtained within the most recent 10 calendar years, at least half within the most recent 5 calendar years.

(9) THE SUPERVISED CLINICAL EXPERIENCE SHALL BE COMPLETED IN NO LESS THAN 2 YEARS AND NO MORE THAN 6 YEARS, EXCEPT THAT NO LESS THAN 600 HOURS AND NO MORE THAN 1800 HOURS MAY BE CREDITED IN ANY 12-MONTH PERIOD.

(c) SUPERVISED CLINICAL EXPERIENCE OBTAINED WITHIN 5 YEARS PRIOR TO \_\_\_\_\_ (Editors note: the blank refers to the effective date of adoption of this Final Form rulemaking.)

(1) FOR HOURS OF SUPERVISED CLINICAL EXPERIENCE OBTAINED WITHIN 5 YEARS PRIOR TO \_\_\_\_\_ (Editors note: the blank refers to the effective date of adoption of this Final Form rulemaking.) THE APPLICANT MUST PRESENT EVIDENCE OF HAVING ACQUIRED AT LEAST ONE-HALF OF THOSE HOURS UNDER THE SUPERVISION OF A CLINICAL SOCIAL WORKER. THE APPLICANT MUST ALSO HAVE ACQUIRED HOURS OF SUPERVISION AT A RATIO OF 2 HOURS OF SUPERVISION PER 40 HOURS OF SUPERVISED CLINICAL EXPERIENCE, ONE-HALF OF WHICH MAY BE IN GROUP SUPERVISION AND AT LEAST ONE-HALF OF WHICH MUST BE PROVIDED BY A CLINICAL SOCIAL WORKER.

(2) SUPERVISED CLINICAL EXPERIENCE OBTAINED UNDER THIS SUBSECTION IS NOT SUBJECT TO THE REQUIREMENTS OF § 47.12d (RELATING TO STANDARDS FOR SUPERVISORS).

**§ 47.12d. Standards for supervisors.**

Supervisors, and those to whom supervisory responsibilities are delegated, under § 47.12c(a)(5) (relating to licensed clinical social worker) shall comply with the standards in this section. Supervisors will be asked to attest to compliance on the verification of experience form which shall accompany the supervisee's application for licensure. The Board reserves the right to require a supervisor by documentation or otherwise to establish to the Board's satisfaction that compliance occurred.

(1) The supervisor shall be qualified by training and experience to practice in the supervisee's areas of supervised practice.

(2) The supervisor may not be a relative of the supervisee by blood or marriage, may not be involved in a dual relationship which obliges the supervisor to the supervisee and may not engage in treatment of the supervisee.

(3) An individual ~~who is the subject of a disciplinary action~~ WHOSE LICENSE HAS BEEN ACTIVELY SUSPENDED OR REVOKED by a licensing board will not qualify as a supervisor.

(i) IF DURING THE PERIOD OF SUPERVISION, THE SUPERVISOR'S LICENSE IS SUSPENDED OR REVOKED, THE SUPERVISOR SHALL IMMEDIATELY NOTIFY THE SUPERVISEE AND IMMEDIATELY CEASE SUPERVISION. CREDIT WILL BE

GIVEN FOR HOURS COMPLETED PRIOR TO THE DISCIPLINARY ACTION.

(ii) THE SUPERVISEE SHALL OBTAIN A NEW SUPERVISOR IN ORDER TO COMPLETE THE REQUIRED EXPERIENCE.

- (4) The supervisor shall be responsible for ensuring that the requirements of § 47.12c(b) are met.
- (5) The supervisor shall be accessible to the supervisee for consultation.
- (6) The supervisor shall be empowered to recommend the interruption or termination of the supervisee's activities in providing services to a client/patient and, if necessary, to terminate the supervisory relationship. Any hours accumulated for activities not approved by the supervisor will not count towards satisfying the 3,600 hours of supervised experience.
- (7) The supervisor shall ensure that the supervisee's status as a supervisee is made known to the supervisee's patients, and also ensure that the supervisee has obtained written permission from each patient to discuss his case with the supervisor.
- (8) The supervisor shall establish objectives to be achieved by the supervisee during supervision.
- (9) The supervisor shall review issues of practice and ethics with the supervisee.
- (10) The supervisor shall maintain notes or records of scheduled supervisory sessions and provide these records to the Board upon request.
- (11) The supervisor shall observe client/patient sessions of the supervisee or review recordings of these sessions.
- (12) In supervisory meetings, the supervisor shall discuss the supervisee's level of work—for example, the supervisee's areas of competence and areas of needed improvement.
- (13) The supervisor shall provide the supervisee with recommendations bearing on further professional development, professional study, and skills necessary for independent practice.
- (14) The supervisor shall prepare written evaluations or reports of progress which shall delineate the supervisee's strengths and weaknesses. These evaluations or reports shall be discussed with the supervisee on at least a quarterly basis.

(15) The supervisor shall encourage the supervisee to work with professionals in other disciplines as indicated by the needs of each client/patient and shall periodically observe these cooperative encounters.

(16) The supervisor shall encourage the supervisee to access multidisciplinary consultation, as necessary.

**§ 47.13. [Licensure without examination] (Reserved).**

[A license shall be issued without examination to an applicant who meets the following requirements. The applicant shall have:

- (1) Satisfied the general requirements for licensure of § 47.12(a) (relating to qualifications for licensure).
- (2) Submitted an application provided by the Board and accompanied by the fee required by § 47.4 (relating to licensure fees) by October 7, 1989.

- (3) Received a master's degree in social work or social welfare from an accredited school or a doctoral degree in social work by October 7, 1987.

(i) Graduates of a foreign school of social work may satisfy the requirement of this subsection if the applicant received an equivalency rating in compliance with § 47.12(b)(2).

(ii) An applicant who received a graduate or equivalent degree or certificate in social work or social welfare prior to July 1, 1952, may satisfy the requirements of this subsection if the applicant submitted an application for individual review by the Board in compliance with § 47.12(b)(3).

- (4) Practiced social work for a cumulative period of 2 years.]

**§ 47.13b. Exemption from licensure examination—clinical social workers.**

A license will be issued without examination to an applicant who meets the following requirements. The applicant shall have:

(1) Satisfied the general requirements for licensure of § 47.12 (relating to qualifications for licensure).

(2) Submitted an application provided by the Board and accompanied by the required fee.

(3) Submitted an application by ~~March 25, 2002~~ FEBRUARY 19, 2002.

(4) Demonstrated proof of practice of clinical social work for at least 5 of the 7 years immediately prior to the date of application for license and that the practice was conducted in this Commonwealth. ~~To satisfy the practice of clinical social work requirement, the applicant's practice shall have consisted of at least 20 hours per week.~~

(5) Successfully met the educational requirements of section 9(a)(4) of the act (63 P.S. § 1909(a)(4)). Continuing education submitted by an applicant under section 9(a)(4)(iii) of the act shall meet the following requirements:

- (i) Master's level difficulty.
- (ii) Direct practice social work subject matter.
- (iii) Excludes courses in office management or practice building.

(6) Demonstrated holding the Board Certified Diplomat (BCD) certification issued by the American Board of Examiners in Clinical Social Work, or a Diplomat in Clinical Social Work (DCSW) Certification or Qualified Clinical Social Worker (QSCW) certification issued by the National Association of Social Workers.

**CHAPTER 48. STATE BOARD OF SOCIAL WORKERS, MARRIAGE  
AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS—  
LICENSURE OF MARRIAGE AND FAMILY THERAPISTS**

**GENERAL PROVISIONS**

**Sec.**

**48.1 Definitions.**

**48.2 Educational requirements**

**48.3 Qualifications for supervisor until January 1, 2010.**

**LICENSURE**

**48.11 Licensure examination.**

**48.12 General qualifications for licensure.**

**48.13 Licensed marriage and family therapist.**

**48.14 Standards for supervisors.**

**48.15 Exemption from licensure examination.**

**48.16 APPLICATION FOR LICENSURE BY RECIPROCITY.**

**GENERAL PROVISIONS**

**§ 48.1. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

AAMFT—The American Association for Marriage and Family Therapy.

AMFTRB—The Association of Marital and Family Therapy Regulatory Boards.

Accredited educational institution—A graduate school which is recognized as an institution of higher education or which is accredited by a regional accrediting association recognized by the Council for Higher Education Accreditation.

Act—The Social Workers, Marriage and Family Therapists and Professional Counselors Act (63 P.S. §§ 1901-1922).

Board—The State Board of Social Workers, Marriage and Family Therapists and Professional Counselors.

COAMFTE—The Commission on Accreditation for Marriage and Family Therapy Education.

Doctoral degree in marriage and family therapy—A doctoral degree which is awarded upon successful completion of a program in marriage and family therapy which is either



accredited by COAMFTE, or, which includes coursework that meets the criteria in § 48.2 (relating to educational requirements).

Field closely related to the practice of marriage and family therapy—Includes the fields of social work, counseling psychology, clinical psychology, educational psychology, counseling, and child development and family studies, MEDICINE, NURSING, PASTORAL COUNSELING, MINISTRY, THEOLOGY, EDUCATION AND SOCIOLOGY.

Graduate level coursework in marriage and family therapy acceptable to the Board—  
Coursework that meets the criteria in § 48.2.

Institution of higher education—An independent institution of higher education, a community college, a State-related institution or a member institution of the State System. (22 PA. CODE § 33.102).

Master's degree in marriage and family therapy—A master's degree which is awarded upon successful completion of a program in marriage and family therapy which is either accredited by COAMFTE, or, which includes coursework that meets the criteria in § 48.2.

MFT-- MARRIAGE AND FAMILY THERAPIST.

Planned program of 60 semester hours or 90 quarter hours which is closely related to marriage and family therapy—A program which includes coursework that meets the criteria in § 48.2.

Program recognized by a National accrediting agency—A master, doctor or postgraduate degree training program accredited by COAMFTE.

RELATED FIELD— INCLUDES THE FIELDS OF PSYCHIATRY, PSYCHOLOGY, SOCIAL WORK, COUNSELING, ART THERAPY, DANCE/MOVEMENT THERAPY, DRAMA THERAPY, MUSIC THERAPY, HUMAN SERVICES, AND COUNSELING EDUCATION.

Supervisee—An individual who is fulfilling the supervised experience requirement for licensure.

Supervision—The act of overseeing, directing or instructing the activity or course of action of another.

Supervisor—An individual providing supervision to a supervisee who is a marriage and family therapist licensed under the act and has received certification as an approved supervisor or supervisor in training by the AAMFT. However, until January 1, 2010, an individual who meets all of the criteria in § 48.3 (relating to qualifications for supervisorS until January 1, 2010). shall also be included as a supervisor. A supervisor

may also include an individual who holds a license in a related field and who has 5 years experience in that field.

#### **§ 48.2. Educational requirements.**

Educational requirements are as follows:

- (1) Human development (3 courses minimum-9 semester or 12 quarter or 135 didactic contact hours).
  - (i) Courses in this area ~~should~~ SHALL provide knowledge of individual personality development and its normal and abnormal manifestations.
  - (ii) Coursework ~~should~~ SHALL cover human development across the life span, including special issues that affect an individual's development (that is, culture, gender and human sexuality).
- (2) Marriage and family studies (3 courses minimum-9 semester or 12 quarter or 135 didactic contact hours). Courses in this area ~~should~~ SHALL be a fundamental introduction to FAMILY systems theory.
- (3) Marriage and family therapy (3 courses minimum-9 semester or 12 quarter of 135 didactic contact hours).
  - (i) Courses in this area ~~should~~ SHALL have a major focus on family systems theory and systemic therapeutic interventions.
  - (ii) This area ~~is intended to~~ SHALL provide a substantive understanding of the major theories of systems change and the applied practices evolving from each theoretical orientation.
- (4) Professional studies (1 course minimum-3 semester or 4 quarter or 45 didactic contact hours).
  - (i) Courses in ~~these~~ THIS areas AREA ~~are intended to~~ SHALL contribute to the professional development of the therapist.
  - (ii) Areas of study ~~should~~ SHALL include the therapist's legal responsibilities and liabilities, professional ethics as a marriage and family therapist, professional socialization, and the role of the professional organization, licensure or certification legislation, independent practice and interprofessional cooperation.
- (5) Research (1 course minimum-3 semester or 4 quarter or 45 didactic contact hours). Courses in this area ~~should~~ SHALL assist students in understanding and performing research.

- (6) Practicum (minimum 1 year, 300 hours of supervised direct client contact with individuals, couples and families).

**§ 48.3. Qualifications for Supervisors until January 1, 2010.**

IN ORDER TO QUALIFY AS A SUPERVISOR, AN INDIVIDUAL MUST MEET ONE OF THE FOLLOWING CRITERIA:

1. HOLD A LICENSE AS AN MFT AND HAVE RECEIVED CERTIFICATION AS AN APPROVED SUPERVISOR OR SUPERVISOR-IN-TRAINING BY THE AAMFT; OR
2. HOLD A LICENSE AND HAVE AT LEAST A MASTER'S DEGREE IN A RELATED FIELD, AND HAVE 5 YEARS EXPERIENCE WITHIN THE LAST 10 YEARS IN THAT FIELD; OR

3. UNTIL JANUARY 1, 2010, MEET THE FOLLOWING CRITERIA:

(1) (A) The individual is an MFT, licensed under the act or by a statutory board of another state, if, in the opinion of the Board, the requirements for licensure are substantially equivalent to the requirements of the act. PRACTICES AS AN MFT.

(2) (B) The individual has HAVE completed a 1-semester graduate course in MFT supervision (at least 30 contact hours) or the equivalent.

(3) (C) The individual has HAVE 5 years experience WITHIN THE LAST 10 YEARS as an MFT.

**LICENSURE**

**§ 48.11. Licensure examination.**

(a) The examination required as a prerequisite to being granted a license to hold oneself out as a licensed MFT is the AMFTRB National MFT Examination. It will be given annually and at other times deemed appropriate by the Board, in consultation with the third-party testing organization providing the examination to license applicants of the Board.

(b) The applicant shall apply to the testing organization for admission to the applicable licensure examination and shall pay the required fee at the direction of the testing organization.

(c) The applicant shall be responsible for directing that the testing organization send examination results and other information requested to the Board.

(d) The passing grade for the examination will be determined by the Board.

**§ 48.12. General qualifications for licensure.**

General qualifications and requirements for applicants for licensure are as follows:

- (1) The applicant is of good moral character.
- (2) The applicant has not been convicted of a felony, which shall include a judgment, an admission of guilt or a plea of nolo contendere, under The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §§ 780-101-780-144), or of an offense under the laws of another jurisdiction, which, if committed in this Commonwealth, would be a felony under The Controlled Substance, Drug, Device and Cosmetic Act, unless the following apply:
  - (i) At least 10 years have elapsed from the date of conviction.
  - (ii) The applicant satisfactorily demonstrates to the Board that the applicant has made significant progress in personal rehabilitation since the conviction, so that licensure of the applicant would not be expected to create a substantial risk of harm to the health and safety of the applicant's clients or the public or a substantial risk of further criminal violations.
- (3) The applicant has submitted an application for licensure on forms furnished by the Board. The application for licensure may be obtained by contacting the Board by mail at: State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, Post Office Box 2649, Harrisburg, Pennsylvania 17105-2649, (717) 783-1389 or by e-mail at: [socialwopa.dos.state.pa.us](mailto:socialwopa.dos.state.pa.us); SOCIALWO@PADOS.STATE.PA.US.
- (4) The applicant has submitted the required application licensure fee by check or money order, payable to the "Commonwealth of Pennsylvania."
- (5) The applicant has submitted two certificates of Recommendation on forms furnished by the Board.
- (6) The applicant has submitted an affirmation signed by the applicant verifying the information on the application.

**§ 48.13. Licensed marriage and family therapist.**

- (a) *Conditions for licensure.* To be issued a license to hold oneself out as a licensed MFT, an applicant shall provide proof satisfactory to the Board, that the applicant has met the following conditions:
  - (1) Satisfied the general requirements for licensure in § 48.12 (relating to general qualifications for licensure).

(2) Passed the examination required by § 49.11 (relating to licensure examination).

(3) Successfully met one of the following educational requirements:

(i) By \_\_\_\_\_, (Editor's Note: The blank refers to a date 5 years after the effective date of adoption of this proposed rulemaking.) has completed a planned program of 60 semester hours or 90 quarter hours of graduate coursework which is closely related to marriage and family therapy as defined in § 48.1 (relating to definitions), including one of the following:

(A) A master's degree in marriage and family therapy from an accredited educational institution.

(B) A master's degree in a field closely related to the practice of marriage and family therapy as defined in § 48.1 from an accredited educational institution, with graduate level coursework in marriage and family therapy as defined in § 48.1 and § 48.2 (relating to educational requirements) from an accredited educational institution or from a program recognized by a National accrediting agency as defined in § 48.1.

(ii) Successfully completed a planned program of 60 semester hours or 90 quarter hours of graduate coursework which is closely related to marriage and family therapy as defined in § 48.1 including one of the following:

(A) A 48 semester hour or 72 quarter hour master's degree in marriage and family therapy from an accredited educational institution.

(B) A 48 semester hour or 72 quarter hour master's degree in a field closely related to the practice of marriage and family therapy as defined in § 48.1 FROM AN ACCREDITED EDUCATIONAL INSTITUTION with graduate level coursework in marriage and family therapy as defined in § 48.1 from an accredited educational institution or from a program recognized by a National accrediting agency as defined in § 48.1.

(iii) Holds a doctoral degree in marriage and family therapy as defined in § 48.1 from an accredited educational institution.

(iv) Holds a doctoral degree in a field closely related to marriage and family therapy as defined in § 48.1 from an accredited educational institution with graduate level coursework in marriage and family therapy as defined in § 48.1 from an accredited educational institution from a program recognized by a national accrediting agency as defined in § 48.1.

(4) Has met the following experience requirements:

(i) Individuals who meet the education requirements of subsection (a)(3)(i) or (ii), shall have completed at least 3 years or 3,600 hours of supervised clinical experience meeting the criteria in subsection (b), obtained after the completion of 48 semester hours or 72 quarter hours of graduate coursework. Supervision for the supervised clinical experience shall be provided by a supervisor as defined in § 48.1.

(ii) Individuals who meet the education requirements of subsection (a)(3)(iii) or (iv) shall have ~~complete~~ COMPLETED at least two years or 2,400 hours of supervised clinical experience which meets the criteria set forth in subsection (b), one year or 1,200 hours of which was obtained subsequent to the granting of the doctoral degree. Supervision for the supervised clinical experience shall be provided by a supervisor as defined in § 48.1.

(b) Supervised clinical experience—Experience acceptable to the Board means experience as a supervisee in a setting that is organized to prepare the applicant for the practice of marriage and family therapy consistent with the applicant's education and training.

(1) At least one-half of the experience shall consist of providing services in one or more of the following areas:

- (i) Assessment.
- (ii) Couples therapy.
- (iii) Family therapy.
- (iv) Other systems interventions.
- (v) Consultation.
- (vi) INDIVIDUAL THERAPY.
- (vii) GROUP THERAPY.

(2) Supervision for the clinical experience shall be provided by a supervisor as defined in §§ 47.1 48.1 AND 48.3 (relating to definitions). However, ~~the first 1,800 hours shall be supervised by a licensed marriage and family therapist who has received certification as an approved supervisor or supervisor in training by AAMFT or, until January 1, 2010, a marriage and family therapist who meets all the criteria listed in § 48.3 (relating to qualifications for supervision until January 1, 2010)~~ SUPERVISOR MEETING THE QUALIFICATIONS IN §§ 48.3(1) OR 48.3(3).

(3) A supervisee shall disclose his or her status as a supervisee to each patient and obtain written permission to discuss the patients PATIENT'S case with the supervisor.

(4) The supervisor shall ~~delegate, order and control~~ OVERSEE, DIRECT, RECOMMEND AND INSTRUCT the marriage and family therapy activities of the supervisee.

(i) A supervisor who is temporarily unable to provide supervision shall designate ~~a qualified substitute.~~ ANOTHER SUPERVISOR AS A SUBSTITUTE. However, for the first 1,800 hours delegation must be to another licensed marriage and family therapist who has received certification as an approved supervisor by AAMFT or, until January 1, 2010, a marriage and family therapist who meets all the criteria listed in § 48.3.

(ii) Although the supervisor shall continue to bear the ultimate responsibility for supervision, those to whom supervisory responsibilities are delegated shall be individually responsible for activities of the supervisee performed under their supervision.

(5) The supervisor, or one to whom supervisory responsibilities have been delegated, shall meet with the supervisee for a minimum of 2 hours for every 40 hours of supervised clinical experience. At least 1 of the 2 hours shall be with the supervisee individually and in person, and ~~at least 1 of the 2 hours shall~~ MAY be with the supervisee in a group setting and in person.

(6) A supervisor shall supervise no more than 6 supervisees at the same time. If this provision creates an undue hardship on a supervisee, the supervisor and supervisee may request an exception to this provision. The request shall state, in writing, the reasons why this provision creates a hardship on the supervisee and why the supervisee is not able to obtain a supervisor who meets the requirements of this provision. Before making a determination, the Board may require a personal appearance by the supervisee and supervisor.

(7) A supervisor who wishes to terminate supervision during the training period shall give the supervisee ~~60 days~~ TWO WEEKS written notice to enable the supervisee to obtain another qualified supervisor. A supervisor may not terminate supervision when termination would result in abandonment of the supervisee's client/patients.

(8) Supervised work activity will be counted toward satisfying the experience requirement only if it takes place in a single setting for either, first, at least 30 hours per week but no more than ~~40~~ 50 hours per week during at least a 3-month period or, second, at least 15 hours per week for a period of at least 6 months. ~~The experience shall have been obtained within the most recent 10 calendar years, at least half within the most recent 5 calendar years.~~

(9) THE SUPERVISED CLINICAL EXPERIENCE SHALL BE COMPLETED IN NO LESS THAN 2 YEARS AND NO MORE THAN 6 YEARS, EXCEPT THAT NO LESS THAN 600 HOURS AND NO MORE THAN 1800 HOURS MAY BE CREDITED IN ANY 12 MONTH PERIOD.

(c) SUPERVISED CLINICAL EXPERIENCE OBTAINED WITHIN 5 YEARS PRIOR TO \_\_\_\_\_ (Editors note: the blank refers to the effective date of adoption of this Final Form rulemaking.)

(1) FOR HOURS OF SUPERVISED CLINICAL EXPERIENCE OBTAINED WITHIN 5 YEARS PRIOR TO \_\_\_\_\_ (Editors note: the blank refers to the effective date of adoption of this Final Form rulemaking.) THE APPLICANT MUST PRESENT EVIDENCE OF HAVING ACQUIRED AT LEAST ONE-HALF OF THOSE HOURS UNDER THE SUPERVISION OF A MARRIAGE AND FAMILY THERAPIST. THE APPLICANT MUST ALSO HAVE ACQUIRED HOURS OF SUPERVISION AT A RATIO OF 2 HOURS OF SUPERVISION PER 40 HOURS OF SUPERVISED CLINICAL EXPERIENCE, ONE-HALF OF WHICH MAY BE IN GROUP SUPERVISION AND AT LEAST ONE-HALF OF WHICH MUST BE PROVIDED BY AN MFT.

(2) SUPERVISED CLINICAL EXPERIENCE OBTAINED UNDER THIS SUBSECTION IS NOT SUBJECT TO THE REQUIREMENTS OF § 48.14.

#### **§ 48.14. Standards for supervisors.**

Supervisors, and those to whom supervisory responsibilities are delegated, under § 48.13(a)(4) (relating to licensed marriage and family therapists) shall comply with this section. Supervisors will be asked to attest to compliance on the verification of experience form which shall accompany the supervisee's application for licensure. The Board reserves the right to require a supervisor by documentation or otherwise to establish to the Board's satisfaction that compliance occurred.

(1) The supervisor shall be qualified by training and experience to practice in the supervisee's areas of supervised practice.

(2) The supervisor may not be a relative of the supervisee by blood or marriage, may not be involved in a dual relationship which obliges the supervisor to the supervisee and may not engage in treatment of the supervisee.

(3) An individual ~~who is the subject of a disciplinary action~~ WHOSE LICENSE HAS BEEN ACTIVELY SUSPENDED OR REVOKED by a licensing Board will not qualify as a supervisor.

(i) IF DURING THE PERIOD OF SUPERVISION, THE SUPERVISOR'S LICENSE IS SUSPENDED OR REVOKED, THE SUPERVISOR SHALL IMMEDIATELY NOTIFY THE SUPERVISEE AND IMMEDIATELY CEASE SUPERVISION. CREDIT WILL BE GIVEN FOR HOURS COMPLETED PRIOR TO THE DISCIPLINARY ACTION.



(ii) THE SUPERVISEE SHALL OBTAIN A NEW SUPERVISOR IN ORDER TO COMPLETE THE REQUIRED EXPERIENCE.

- (4) The supervisor shall be responsible for ensuring that the requirements of § 48.13(b) are met.
- (5) The supervisor shall be accessible to the supervisee for consultation.
- (6) The supervisor shall be empowered to recommend the interruption or termination of the supervisee's activities in providing services to a client/patient and, if necessary, to terminate the supervisory relationship. Any hours accumulated for activities not approved by the supervisor will not count towards satisfying the 3,600 hours of supervised experience.
- (7) The supervisor shall ensure that the supervisee's status as a supervisee is made known to the supervisee's patients, and also ensure that the supervisee has obtained written permission from each patient to discuss his case with the supervisor.
- (8) The supervisor shall establish objectives to be achieved by the supervisee during supervision.
- (9) The supervisor shall review issues of practice and ethics with the supervisee.
- (10) The supervisor shall maintain notes or records of scheduled supervisory sessions and provide these records to the Board upon request.
- (11) The supervisor shall observe client/patient sessions of the supervisee or review recordings of these sessions.
- (12) In supervisory meetings, the supervisor shall discuss the supervisee's level of work—for example, the supervisee's areas of competence and areas of needed improvement.
- (13) The supervisor shall provide the supervisee with recommendations bearing on further professional development, professional study and skills necessary for independent practice.
- (14) The supervisor shall prepare written evaluations or reports of progress which shall delineate the supervisee's strengths and weaknesses. These evaluations or reports shall be discussed with the supervisee on at least a quarterly basis.
- (15) The supervisor shall encourage the supervisee to work with professionals in other disciplines as indicated by the needs of each client/patient and shall periodically observe these cooperative encounters.

(16) The supervisor shall encourage the supervisee to access multidisciplinary consultation, as necessary.

**§ 48.15. Exemption from licensure examination.**

A license will be issued without examination to an applicant who meets the following requirements. The applicant shall have:

(1) Satisfied the general requirements for licensure of § 48.12 (relating to general qualifications for licensure).

(2) Submitted an application provided by the Board and accompanied by the required fee.

(3) Submitted an application by ~~March 25, 2002~~ FEBRUARY 19, 2002.

(4) Demonstrated proof of practice of marriage and family therapy for at least 5 of the 7 years immediately prior to the date of application for license. ~~To satisfy the practice of marriage and family therapy requirement, the applicant's practice shall have consisted of at least 15 hours per week, with 10 of those hours consisting of direct client contact.~~

(5) Have successfully met one of the following education requirements:

(i) Have a doctoral degree in marriage and family therapy as defined in § 48.1 (relating to definitions) from an accredited educational institution.

(ii) Have a doctoral degree in a field closely related to the practice of marriage and family therapy as defined in § 48.1 from an accredited educational institution with graduate level coursework in marriage and family therapy acceptable to the Board as defined in § 48.1.

(iii) Have a master's degree of at least 48 semester hours or 72 quarter hours in marriage and family therapy as defined in § 48.1 from an accredited educational institution.

(iv) Have a master's degree of at least 48 semester hours or 72 quarter hours in a field closely related to marriage and family therapy as defined in § 48.1 from an accredited educational institution with graduate level course-work in marriage and family therapy acceptable to the Board as defined in § 48.1.

(v) Have a master's degree of less than 48 semester hours or 72 quarter hours but not less than 36 semester hours or 54 quarter hours in marriage

and family therapy as defined in § 48.1 from an accredited educational institution and have within the past 10 years completed sufficient continuing education satisfactory to the Board to equal the number of hours needed to achieve a total of 48 semester hours or 72 quarter hours at a ratio of 15 continuing education hours equaling 1 semester hour. Continuing education satisfactory to the Board shall meet the following requirements:

- (A) Master's level difficulty.
- (B) Excludes courses in office management or practice building.
- (C) Any course WHICH IS RELATED TO THE PRACTICE OF MARRIAGE AND FAMILY THERAPY THAT HAS BEEN approved by AAMFT FOR CONTINUING EDUCATION CREDIT FOR LICENSED PSYCHOLOGISTS OR LICENSED SOCIAL WORKERS, HAS BEEN APPROVED BY THE NATIONAL BOARD FOR CERTIFIED COUNSELORS, INC. (NBCC), THE COMMISSION ON REHABILITATION COUNSELOR CERTIFICATION (CRCC), THE CERTIFICATION BOARD FOR MUSIC THERAPISTS (CBMT), AATA, AMERICAN DANCE THERAPY ASSOCIATION (ADTA) OR THE NATIONAL ASSOCIATION FOR DRAMA THERAPY (NADT), OR HAS BEEN OFFERED BY AAMFT OR THE PENNSYLVANIA ASSOCIATION FOR MARRIAGE AND FAMILY THERAPY (PAMFT).

(vi) Have a master's degree of less than 48 semester hours or 72 quarter hours but not less than 36 semester hours or 54 quarter hours in a field closely related to the practice of marriage and family therapy as defined in § 48.1, from an accredited educational institution with graduate level coursework in marriage and family therapy as defined in § 48.1 and have within the past 10 years completed sufficient continuing education satisfactory to the Board to equal the number of hours needed to achieve a total of 48 semester hours or 72 quarter hours at a ratio of 15 continuing education hours equaling 1 semester hour. Continuing education satisfactory to the Board shall meet the following requirements:

- (A) Master's level difficulty.
- (B) Excludes courses in office management or practice building.
- (C) Any course WHICH IS RELATED TO THE PRACTICE OF MARRIAGE AND FAMILY THERAPY THAT HAS BEEN approved by AAMFT FOR CONTINUING EDUCATION CREDIT FOR LICENSED

PSYCHOLOGISTS OR LICENSED SOCIAL WORKERS,  
HAS BEEN APPROVED BY NBCC, CRCC, CBMT,  
AATA, ADTA, OR NADT, OR HAS BEEN OFFERED BY  
AAMFT OR PAMFT.

- (2) Demonstrated holding clinical membership status from AAMFT and passing the AMFTRB National MFT Examination or an examination given by another state as a requirement for licensure in that state.

**§ 48.16. APPLICATION FOR LICENSURE BY RECIPROCITY.**

(a) A LICENSE SHALL BE ISSUED BASED ON RECIPROCITY TO AN APPLICANT WHO MEETS THE FOLLOWING REQUIREMENTS. THE APPLICANT SHALL HAVE:

(1) SATISFIED THE GENERAL REQUIREMENTS FOR LICENSURE OF § 48.12 (RELATING TO GENERAL QUALIFICATIONS FOR LICENSURE).

(2) PROVIDED A LETTER FROM OTHER JURISDICTION REGISTRATION BOARDS WHERE THE LICENSED MARRIAGE AND FAMILY THERAPIST IS LICENSED, CERTIFYING LICENSURE AND REPORTING ANY VIOLATIONS.

(3) DEMONSTRATED QUALIFICATIONS AT LEAST EQUAL TO THE QUALIFICATIONS REQUIRED BY THE ACT AND THIS CHAPTER.

(b) THE BOARD WILL ACCEPT AN APPLICANT'S EXAMINATION GRADES TAKEN IN ANOTHER JURISDICTION, AS FURNISHED THROUGH THE PROFESSIONAL EXAMINATION REPORTING SERVICE OR FROM THE JURISDICTION WHICH ADMINISTERED THE EXAMINATION, IN LIEU OF TAKING THE COMMONWEALTH'S REQUIRED EXAMINATION.

(1) THE APPLICANT SHALL SHOW THAT THE EXAMINATION TAKEN IN THE OTHER JURISDICTION IS SIMILAR TO THE ONE OFFERED BY THE COMMONWEALTH AND THAT THE APPLICANT PASSED THE EXAMINATION WITH A GRADE AT LEAST EQUAL TO THE PASSING GRADE SET BY THE COMMONWEALTH.

(2) THE OTHER JURISDICTION IN WHICH THE APPLICANT IS LICENSED OR CERTIFIED MUST GRANT LICENSES BY RECIPROCITY TO RESIDENTS OF THIS COMMONWEALTH WHO

POSSESS A LICENSE AS AN MFT UNDER THE ACT AND THIS  
CHAPTER.

**CHAPTER 49. STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND  
FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS—LICENSURE  
OF PROFESSIONAL COUNSELORS**

**GENERAL PROVISIONS**

Sec.

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49.16. APPLICATION FOR LICENSURE BY RECIPROCITY.

**GENERAL PROVISIONS**

**§ 49.1. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Accredited educational institution*—A graduate school which is recognized as an institution of higher education or which is accredited by a regional accrediting association recognized by the Council for Higher Education Accreditation.

*Act*—The Social Workers, Marriage and Family Therapists and Professional Counselors Act (63 P.S. §§ 1901-1922).

*Board*—The State Board of Social Workers, Marriage and Family Therapists and Professional Counselors.

*CACREP*—Council for Accreditation of Counseling and Related Programs.

*Doctoral degree in a field closely related to the practice of professional counseling*—  
INCLUDES EITHER ONE OF THE FOLLOWING:

(a) A doctoral degree which is awarded upon successful completion of a program in a field closely related to the practice of professional counseling and which includes coursework that meets the criteria in § 49.2 (relating to educational requirements);  
DEGREES IN SOCIAL WORK, PSYCHIATRY, PSYCHOLOGY, ART THERAPY,

DANCE/MOVEMENT THERAPY, DRAMA THERAPY, MUSIC THERAPY, HUMAN SERVICES, COUNSELING EDUCATION and child development and family studies; OR

(b) ANY OTHER DOCTORAL DEGREE IN ANY APPLIED BEHAVIORAL SCIENCE WHICH IS AWARDED AFTER SUCCESSFUL COMPLETION OF A MASTER'S DEGREE IN A FIELD CLOSELY RELATED TO THE PRACTICE OF PROFESSIONAL COUNSELING AND THAT INCLUDES ADVANCED (BEYOND THE MASTER'S LEVEL) CLINICAL INSTRUCTION AND ADVANCED (BEYOND THE MASTER'S LEVEL) COURSEWORK IN ANY FIVE OF THE EDUCATIONAL REQUIREMENTS IN § 49.2 (1-8).

Doctoral degree in professional counseling—A doctoral degree which is awarded upon successful completion of a program which includes coursework that meets and builds upon the ~~criteria~~ EDUCATIONAL REQUIREMENTS in § 49.2.

Institution of higher education—An independent institution of higher education, a community college, a State-related institution or a member institution of the State System. (22 PA. CODE 33.102).

MASTER'S DEGREE IN A Field closely related to the practice of professional counseling includes — EITHER ONE OF THE FOLLOWING:

(a) ~~the fields of~~ DEGREES IN social work, ~~clinical psychology, educational psychology, counseling~~ psychology, ART THERAPY, DANCE/MOVEMENT THERAPY, DRAMA THERAPY, MUSIC THERAPY, HUMAN SERVICES, COUNSELING EDUCATION and child development and family studies; OR

(b) ANY DEGREE IN ANY APPLIED BEHAVIORAL SCIENCE THAT INCLUDES A PRACTICUM OR INTERNSHIP AND MEETS ANY FIVE OF THE EDUCATIONAL REQUIREMENTS IN § 49.2(1-8).

Planned program of 60 semester hours or 90 quarter hours of graduate coursework in counseling or a field closely related to the practice of professional counseling—A program which includes coursework that meets the criteria in § 49.2.

RELATED FIELD-- INCLUDES THE FIELDS OF PSYCHIATRY, PSYCHOLOGY, SOCIAL WORK, MARRIAGE AND FAMILY THERAPY, ART THERAPY, DANCE/MOVEMENT THERAPY, DRAMA THERAPY, MUSIC THERAPY, HUMAN SERVICES, AND COUNSELING EDUCATION.

Supervisee—An individual who is fulfilling the supervised experience requirement for licensure.

Supervision—The act of overseeing, directing or instructing the activity or course of action of another.

~~Supervisor—An individual providing supervision to a supervisee who is a professional counselor licensed under the act and has 5 years experience as a professional counselor. However, until January 1, 2006, the term shall include an individual who is a professional counselor with 5 years experience as a professional counselor. A supervisor may also include an individual who holds a license in a related field and who has 5 years experience in that field MEETS THE CRITERIA IN § 49.3 (RELATING TO QUALIFICATIONS FOR SUPERVISORS).~~

#### § 49.2. Educational requirements.

Educational requirements are as follows:

(1) *Human growth and development*—(2 semester or 3 quarter hours) studies that provide an understanding of the nature and needs of individual INDIVIDUALS at all developmental stages.

(2) *Social and cultural foundations*—(2 semester or 3 quarter hours) studies that provide an understanding of issues and trends in a multicultural and diverse society.

(3) *Helping relationships*—(2 semester or 3 quarter hours) studies that provide an understanding of counseling and consultation processes.

(4) *Group work*—(2 semester or 3 quarter hours) studies that provide an understanding of group development, dynamics, counseling theories, group counseling methods and skills and other group approaches.

(5) *Career and lifestyle development*—(2 semester or 3 quarter hours) studies that provide an understanding of career development and related life factors.

(6) *Appraisal*—(2 semester or 3 quarter hours) studies that provide an understanding of individual and group approaches to assessment and evaluation.

(7) *Research and program evaluation*—(2 semester or 3 quarter hours) studies that provide an understanding of types of research methods, basic statistics, and ethical and legal considerations in research.

(8) *Professional orientation*—(2 semester or 3 quarter hours) studies that provide an understanding of all aspects of professional functioning, including history, roles, organizational structures, ethics, standards and credentialing.

(9) *Clinical instruction*—(Includes 100 clock hours of supervised practicum experience and 600 clock hours of supervised internship experience). The supervised internship experience shall begin after completion of the supervised practicum experience. UNTIL \_\_\_\_\_, (EDITOR'S NOTE: THE BLANK



REFERS TO A DATE 5 YEARS AFTER THE EFFECTIVE DATE OF ADOPTION OF THIS FINAL RULEMAKING) THIS REQUIREMENT MAY BE SATISFIED BY COMPLETION OF A TOTAL OF 6 SEMESTER HOURS OR 9 QUARTER HOURS OF PRACTICUM/INTERSHIP EXPERIENCE.

**§ 49.3. QUALIFICATIONS FOR SUPERVISORS.**

IN ORDER TO QUALIFY AS A SUPERVISOR, AN INDIVIDUAL MUST MEET ONE OF THE FOLLOWING CRITERIA:

1. HOLDS A LICENSE AS A PROFESSIONAL COUNSELOR AND HAS 5 YEARS EXPERIENCE WITHIN THE LAST 10 YEARS AS A PROFESSIONAL COUNSELOR; OR

2. HOLDS A LICENSE AND HAS AT LEAST A MASTER'S DEGREE IN A RELATED FIELD AND HAS 5 YEARS EXPERIENCE WITHIN THE LAST 10 YEARS IN THAT FIELD; OR

3. UNTIL JANUARY 1, 2006, MEET THE FOLLOWING CRITERIA:

(1) PRACTICES AS A PROFESSIONAL COUNSELOR; AND

(2) HAS 5 YEARS EXPERIENCE WITHIN THE LAST 10 YEARS AS A PROFESSIONAL COUNSELOR.

**LICENSURE**

**§ 49.11. Licensure examination.**

(a) The examination required as a prerequisite to being granted a license to hold oneself out as a licensed professional counselor shall be one of the following:

(1) The National Counselor Examination for Licensure and Certification (NCE) administered GIVEN by NBCC.

(2) The Certified Rehabilitation Counselor (CRC) Examination administered GIVEN by CRCC).

(3) The Art Therapy Credentials Board (ATCB) Certification Examination given by ATCB.

(4) The Board Certification Examination given by CBMT.

(5) THE PRACTICE EXAMINATION OF PSYCHOLOGICAL KNOWLEDGE GIVEN BY THE NORTHAMERICAN ASSOCIATION OF MASTER'S IN PSYCHOLOGY (NAMP).

(6) THE ADVANCED ALCOHOL & OTHER DRUG ABUSE COUNSELOR EXAMINATION (AAODA) GIVEN BY THE INTERNATIONAL CERTIFICATION AND RECIPROCITY CONSORTIUM/ALCOHOL AND OTHER DRUG ABUSE INC. (IC & RC/AODA).

(7) THE EXAMINATION FOR MASTER ADDICTIONS COUNSELORS (EMAC) GIVEN BY NBCC.

(b) The applicant shall apply to the testing organization for admission to the applicable licensure examination and shall pay the required fee at the direction of the testing organization.

(c) The applicant shall be responsible for directing that the testing organization send examination results and other information requested to the Board.

(d) The passing grade for the examination will be determined by the Board.

**§ 49.12. General qualifications for licensure.**

General qualifications and requirements for applicants for licensure are as follows:

- (1) The applicant is of good moral character.
- (2) The applicant has not been convicted of a felony, which shall include a judgment, an admission of guilt or a plea of nolo contendere, under The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §§ 780-101-780-144), or of an offense under the laws of another jurisdiction, which, if committed in this Commonwealth, would be a felony under The Controlled Substance, Drug, Device and Cosmetic Act, unless the following apply:
  - (i) At least 10 years have elapsed from the date of conviction.
  - (ii) The applicant satisfactorily demonstrates to the Board that the applicant has made significant progress in personal rehabilitation since the conviction, so that licensure of the applicant would not be expected to create a substantial risk of harm to the health and safety of the applicant's clients or the public or a substantial risk of further criminal violations.
- (3) The applicant has submitted an application for licensure on forms furnished by the Board. The application for licensure may be obtained by contacting the Board by mail at: State Board of Social Workers, Marriage and Family Therapists

and Professional Counselors, Post Office Box 2649, Harrisburg, Pennsylvania 17105-2649, (717) 783-1389 or by e-mail at: socialwo@pados.state.pa.us.

- (4) The applicant has submitted the application licensure fee required by the Board, by check or money order, payable to the "Commonwealth of Pennsylvania."
- (5) The applicant has submitted two certificates of recommendation on forms furnished by the Board.

(6) THE APPLICANT HAS SUBMITTED AN AFFIRMATION SIGNED BY THE APPLICANT VERIFYING THE INFORMATION ON THE APPLICATION.

**§ 49.13. Licensed professional counselor.**

(a) *Conditions for licensure.* To be issued a license to hold oneself out as a licensed professional counselor, an applicant shall provide proof satisfactory to the Board, that the applicant has met the following conditions:

(1) Satisfied the general requirements for licensure of ~~this subsection~~ § 49.12 (RELATING TO GENERAL QUALIFICATIONS FOR LICENSURE).

(2) Passed the examination required by § 49.11 (relating to licensure examination).

(3) Successfully met one of the following education requirements:

(i) By \_\_\_\_\_, (Editor's Note: The blank refers to a date 5 years after the effective date of adoption of this proposed rulemaking.) has successfully completed a planned program of 60 semester hours or 90 quarter hours of graduate coursework in counseling or a field closely related to the practice of professional counseling as defined in § 49.1 (relating to definitions) including one of the following:

(A) A master's degree in professional counseling from an accredited education institution.

(B) A master's degree in a field closely related to the practice of professional counseling as defined in § 49.1 from an accredited educational institution.

(ii) Has successfully completed a planned program of 60 semester hours or 90 quarter hours of graduate coursework in counseling or a field closely related to the practice of professional counseling as defined in § 49.1 including one of the following:

(A) A 48 semester hour or 72 quarter hour master's degree in professional counseling from an accredited education institution.

(B) A 48 semester hour or 72 quarter hour master's degree in a field closely related to the practice of professional counseling as defined in § 49.1 from an accredited educational institution.

(iii) Holds a doctoral degree in counseling from an accredited educational institution.

(iv) Holds a doctoral degree in a field closely related to the practice of professional counseling as defined in § 49.1 from an accredited education institution.

(4) Has met the following experience requirements:

(i) Individuals who met the educational requirements of paragraph (3)(i) or (ii), shall have completed at least 3 years or 3,600 hours of supervised clinical experience meeting the criteria in subsection (b), obtained after the completion of 48 semester hours or 72 quarter hours of graduate coursework. Supervision for the supervised clinical experience shall be provided by a supervisor as defined in §§ 49.1 AND 49.3.

(ii) Individuals who meet the educational requirements of paragraph (3)(iii) or (iv) shall have completed at least 2 years or 2,400 hours of supervised clinical experience meeting the criteria set forth in subsection (b), 1 year or 1,200 hours of which was obtained subsequent to the granting of the doctoral degree. Supervision for the supervised clinical experience shall be provided by a supervisor as defined in §§ 49.1 AND 49.3.

(b) *Supervised clinical experience.* Experience acceptable to the Board means experience as a supervisee in a setting that is organized to prepare the applicant for the practice of counseling consistent with the applicant's education and training.

(1) At least one-half of the experience shall consist of providing services in one or more of the following areas:

- (i) Assessment.
- (ii) Counseling.
- (iii) Therapy.
- (iv) Psychotherapy.
- (v) Other therapeutic interventions.
- (vi) Consultation.
- (vii) FAMILY THERAPY.
- (viii) GROUP THERAPY.

(2) Supervision for the clinical experience shall be provided by a supervisor as defined in § 49.1. ~~The first 1,800 hours shall be supervised by a licensed professional counselor, or, until January 1, 2006, a professional counselor with 5~~

years experience as a professional counselor SUPERVISOR MEETING THE QUALIFICATIONS IN §§ 49.3(1) AND 49.3(3).

(3) A supervisee shall disclose his OR HER status as a supervisee to each patient and obtain written permission to discuss the patient's case with the supervisor.

(4) The supervisor shall ~~delegate, order and control~~ OVERSEE, DIRECT, RECOMMEND AND INSTRUCT the professional counseling activities of the supervisee.

(i) A supervisor who is temporarily unable to provide supervision shall designate a qualified ANOTHER SUPERVISOR AS A substitute. However, for the first 1,800 hours delegation shall be to another licensed professional counselor, or, until January 1, 2006, a professional counselor with 5 years experience as a professional counselor.

(ii) Although the supervisor shall continue to bear the ultimate responsibility for supervision, those to whom supervisory responsibilities are delegated shall be individually responsible for activities of the supervisee performed under their supervision.

(5) The supervisor, or one to whom supervisory responsibilities have been delegated, shall meet individually and in person with the supervisee for a minimum of 1 hour for every 20 hours of supervised clinical experience. WITH THE SUPERVISEE FOR A MINIMUM OF 2 HOURS FOR EVERY 40 HOURS OF SUPERVISED CLINICAL EXPERIENCE. AT LEAST 1 OF THE 2 HOURS SHALL BE WITH THE SUPERVISEE INDIVIDUALLY AND IN PERSON, AND 1 OF THE 2 HOURS MAY BE WITH THE SUPERVISEE IN A GROUP SETTING AND IN PERSON.

(6) A supervisor shall supervise no more than 6 supervisees at the same time. If this provision creates an undue hardship on a supervisee, the supervisor and supervisee may request an exception to this provision. The request shall state, in writing, the reasons why this provision creates a hardship on the supervisee and why the supervisee is not able to obtain a supervisor who meets the requirements of this provision. Before making a determination, the Board may require a personal appearance by the supervisee and supervisor.

(7) A supervisor who wishes to terminate supervision during the training period shall give the supervisee 60 days 2 WEEKS written notice to enable the supervisee to obtain another qualified supervisor. A supervisor may not terminate supervision when termination would result in abandonment of the supervisee's client/patient.  
(8) Supervised work activity will be counted toward satisfying the experience requirement only if it takes place in a single setting for either, first, at least 30 hours per week but no more than 40 hours per week during at least a 3 month period or,

second, at least 15 hours per week for a period of at least 6 months. ~~The experience shall have been obtained within the most recent 10 calendar years, at least half within the most recent 5 calendar years.~~

(9) THE SUPERVISED CLINICAL EXPERIENCE SHALL BE COMPLETED IN NO LESS THAN 2 YEARS AND NO MORE THAN 6 YEARS, EXCEPT THAT NO LESS THAN 600 HOURS AND NO MORE THAN 1800 HOURS MAY BE CREDITED IN ANY 12 MONTH PERIOD.

(c) SUPERVISED CLINICAL EXPERIENCE OBTAINED WITHIN 5 YEARS PRIOR TO \_\_\_\_\_  
(Editors note: the blank refers to the effective date of adoption of this Final Form rulemaking.)

(1) FOR HOURS OF SUPERVISED CLINICAL EXPERIENCE OBTAINED WITHIN 5 YEARS PRIOR TO \_\_\_\_\_ (Editors note: the blank refers to the effective date of adoption of this Final Form rulemaking.) THE APPLICANT MUST PRESENT EVIDENCE OF HAVING ACQUIRED AT LEAST ONE-HALF OF THOSE HOURS UNDER THE SUPERVISION OF A PROFESSIONAL COUNSELOR. THE APPLICANT MUST ALSO HAVE ACQUIRED HOURS OF SUPERVISION AT A RATIO OF 2 HOURS OF SUPERVISION PER 40 HOURS OF SUPERVISED CLINICAL EXPERIENCE, ONE-HALF OF WHICH MAY BE IN GROUP SUPERVISION AND AT LEAST ONE-HALF OF WHICH MUST BE PROVIDED BY A PROFESSIONAL COUNSELOR.

(2) SUPERVISED CLINICAL EXPERIENCE OBTAINED UNDER THIS SUBSECTION ARE NOT SUBJECT TO THE REQUIREMENTS OF § 49.14.

#### **§ 49.14. Standards for supervisor.**

Supervisors, and those to whom supervisory responsibilities are delegated under § 49.13(a)(4) (relating to licensed professional counselors) shall comply with this section. Supervisors will be asked to attest to compliance on the verification of experience form which shall accompany the supervisee's application for licensure. The Board reserves the right to require a supervisor by documentation or otherwise to establish to the Board's satisfaction that compliance occurred.

(1) The supervisor shall be qualified by training and experience to practice in the supervisee's areas of supervised practice.

(2) The supervisor may not be a relative of the supervisee by blood or marriage, may not be involved in a dual relationship which obliges the supervisor to the supervisee and may not engage in treatment of the supervisee.

(3) An individual ~~who is the subject of a disciplinary action~~ WHOSE LICENSE HAS BEEN ACTIVELY SUSPENDED OR REVOKED by a licensing Board will not qualify as a supervisor.

(i) IF DURING THE PERIOD OF SUPERVISION, THE SUPERVISOR'S LICENSE IS SUSPENDED OR REVOKED, THE SUPERVISOR SHALL IMMEDIATELY NOTIFY THE SUPERVISEE AND IMMEDIATELY CEASE SUPERVISION. CREDIT WILL BE GIVEN FOR HOURS COMPLETED PRIOR TO THE DISCIPLINARY ACTION.

(ii) THE SUPERVISEE SHALL OBTAIN A NEW SUPERVISOR IN ORDER TO COMPLETE THE REQUIRED EXPERIENCE.

(4) The supervisor shall be responsible for ensuring that the requirements of § 49.13(b) are met.

(5) The supervisor shall be accessible to the supervisee for consultation.

(6) The supervisor shall be empowered to recommend the interruption or termination of the supervisee's activities in providing services to a client/patient and, if necessary, to terminate the supervisory relationship. Any hours accumulated for activities not approved by the supervisor will not count towards satisfying the 3,600 hours of supervised experience.

(7) The supervisor shall ensure that the supervisee's status as a supervisee is made known to the supervisee's patients, and also ensure that the supervisee has obtained written permission from each patient to discuss his case with the supervisor.

(8) The supervisor shall establish objectives to be achieved by the supervisee during supervision.

(9) The supervisor shall review issues of practice and ethics with the supervisee.

(10) The supervisor shall maintain notes or records of scheduled supervisory sessions and provide these records to the Board upon request.

(11) The supervisor shall observe client/patient sessions of the supervisee or review recordings of these sessions.

(12) In supervisory meetings, the supervisor shall discuss the supervisee's level of work-for example, the supervisee's areas of competence and areas of needed improvement.

(13) The supervisor shall provide the supervisee with recommendations bearing on further professional development, professional study and skills necessary for independent practice.

(14) The supervisor shall prepare written evaluations or reports of progress which shall delineate the supervisee's strengths and weaknesses. These evaluations or reports shall be discussed with the supervisee on at least a quarterly basis.

(15) The supervisor shall encourage the supervisee to work with professionals in other disciplines as indicated by the needs of each client/patient and shall periodically observe these cooperative encounters.

(16) The supervisor shall encourage the supervisee to access multidisciplinary consultation, as necessary.

**§ 49.15. Exemption from licensure examination.**

A license will be issued without examination to an applicant who meets the following requirements. The applicant shall have:

(1) Satisfied the general requirements for licensure of § 49.12 (relating to qualification for licensure).

(2) Submitted an application provided by the Board and accompanied by the required fee.

(3) Submitted an application by ~~March 25, 2001~~ FEBRUARY 19, 2002.

(4) Demonstrated proof of practice of professional counseling for at least 5 of the 7 years immediately prior to the date of application for license. ~~To satisfy the practice of professional counseling requirement, the applicant's practice shall have consisted of at least 15 hours per week with 10 of those hours consisting of direct client contact.~~

(5) Have successfully met one of the following educational requirements:

(i) Holds a doctoral degree in professional counseling from an accredited educational institution.

(ii) Holds a doctoral degree in a field closely related to the practice of professional counseling from an accredited educational institution.

(iii) ~~Have~~ HOLDS a master's degree of at least 48 semester hours or 72 quarter hours in professional counseling or a field closely related to the practice of professional counseling from an accredited educational institution.



(iv) Have HOLDS a master's degree of less than 48 semester hours or 72 quarter hours but not less than 36 semester hours or 54 quarter hours in professional counseling or a field closely related to the practice of professional counseling and has within the past 10 years completed sufficient continuing education satisfactory to the Board to equal the number of hours needed to achieve a total of 48 semester hours or 72 quarter hours at a ratio of 15 continuing education hours equaling 1 semester hour. Continuing education satisfactory to the Board shall meet the following requirements:

(A) Master's level difficulty.

(B) Excludes courses in office management or practice building.

(C) Any course approved by NBCC, CRC, CBMT, or ATCB AATA, ADTA, THE PENNSYLVANIA CERTIFICATION BOARD (PCB) OR NADT, OR WHICH IS APPROVED FOR CONTINUING EDUCATION CREDIT FOR LICENSED PSYCHOLOGISTS OR LICENSED SOCIAL WORKERS, and which does not include a course in office management or practice building.

(6) Demonstrated holding one of the following:

(i) The National Certified Counselor (CC) certification from NBCC and having passed the National Counselor Examination given by the NBCC.

(ii) CRC certification from the CRCC and having passed the CRC Examination given by the CRCC.

(iii) The Registered Art Therapist (ATR) certification from the ATCB and having passed the Board Certification Examination given by the ATCB.

(iv) The Academy of Dance Therapists Registered (ADTR) certification from the (ADTA) and having passed the National Counselor Examination given by the NBCC.

(v) The Music Therapist-Board Certified certification from CBMT and having passed the Board Certification Examination given by the CBMT.

(vi) The Registered Drama Therapist (RDT) certification from NADT and having passed the National Counselor Examination given by NBCC.

(vii) The Certified Clinical Mental Health Counselor (CCMHC) certification from the Academy of Certified Clinical Mental Health Counselors (ACCMHC) and having passed the credentialing examination given by ACCMHC.

(viii) The Nationally Certified Psychologist (NCP) certification from the NAMP, and having passed the Practice Exam of Psychological Knowledge given by NAMP.

(IX) THE CERTIFIED ADDICTIONS COUNSELOR CREDENTIAL (CAC) FROM PCB, AND HAVING PASSED THE ADVANCED ALCOHOL AND OTHER DRUG ABUSE COUNSELOR EXAMINATION GIVEN BY THE IC & RC/AODA.

(X) THE MASTER'S ADDICTIONS COUNSELOR CREDENTIAL FROM NBCC, AND HAVING PASSED THE EXAMINATION FOR MASTER'S ADDICTIONS COUNSELORS GIVEN BY NBCC.

#### **§ 49.16. APPLICATION FOR LICENSURE BY RECIPROCITY.**

(a) A LICENSE SHALL BE ISSUED BASED ON RECIPROCITY TO AN APPLICANT WHO MEETS THE FOLLOWING REQUIREMENTS. THE APPLICANT SHALL HAVE:

(1) SATISFIED THE GENERAL REQUIREMENTS FOR LICENSURE OF § 49.12 (RELATING TO GENERAL QUALIFICATIONS FOR LICENSURE).

(2) PROVIDED A LETTER FROM OTHER JURISDICTION REGISTRATION BOARDS WHERE THE LICENSED PROFESSIONAL COUNSELOR IS LICENSED, CERTIFYING LICENSURE AND REPORTING ANY VIOLATIONS.

(3) DEMONSTRATED QUALIFICATIONS AT LEAST EQUAL TO THE QUALIFICATIONS REQUIRED BY THE ACT AND THIS CHAPTER.

(b) THE BOARD WILL ACCEPT AN APPLICANT'S EXAMINATION GRADES TAKEN IN ANOTHER JURISDICTION, AS FURNISHED THROUGH THE PROFESSIONAL EXAMINATION REPORTING SERVICE OR FROM THE JURISDICTION WHICH ADMINISTERED THE EXAMINATION, IN LIEU OF TAKING THE COMMONWEALTH'S REQUIRED EXAMINATION.

(1) THE APPLICANT SHALL SHOW THAT THE EXAMINATION TAKEN IN THE OTHER JURISDICTION IS SIMILAR TO THE ONE OFFERED BY THE COMMONWEALTH AND THAT THE APPLICANT PASSED THE EXAMINATION WITH A GRADE AT

LEAST EQUAL TO THE PASSING GRADE SET BY THE  
COMMONWEALTH.

(2) THE OTHER JURISDICTION IN WHICH THE APPLICANT IS  
LICENSED OR CERTIFIED MUST GRANT LICENSES BY  
RECIPROCITY TO RESIDENTS OF THIS COMMONWEALTH WHO  
POSSESS A LICENSE AS A PROFESSIONAL COUNSELOR UNDER  
THE ACT AND THIS CHAPTER.

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# PROPOSED RULEMAKING

## STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS

[49 PA. CODE CHS. 47--49]

### Licensure

[31 Pa.B. 1571]

The State Board of Social Workers, Marriage and Family Therapists and Professional Counselors (Board) proposes to amend §§ 47.1, 47.11 and 47.12 (relating to definitions; licensure examination; and qualifications for licensure), reserve § 47.13 (relating to licensure without examination), add §§ 47.12a--47.12d and 47.13b (relating to licensed social worker; provisional license as a social worker; licensed clinical social worker; standards for supervisors; and exemption from licensure examination--clinical social workers), and add Chapters 48 and 49 (relating to State Board of Social Workers, Marriage and Family Therapists and Professional Counselors--licensure of marriage and family therapists; and State Board of Social Workers, Marriage and Family Therapists and Professional Counselors--licensure of professional counselors) to read as set forth in Annex A.

#### A. *Effective Date*

The proposed amendments will be effective upon publication of the final-form regulations in the *Pennsylvania Bulletin*.

#### B. *Statutory Authority*

The proposed amendments are authorized under section 6(2) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act (act) (63 P. S. § 1906(2)).

#### C. *Background and Purpose*

The General Assembly enacted the act of December 21, 1998 (P. L. 1017, No. 136) (Act 136), amending the Social Workers' Practice Act (63 P. S. §§ 1901--1922), by expanding the State Board of Social Work Examiners to include marriage and family therapists and professional counselors. Act 136 also provided three additional licensure groups: (1) licensed clinical social workers; (2) marriage and family therapist; and (3) professional counselors. This proposed rulemaking only addresses definitions and licensure qualifications.



The Board has broken each licensure group into separate chapters: Chapter 47--Licensure of Social Workers; Chapter 48--Licensure of Marriage and Family Therapists; and Chapter 49--Licensure of Professional Counselors. Several requirements for licensure are common to all three groups, and, as a result, are repeated in each individual chapter. To provide the most guidance to licensees, the Board has drafted its preamble in two sections for each of the three chapters. Section 1 organizes statutory and corresponding proposed regulatory provisions by subject matter. Section 2 provides substantive interpretations of the proposed amendments and additions.

#### *D. Description of Proposed Amendments and Additions*

### **Chapter 47. (relating to licensure of social workers)**

#### *Section 1. Organization*

The proposed amendments track statutory language. The following chart indicates the organization and authority for the amendments. For ease of reference, the first column contains the statutory citation, the second column contains the proposed regulatory citation and the third column contains the subject matter.

<b>STATUTE</b>	<b>PROPOSED REGULATION</b>	<b>SUBJECT MATTER</b>
Section 1903	§ 47.1	Definitions
Section 1907(d) (4)	§ 47.11	Examinations
Section 1907(d)	§ 47.12	General qualifications for licensure
Section 1907(a- d)	§ 47.12a	Qualifications for licensure: Social work
	§ 47.12b	Provisional social work
	§ 47.12c	Clinical social work
	§ 47.12d	Standards for supervisors
Section 1909(a)	§ 47.13b	Exemption from licensure examination/clinical social workers

#### *Section 2. Substantive interpretations of proposed amendments*

Current § 47.1 is proposed to be amended to reflect the addition of marriage and family therapists and professional counselors to the title of Act 136 and the name of the Board. It would also be amended to add a definition for "supervisor," "supervisee" and "licensed clinical social worker."

The act requires a supervised clinical experience as one of the qualifications for licensed clinical social workers. The Board believes supervision should be provided by an individual who is a licensed clinical social worker with 5 years of experience or by an individual who holds a license in a related field with 5 years of experience in that related field. The Board

would allow for a 5 year period in which a supervisor may be an individual who is a clinical social worker with 5 years experience as a clinical social worker and is licensed as a social worker.

Section 47.11 is proposed to be amended to reflect the change of names for the American Association of State Social Work Boards to its current name of Association of Social Work Boards (ASWB), and the State Board of Social Work Examiners to the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors. Section 47.11 would also be amended to add the clinical level examination given by ASWB as the examination required for licensure as a clinical social worker.

Current § 47.12 is proposed to be amended to reorganize the existing qualifications for licensure for social workers and provisional licensed social workers and add the provisions for licensure of clinical social workers. Section 47.12 would become the general qualifications for licensure for these three separate groups. Section 47.12a lists the qualifications for a licensed social worker; § 47.12b lists the qualifications for provisional licensure of social workers; and § 47.12c lists the qualifications for licensure of clinical social workers. There are no substantive changes to the provisions for a licensed social worker and provisional licensed social worker apart from the reorganization.

Proposed § 47.12c would add qualifications for licensure as a clinical social worker. It follows the statutory language of the act. The Board believes it would be helpful for licensees to have these qualifications placed in the regulations as well as the act for their convenience.

In addition to tracking the statutory language, this section sets forth the Board's requirements for the supervised clinical experience. (Supervised experience is also required for licensure of marriage and family therapists and professional counselors, and the provisions in this section of this chapter are repeated in the chapters for the other two licensure groups.) The Board's goal is to establish criteria that would ensure a quality learning experience for supervisees. Supervisees should receive experience in specific areas, be supervised by qualified supervisors and have regular contact with supervisors who would review and discuss cases with the supervisee and direct the supervisee's patient therapy. The Board would limit the number of persons an individual could supervise at one time to ensure that the supervisor would be available to the supervisee. Finally, the Board would establish a minimum length of time with a minimum number of hours that a supervisee must work at any one supervised clinical experience setting. This would allow supervisees the flexibility of moving from one supervised experience setting to another while ensuring they are at one place long enough to develop relationships with their supervisors and patients as well as learn from their experience. The Board reviewed the State Board of Psychology's regulations in § 41.31(c)(1)(iii) (relating to qualifications for taking licensing examination) to arrive at the length of time and hours in this provision, because this is a board in a related field which also requires a supervised experience.

In drafting the proposal, the Board considered having all of the required 3,600 hours of supervised clinical experience supervised by a licensed clinical social worker. The Board decided that the first 1,800 hours of supervision would be provided by an individual who is a licensed clinical social worker. The remaining 1,800 hours could be provided by an individual who holds a license in a related field with 5 years of experience in that related field. Since it may be difficult to find enough licensed clinical social workers to provide supervision for all supervisees in remote areas of this Commonwealth, this proposal would

make it easier for supervisees to locate a supervisor. Additionally, allowing individuals licensed in other mental health fields to supervise would provide a broader experience for licensees. Finally, the Board received input from professional organizations and individuals suggesting that other mental health professionals be allowed to provide half of the supervision.

Proposed § 47.12d sets forth standards for supervisors. The Board believes that the supervised clinical experience should provide a quality learning experience for supervisees, which depends in part on the quality of supervision. In addition to providing that a supervisor should be qualified and accessible to the supervisee for consultation, as well as unbiased in their provision of services to the supervisee, this section provides guidance and direction to individuals regarding their duties and responsibilities as a supervisor. Section 47.12d also gives clear guidance to the supervisees regarding what they can and should expect from their supervisors. Finally, this section empowers the supervisor to recommend the interruption or termination of a supervised activity in providing services to a client/patient and if necessary to terminate the supervisory relationship. Unapproved hours would not count towards satisfying the clinical experience. This provision recognizes that there may be a situation in which the supervisor and the supervisee are not in the same work setting; therefore, the supervisor has no control over the supervised work outside of the supervisor/supervisee relationship. If the supervisor is uncomfortable with, or opposed to the supervisee's treatment plan for a patient, or suggests an alternative plan which the supervisee refuses to follow, the supervisor then has the option of not approving those hours for the clinical experience, or, if necessary, terminating the relationship with the supervisee.

Proposed § 47.13b, regarding exemption from licensure examination for clinical social workers, closely tracks the statutory language. This section would also establish a minimum number of work hours per week to satisfy the requirement of proof of practice of clinical social work and the criteria for continuing education which is satisfactory to the Board under section 1909(a)(4)(iii) of the act. Finally, this section lists the certifications acceptable to the Board for the purposes of this section.

## **Chapter 48. (relating to licensure of marriage and family therapists)**

### *Section 1. Organization*

The proposed addition tracks statutory language. The following chart indicates the organization and authority for the addition. For ease of reference, the first column contains the statutory citation, the second column contains the proposed regulatory citation and the third column contains the subject matter.

<b>STATUTE</b>	<b>PROPOSED REGULATION</b>	<b>SUBJECT MATTER</b>
Section 1903	§ 48.1	Definitions
	§ 48.2	Educational requirements
		Qualifications for supervisor
	§ 48.3	
Section 1907(e)(4)	§ 48.11	Examination
Section 1907(e)	§ 48.12	General qualifications for licensure
Section 1907(e)	§ 48.13	Requirements for licensure

## Standards for supervisors

§ 48.14

Section 1909(b)

§ 48.15

Exemption from licensure examination

*Section 2. Substantive interpretations of proposed addition*

Proposed § 48.1 (relating to definitions) would include definitions for "AAMFT," "AMFTRB," "accredited educational institution," "act," "Board," "COAMFTE," "doctoral degree in marriage and family therapy," "field closely related to the practice of marriage and family therapy," "graduate level coursework in marriage and family therapy acceptable to the Board," "masters degree in marriage and family therapy," "planned program of 60 semester hours or 90 quarter hours which is closely related to marriage and family therapy," "program recognized by a National accrediting agency," "supervisee," "supervision" and "supervisor."

The act makes numerous references to the provision "accredited institution." There are no organizations in the field of marriage and family therapy that accredit institutions. Therefore, the Board defines an accredited institution as one accredited by a regional accrediting association recognized by the Council for Higher Education Accreditation (CHEA).

Section 48.1 also contains definitions for several different educational degrees and programs. These degrees and programs are found in the qualifications for licensure section of the act. When reviewing the educational requirements for licensure, an individual can refer to the definition section for the particular program or degree.

The act requires a supervised clinical experience as one of the qualifications for licensed marriage and family therapists. The Board believes supervision should be provided by an individual who is a licensed marriage and family therapist holding a certification from the American Association for Marriage and Family Therapy as an approved supervisor or supervisor-in-training, or by an individual who holds a license in a related field with 5 years of experience in that related field. The Board would allow for a 10-year period in which an individual may act as a supervisor so long as the individual is licensed, has received coursework in supervision and has 5 years experience as a marriage and family therapist.

Proposed § 48.2 (relating to educational requirements) lists the courses that would be required in the educational degrees, programs and graduate level coursework referred to in both the act and the proposed definitions section regarding qualification for licensure. There was much discussion amongst Board members, as well as input from professional organizations and individuals, regarding the need for establishing educational requirements for programs or requiring program accreditation. The alternative was to accept any program so long as it was from an accredited institution, regardless of program content. The Board considered several factors. First, social work programs must, by regulation, be accredited by the Council on Social Work Education (CSWE). Establishing educational criteria or requiring program accreditation for professional counselors and marriage and family therapists, would insure parity for all three licensure groups under this licensing Board. Second, the Board believes that all programs should meet a minimum threshold level of education and training. Requiring accreditation or establishing educational requirements provides minimum standards and uniformity over time and across educational institutions holding students accountable to National standards. Consequently, the Board decided that it

should require accreditation or establish educational requirements.

The Board believes that program accreditation is a plus, but not necessary. Program accreditation is a lengthy and expensive process, creating a burden on institutions as well as limiting the availability of programs for students. It chose instead to establish educational requirements for programs. The Board looked to the Commission on Marriage and Family Therapy Education for guidance as it is the only organization that approves programs. By adopting the educational requirements used by the Commission on Accreditation for Marriage and Family Therapy Education in its accreditation process, the programs would be more uniform, meet minimum standards and hold students accountable to National standards.

The educational requirements are in this section for clarity and easy guidance for both institutions and licensees. When reviewing the educational requirements for licensure, an individual can refer to the definition section for the particular program or degree, which would then refer the individual to this section.

Proposed § 48.3 (relating to qualifications for supervisor until January 1, 2010) sets forth the qualifications an individual must satisfy to act as a supervisor if the individual has not yet received certification as either an approved supervisor or supervisor-in-training. The Board believes that, at a minimum, the individual should be licensed as a marriage and family therapist, have 30 hours of coursework in marriage and family therapy supervision and have 5 years experience in marriage and family therapy.

Proposed § 48.11 (relating to licensure examination) sets forth the examination the Board would require for licensure. Currently there is only one examination, the National Marriage and Family Therapist Examination, offered by the Association of Marital and Family Therapy Regulatory Boards. This section also sets forth the procedure for taking the examination.

Proposed § 48.12 (relating to general qualifications for licensure) lists the more general qualifications for licensure, including moral character, conviction of a felony and the procedures for submitting an application.

Proposed § 48.13 (relating to licensed marriage and family therapist) lists the qualifications for licensure as a marriage and family therapist. This section tracks statutory language, and addresses examinations, educational requirements and supervised clinical experience. The Board believes it would be helpful to individuals to have these qualifications placed in the regulation, as well as the act for their convenience.

As discussed earlier, the Board decided to define the educational degrees and programs required for licensure as meeting certain educational requirements. To keep this section as clear as possible, the Board chose to define the educational degrees and programs in the definition section, with the educational requirements for those degrees and programs set out specifically in § 48.2. Otherwise, this section could very quickly become lengthy and cumbersome.

In addition to tracking the statutory language, this section sets forth the Board's requirements for the supervised clinical experience. (Supervised experience is also required for licensure of clinical social workers and professional counselors, and the provisions in

this section of this chapter are repeated in the chapters for the other two licensure groups.) The Board's goal is to establish criteria that would ensure a quality learning experience for supervisees. Supervisees should receive experience in specific areas, be supervised by qualified supervisors and have regular contact with supervisors who would review and discuss cases with the supervisee and direct the supervisee's patient therapy. The Board would limit the number of persons an individual may supervise at one time to ensure that the supervisor is available to the supervisee. Finally, the Board would establish a minimum length of time with a minimum number of hours that a supervisee must work at any one supervised clinical experience setting. This allows supervisees the flexibility of moving from one supervised experience setting to another while ensuring they are at one place long enough to develop relationships with their supervisors and patients and learn from their experience. The Board looked to the State Board of Psychology's regulations in § 41.31(c)(1)(iii) to arrive at the length of time and hours in this provision, because this is a Board in a related field, which also requires a supervised experience.

The Board discussed having all of the required 3,600 hours of supervised clinical experience supervised by a licensed marriage and family therapist. After considering several factors, the Board decided that the first 1,800 hours of supervision would be provided by an individual who is a licensed marriage and family therapist with certification as an approved supervisor or supervisor-in-training. The remaining 1,800 hours could be provided by an individual who holds a license in a related field with 5 years of experience in that related field. Since it may be difficult to find enough licensed marriage and family therapists to provide supervision for all supervisees in remote areas of this Commonwealth, this provision would make it easier for supervisees to locate a supervisor. Additionally, allowing individuals licensed in other mental health fields to supervise would provide a broader experience for licensees. Finally, the Board received input from professional organizations and individuals suggesting that other mental health professionals be allowed to provide half of the supervision.

Proposed § 48.14 (relating to standards to supervisors) sets forth standards for supervisors. The Board believes that the supervised clinical experience should provide a quality learning experience for supervisees, which depends in part on the quality of supervision. In addition to providing that a supervisor should be qualified and accessible to the supervisee for consultation as well as unbiased in his provision of services to the supervisee, this section provides guidance and direction to individuals regarding their duties and responsibilities as a supervisor. Section 48.14 also gives clear guidance to the supervisees regarding what they can and should expect from their supervisors. Finally, this section empowers the supervisor to recommend the interruption or termination of a supervised activity in providing services to a client/patient and, if necessary, to terminate the supervisory relationship. Unapproved hours would not count towards satisfying the clinical experience. This provision acknowledges that there may be a situation in which the supervisor and the supervisee are not in the same work setting and therefore, the supervisor has no control over the supervised work outside of the supervisor/supervisee relationship. If the supervisor is uncomfortable with, or opposed to the supervisee's treatment plan for a patient, or suggests an alternative plan which the supervisee refuses to follow, the supervisor then has the option of not approving those hours for the clinical experience and, if necessary, terminating the relationship with the supervisee.

Proposed § 48.15 (relating to exemption from licensure examination) regarding exemption from licensure examination for marriage and family therapists closely tracks the statutory language. This section would establish a minimum number of work hours per

week to satisfy the requirement of proof of practice of marriage and family therapy and the criteria for continuing education satisfactory to the Board under section 1909(b)(4)(iii) of the act. This section also lists the professional certifications and examination acceptable to the Board for the purposes of this section.

## **Chapter 49. (relating to licensure of professional counselors)**

### *Section 1: Organization*

The proposed regulations track statutory language. The following chart indicates the organization and authority for the additions. For ease of reference, the first column contains the statutory citation, the second column contains the proposed regulatory citation and the third column contains the subject matter.

### **Professional Counselors**

<b>STATUTE</b>	<b>PROPOSED REGULATION</b>	<b>SUBJECT MATTER</b>
Section 1903	§ 49.1	Definitions
	§ 49.2	Educational requirements
Section 1907(f)(4)	§ 49.11	Examination
Section 1907(f)	§ 49.12	General qualifications for licensure
Section 1907(f)	§ 49.13	Requirements for licensure
	§ 49.14	Standards for supervisors
Section 1909(c)	§ 49.15	Exemption from licensure examination

### *Section 2: Substantive interpretations of proposed addition*

Proposed § 49.1 (relating to definitions) would include definitions for "accredited educational institution," "act," "Board," "CACREP," "CORE," "doctoral degree in a field closely related to the practice of professional counseling," "doctoral degree in professional counseling," "field closely related to the practice of professional counseling," "planned program of 60 semester hours or 90 quarter hours of graduate coursework in counseling or a field closely related to the practice of professional counseling," "supervisor," "supervision" and "supervisee."

The act makes numerous references to the provision "accredited educational institution." There are at least two National accrediting organizations in the counseling field: the Council on Rehabilitation Education (CRE) and the Council for Accreditation of Counseling and Related Education Programs (CACREP). The Board believes that program accreditation is a plus, but not necessary. Program accreditation is a lengthy and expensive process, creating a burden on institutions as well as limiting the availability of programs for students. Therefore, the Board defines accredited educational institution as one which is accredited by a regional accrediting association recognized by CHEA, an accreditation already held by most institutions.

Section 49.1 also contains definitions for several different educational degrees and programs. These degrees and programs are found in the qualifications for licensure section

of the act. When reviewing the educational requirements for licensure, an individual can refer to the definition section for the particular program or degree.

The act requires a supervised clinical experience as one of the qualifications for licensed professional counselors. The Board believes supervision should be provided by an individual who is a licensed professional counselor with 5 years experience, or by an individual who holds a license in a related field with 5 years of experience in that related field. The Board would allow for a 5-year period in which a supervisor may be an individual who is a professional counselor with 5 years experience as a professional counselor.

Proposed § 49.2 (relating to educational requirements) lists the courses that would be required in the educational degrees and programs referred to in both the act and the proposed definitions section regarding qualification for licensure. The Board received input from professional organizations and individuals, regarding the need for establishing educational requirements for programs or requiring program accreditation. The alternative was to accept any program so long as it was from an accredited institution, regardless of program content. The Board considered several factors. First, social work programs must, by regulation, be accredited by CSWE. Establishing educational criteria or requiring program accreditation for professional counselors and marriage and family therapists would insure parity for all three licensure groups under this licensing Board. Second, the Board believes that all programs should meet a minimum threshold level of education and training. Additionally, the counseling profession encompasses numerous branches and specialties. Requiring accreditation or establishing educational requirements provides minimum standards and uniformity over time and across educational institutions holding students accountable to National standards. Consequently, the Board decided that it should require accreditation or establish educational requirements.

The Board believes that program accreditation is a plus, but not necessary. Program accreditation is a lengthy and expensive process, creating a burden on institutions as well as limiting the availability of programs for students. It chose instead to establish educational requirements for programs. The Board looked to the curriculum requirements used by CRE and CACREP for guidance. These are well recognized accrediting organizations in his profession of counseling and thus a reliable, credible resource for the Board. The requirements of these two organizations were very similar. However, the Board decided to adopt the educational requirements used by CACREP. After a comparison of different programs with varying curriculum, the Board is satisfied that most counseling programs would satisfy the requirements established by the Board. Additionally, the Board asked professionals in related fields to review the educational requirements and was told that their programs would also be able to meet the Board's criteria. The educational requirements total 16 semester or 24 quarter hours out of a 60 semester hour or 90 quarter hour program, and also includes 100 hours of supervised practicum experience and 600 clock hours of supervised internship experience. These basic requirements make up a small part of the overall planned program required for licensure, allowing the various programs and specialty degrees to continue to concentrate on their individual areas while ensuring that the programs would be more uniform, meet minimum standards and hold students accountable to National standards. The goal is to be as inclusive as possible in this diverse field, and yet maintain uniform, quality counseling programs for licensure.

The educational requirements are in this section for clarity and easy guidance to institutions and licensees. When reviewing the educational requirements for licensure, an



individual can refer to the definition section for the particular program or degree, which would then refer the individual to this section.

Proposed § 49.11 (relating to licensure examination) sets forth the examinations the Board would require for licensure. Again, because of the diversity of this profession, there are numerous organizations and associations offering certifications and examinations. The Board discussed the various examinations available and found that one examination would not be sufficient. However, there are four examinations that are recognized Nationally and common to many of the varying disciplines and specialties, and therefore appropriate examinations for licensure. These are the National Counselor Examination, the Certified Rehabilitation Counselor Examination, the Art Therapy Credentials Board Certification Examination and the Board Certification Examination given by the Certification Board for Music Therapists. The Board did consider requests by the Northamerican Association of Masters in Psychology (NAMP) and other individuals to include that organization's National Certified Psychologist Examination. After review and discussion, the Board concluded that the examination for licensure as a professional counselor should be an examination in the professional counseling field and, consequently, the National Certified Psychologist Examination would not be an appropriate examination for licensure. The Board did determine that the NAMP certification and examination would be acceptable as a professional certification and National certification examination required as one of the qualifications for exemption from licensure examination. Section 49.11 also sets forth the procedure for taking the examination.

Proposed § 49.12 (relating to general qualifications for licensure) lists the more general qualifications for licensure including moral character, conviction of a felony and the procedures for submitting an application.

Proposed § 49.13 (relating to licensed professional counselor) lists the qualifications for licensure. This section tracks statutory language and addresses examinations, educational requirements and supervised clinical experience. The Board believes it would be helpful to individuals to have these qualifications placed in the regulations as well as the act for their convenience.

The Board decided to define the educational degrees and programs required for licensure as meeting certain educational requirements. To keep this section as clear as possible, the Board chose to define the educational degrees and programs in the definition section, with the educational requirements for those degrees and programs set out specifically in § 49.2. Otherwise, this section could very quickly become lengthy and cumbersome.

In addition to the statutory language, this section sets forth the Board's requirements for the supervised clinical experience. (This supervised experience is also required for licensure of clinical social workers and marriage and family therapists, and the provisions in this section of this chapter are repeated in the chapters for the other two licensure groups.) The Board's goal is to establish criteria that would ensure a quality learning experience for supervisees. Supervisees should receive experience in specific areas, be supervised by qualified supervisors, and have regular contact with supervisors who would review and discuss cases with the supervisee and direct the supervisee's patient therapy. The Board would limit the number of persons an individual could supervise at one time to ensure that the supervisor is available to the supervisee. Finally, the Board would establish a minimum length of time with a minimum number of hours that a supervisee must work at any one supervised clinical experience setting. This would allow supervisees the flexibility of

moving from one supervised experience setting to another while ensuring they are at one place long enough to develop relationships with their supervisors and patients and learn from their experience. The Board reviewed the State Board of Psychology's regulations in § 41.31(c)(1)(iii) to arrive at the length of time and hours in this provision, because this is a Board in a related field, which also requires a supervised experience.

The Board discussed having all of the required 3,600 hours of supervised clinical experience supervised by a licensed professional counselor. After considering several factors, the Board decided that the first 1,800 hours of supervision would be provided by an individual who is a licensed professional counselor. The remaining 1,800 hours could be provided by an individual who holds a license in a related field with 5 years of experience in that related field. Since it may be difficult to find enough licensed clinical social workers to provide supervision for all supervisees in remote areas of this Commonwealth, this provision would make it easier for supervisees to locate a supervisor. Additionally, allowing individuals licensed in other mental health fields to supervise would provide a broader experience for licensees. Finally, the Board received input from professional organizations and individuals suggesting that other mental health professionals be allowed to provide half of the supervision.

Proposed § 49.14 (relating to standards for supervisors) sets forth standards for supervisors. The Board believes that the supervised clinical experience should provide a quality learning experience for supervisees, which depends in part on the quality of supervision. In addition to providing that a supervisor should be qualified and accessible to the supervisee for consultation, as well as unbiased in their provision of services to the supervisee, this section provides guidance and direction to individuals regarding their duties and responsibilities as a supervisor. Section 49.14 also gives clear guidance to the supervisees regarding what they can and should expect from their supervisors. Finally, this section empowers the supervisor to recommend the interruption or termination of a supervised activity in providing services to a client/patient and, if necessary, to terminate the supervisory relationship. Unapproved hours would not count towards satisfying the clinical experience. This provision recognizes that there may be a situation in which the supervisor and the supervisee are not in the same work setting and therefore, the supervisor has no control over the supervised work outside of the supervisor/supervisee relationship. If the supervisor is uncomfortable with, or opposed to the supervisee's treatment plan for a patient, or suggests an alternative plan which the supervisee refuses to follow, the supervisor then has the option of not approving those hours for the clinical experience and, if necessary, terminating the relationship with the supervisee.

Proposed § 49.15 (relating to exemption from licensure examination) regarding professional counselors closely tracks the statutory language. This section would establish a minimum number of work hours per week to satisfy the requirement of proof of practice of professional counseling; establish the criteria for continuing education which is satisfactory to the Board under section 1909(c)(4)(iii) of the act; and list the professional certifications and examinations acceptable to the Board for the purposes of this section. The Board chose these certifications and examinations because they are representative of the counseling profession and are comparable in their requirements for certification.

#### *E. Compliance with Executive Order 1996-1*

In compliance with Executive Order 1996-1, the Board extended the invitation to the following boards, associations and interested licensees and educators to preliminarily

review and comment on the Board's draft regulatory proposal: California University of Pennsylvania Department of Counseling; Indiana University of Pennsylvania, Department of Counseling; Millersville University of Pennsylvania, Department of Counseling; Shippensburg University of Pennsylvania Department of Counseling; Slippery Rock University of Pennsylvania, Department of Counseling; West Chester University of Pennsylvania, Department of Counseling; Pennsylvania State University, Department of Counseling; Pennsylvania State University Erie-The Behrend College, Department of Counseling; University of Pittsburgh, Department of Counseling; MCP Hahnemann University, Department of Counseling; University of Pennsylvania, Department of Counseling; Beaver College Department of Counseling; Bucknell University, Department of Counseling; Eastern College Department of Counseling; James Gavin, National Association of Social Workers; ASWB; Morgan Plant/PA Alliance of Counseling; CSWE; Donna F. Derr, Ph.D., LSW. Director of Family and Community Education, Pennsylvania Society for Clinical Social Work; Edward Beck, Ed.D., CCMHC, NCC/Susquehanna Institute/East Shore Medical Center; David W. Hall, Ph.D. Associate Professor/Counseling/University of Scranton; John M. Sutton, Jr.; Robert C. Nielsen, President, American Association of State Counseling Boards; Sally J. Tice, Ph.D./The Marriage & Family Life Center; Donald B. Kaveny, Director/American Association of Marriage and Family Therapists; James T. Herbert, Ph.D., CRC; and Dr. Tom Trigwell.

The Board reviewed and considered all comments and suggestions received by these and other interested parties during the regulatory development process.

#### *F. Fiscal Impact and Paperwork Requirements*

These proposed amendments would have a fiscal impact and additional paperwork requirement on the Commonwealth in that there are three new licensure groups for which applications would be processed and fees would be received.

The proposed amendments should not require any legal, accounting or reporting requirements in the regulated community.

#### *G. Sunset Date*

The Board reviews the effectiveness of its regulations on an ongoing basis. Therefore, no sunset date has been assigned.

#### *H. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Board submitted a copy of these proposed amendments on March 13, 2001, to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House of Professional Licensure Committee and the Senate Consumer Protection and Licensure Committee. In addition to submitting the proposed amendments, the Board has provided IRRC and the Committees with a detailed Regulatory Analysis Form prepared by the Board in compliance with Executive Order 1996-1 "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has objections to any portion of the proposed amendments, it will notify the Board within 10 days after the expiration of

the Committees' review period. The notification shall specify the regulatory review criteria that have not been met by the portion of the proposed amendments to which an objection is made. The Regulatory Review Act specifies detailed procedures for review, prior to publication of the amendments by the Board, the General Assembly and the Governor of objections raised.

#### *I. Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed amendments to Eva Cheney, Counsel, State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, 116 Pine Street, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days of publication of this proposed rulemaking. Please reference number 16A-694 when submitting comments.

MANUEL MANOLIAS,  
Secretary

**Fiscal Note:** 16A-694. No fiscal impact; (8) recommends adoption.

### **Annex A**

## **TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

### **PART I. DEPARTMENT OF STATE**

#### **SUBPART A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

#### **CHAPTER 47. STATE BOARD OF SOCIAL WORK MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS-- LICENSURE OF SOCIAL WORKERS**

### **GENERAL PROVISIONS**

#### **§ 47.1. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

*Act*--The Social [Workers' Practice] Workers, Marriage and Family Therapists and Professional Counselors Act (63 P. S. §§ 1901--1922).

\* \* \* \* \*

*Licensed clinical social worker*--A person who is currently licensed as a licensed clinical social worker under section 7 of the act (63 P. S. § 1907).

*Licensed social worker*--A person who is currently licensed as a licensed social worker under section [3] 7 of the act (63 P. S. § [1903]).

*Provisional licensed social worker*--A person who is currently licensed as a provisional licensed social worker under section [3] 7 of the act.

***Supervisee*--An individual who is fulfilling the supervised experience requirement for licensure as a clinical social worker.**

*Supervision*--The act of overseeing, directing or instructing the activity or course of action of [a provisional licensed social worker] another.

***Supervisor*--An individual providing supervision to a supervisee and who is a clinical social worker licensed under the act or by a statutory board or social work examiner of another state, if, in the opinion of the Board, the requirements for licensure are substantially equivalent to the requirements of the act, and who has 5 years experience as a clinical social worker. Until January 1, 2006, a supervisor shall include an individual who is a clinical social worker with 5 years experience as a clinical social worker and is a licensed social worker. A supervisor may also include an individual who holds a license in a related field and who has 5 years experience in that field.**

## LICENSURE

### § 47.11. Licensure examination.

(a) The examination required as a prerequisite to original licensure as a licensed social worker is the Association of Social Work Boards' (ASWB) (formerly known as the American Association of State Social Work Boards' (AASSWB)) intermediate level examination. [It will be given annually and at other times deemed appropriate by the Board, in consultation with the third-party testing organization providing the examination to licensure applicants of the Board.]

(b) The examination required as a prerequisite to being granted a license to hold oneself out as a social worker with a provisional license is the ASWB (formerly known as AASSWB) basic level examination. [It will be given annually and at other times deemed appropriate by the Board, in consultation with the third-party testing organization providing the examination to provisional licensure applicants of the Board.]

(c) The examination required as a prerequisite to being granted a license to hold oneself out as a licensed clinical social worker is the ASWB (formerly known as AASSWB) clinical level examination.

(d) The applicant shall apply to the testing organization for admission to the applicable licensure examination and shall pay the required fee at the direction of the testing organization.

**[(d) An applicant for admission to an examination shall submit an application to sit for the examination to the testing organization at least 60 days prior to the examination date. The application to sit for the examination may be obtained by**

contacting the Board by mail at: State Board of Social Work Examiners, Post Office Box 2649, Harrisburg, Pennsylvania 17105-2649, or by telephone at: (717) 783-1389]

\* \* \* \* \*

(f) The applicant shall be responsible for directing that the testing organization send examination results and other information requested to the Board.

#### § 47.12. Qualifications for licensure.

[(a)] *General qualifications and requirements for applicants for licensure are as follows* [.]:

\* \* \* \* \*

(3) The applicant has submitted an application for licensure on forms furnished by the Board. The application for licensure may be obtained by contacting the Board by mail at: State Board of [Social Work Examiners] Social Workers, Marriage and Family Therapists and Professional Counselors, Post Office Box 2649, Harrisburg, Pennsylvania 17105-2649, or by telephone at: (717) 783-1389 or by email at: socialwo@pados.state.pa.us.

\* \* \* \* \*

(6) The applicant has submitted [a notarized affidavit or] an affirmation signed by the applicant verifying the information on the application.

#### [(b)]§ 47.12a. Licensed social worker.

[(1)] (a) To be issued a license to hold oneself out as a licensed social worker, an applicant shall provide proof satisfactory to the Board, that the applicant has met the following conditions:

[(i)] (1) Satisfied the general requirements for licensure of [subsection (a)] § 47.12 (relating to qualifications for licensure).

[(ii)] (2) \* \* \*

[(iii)] (3) \* \* \*

[(2)] (b) \* \* \*

[(3)] (c) \* \* \*

#### [(c)]§ 47.12b. Provisional license as a social worker.

[(1)] (a) To be issued a license to hold oneself out as a social worker with a provisional license, an applicant shall provide proof satisfactory to the Board, that the applicant has met

the following conditions:

**[(i)] (1) Satisfied the general requirements for licensure of [subsection (a)] § 47.12 (relating to qualifications for licensure)**

**[(ii)] (2) \* \* \***

**[(iii)] (3) \* \* \***

**[(iv)] (4) \* \* \***

**[(2)] (b) \* \* \***

**[(3)] (c) \* \* \***

**[(4)] (d) \* \* \***

### **§ 47.12c. Licensed clinical social worker.**

**(a) *Conditions for licensure.*** To be issued a license to hold oneself out as a licensed clinical social worker, an applicant shall provide proof satisfactory to the Board, that the applicant has met the following conditions:

**(1) Satisfied the general requirements for licensure of § 47.12 (relating to qualifications for licensure).**

**(2) Holds a master's degree in social work or social welfare or a doctoral degree in social work from a school accredited by the Council on Social Work Education. An applicant who is a graduate of a foreign school shall submit to the Board an evaluation of foreign credentials performed by the Council on Social Work Education, which assesses the foreign credentials to be the equivalent of the curriculum policy of an accredited graduate school during the same time period, to be considered as meeting the requirements of having earned a master's degree in social work or social welfare from an accredited school.**

**(3) Is licensed under the act as a social worker.**

**(4) Passed the examination required by § 47.11 (relating to licensure examination).**

**(5) Completed at least 3 years or 3,600 hours of supervised clinical experience meeting the criteria in subsection (b) after completion of the master's degree in social work. Supervision for the clinical experience shall be provided by a supervisor as defined in § 47.1 (relating to definitions).**

**(b) *Supervised clinical experience.*** Experience acceptable to the Board means experience as a supervisee in a setting that is organized to prepare the applicant for the practice of clinical social work consistent with the applicant's education and training.

**(1) At least one-half of the experience shall consist of providing services in one or more of the following areas:**

- (i) Diagnosis.**
- (ii) Assessment.**
- (iii) Psychotherapy.**
- (iv) Other psychosocial-therapeutic interventions.**
- (v) Consultation.**

**(2) Supervision for the clinical experience shall be provided by a supervisor as defined in § 47.1. However, the first 1,800 hours shall be supervised by a licensed clinical social worker, or, until January 1, 2006, a clinical social worker with 5 years experience and who is a licensed social worker.**

**(3) A supervisee shall disclose his status as a supervisee to each patient and obtain written permission to discuss the patient's case with the supervisor.**

**(4) The supervisor shall delegate, order and control the clinical social work activities of the supervisee.**

**(i) A supervisor who is temporarily unable to provide supervision shall designate a qualified substitute. However, for the first 1,800 hours delegation shall be to another licensed clinical social worker, or, until January 1, 2006, a clinical social worker with 5 years experience and who is a licensed social worker.**

**(ii) Although the supervisor shall continue to bear the ultimate responsibility for supervision, those to whom supervisory responsibilities are delegated shall be individually responsible for activities of the supervisee performed under their supervision.**

**(5) The supervisor, or one to whom supervisory responsibilities have been delegated, shall meet individually and in person with the supervisee for a minimum of 1 hour for every 20 hours of supervised clinical experience.**

**(6) A supervisor shall supervise no more than 6 supervisees at the same time. If this provision creates an undue hardship on a supervisee, the supervisor and supervisee may request an exception to this provision. The request shall state, in writing, the reasons why this provision creates a hardship on the supervisee and why the supervisee is not able to obtain a supervisor who meets the requirements of this provision. Before making a determination, the Board may require a personal appearance by the supervisee and supervisor.**

**(7) A supervisor who wishes to terminate supervision during the training period shall give the supervisee 60 days written notice to enable the supervisee to obtain another qualified supervisor. A supervisor may not terminate supervision when termination would result in abandonment of the supervisee's client/patients.**



**(8) Supervised work activity will be counted toward satisfying the experience requirement only if it takes place in a single setting for either, first, at least 30 hours per week but no more than 40 hours per week during at least a 3-month period or, second, at least 15 hours per week for a period of at least 6 months. The experience shall have been obtained within the most recent 10 calendar years, at least half within the most recent 5 calendar years.**

**§ 47.12d. Standards for supervisors.**

**Supervisors, and those to whom supervisory responsibilities are delegated, under § 47.12c(a)(5) (relating to licensed clinical social worker) shall comply with the standards in this section. Supervisors will be asked to attest to compliance on the verification of experience form which shall accompany the supervisee's application for licensure. The Board reserves the right to require a supervisor by documentation or otherwise to establish to the Board's satisfaction that compliance occurred.**

**(1) The supervisor shall be qualified by training and experience to practice in the supervisee's areas of supervised practice.**

**(2) The supervisor may not be a relative of the supervisee by blood or marriage, may not be involved in a dual relationship which obliges the supervisor to the supervisee and may not engage in treatment of the supervisee.**

**(3) An individual who is the subject of a disciplinary action by a licensing board will not qualify as a supervisor.**

**(4) The supervisor shall be responsible for ensuring that the requirements of § 47.12c(b) are met.**

**(5) The supervisor shall be accessible to the supervisee for consultation.**

**(6) The supervisor shall be empowered to recommend the interruption or termination of the supervisee's activities in providing services to a client/patient and, if necessary, to terminate the supervisory relationship. Any hours accumulated for activities not approved by the supervisor will not count towards satisfying the 3,600 hours of supervised experience.**

**(7) The supervisor shall ensure that the supervisee's status as a supervisee is made known to the supervisee's patients, and also ensure that the supervisee has obtained written permission from each patient to discuss his case with the supervisor.**

**(8) The supervisor shall establish objectives to be achieved by the supervisee during supervision.**

**(9) The supervisor shall review issues of practice and ethics with the supervisee.**

**(10) The supervisor shall maintain notes or records of scheduled supervisory sessions and provide these records to the Board upon request.**

**(11) The supervisor shall observe client/patient sessions of the supervisee or review**

recordings of these sessions on a regular basis.

(12) In supervisory meetings, the supervisor shall discuss the supervisee's level of work--for example, the supervisee's areas of competence and areas of needed improvement.

(13) The supervisor shall provide the supervisee with recommendations bearing on further professional development, professional study, and skills necessary for independent practice.

(14) The supervisor shall prepare written evaluations or reports of progress which shall delineate the supervisee's strengths and weaknesses. These evaluations or reports shall be discussed with the supervisee on at least a quarterly basis.

(15) The supervisor shall encourage the supervisee to work with professionals in other disciplines as indicated by the needs of each client/patient and shall periodically observe these cooperative encounters.

(16) The supervisor shall encourage the supervisee to access multidisciplinary consultation, as necessary.

§ 47.13. [Licensure without examination] (Reserved).

[A license shall be issued without examination to an applicant who meets the following requirements. The applicant shall have:

(1) Satisfied the general requirements for licensure of § 47.12(a) (relating to qualifications for licensure).

(2) Submitted an application provided by the Board and accompanied by the fee required by § 47.4 (relating to licensure fees) by October 7, 1989

(3) Received a master's degree in social work or social welfare from an accredited school or a doctoral degree in social work by October 7, 1987.

(i) Graduates of a foreign school of social work, may satisfy the requirement of this subsection if the applicant received an equivalency rating in compliance with § 47.12(b)(2).

(ii) An applicant who received a graduate or equivalent degree or certificate in social work or social welfare prior to July 1, 1952, may satisfy the requirements of this subsection if the applicant submitted an application for individual review by the Board in compliance with § 47.12(b)(3).

(4) Practiced social work for a cumulative period of 2 years.]

§ 47.13b. Exemption from licensure examination--clinical social workers.

A license will be issued without examination to an applicant who meets the following

**requirements. The applicant shall have:**

- (1) Satisfied the general requirements for licensure of § 47.12 (relating to qualifications for licensure).**
- (2) Submitted an application provided by the Board and accompanied by the required fee.**
- (3) Submitted an application by March 25, 2002.**
- (4) Demonstrated proof of practice of clinical social work for at least 5 of the 7 years immediately prior to the date of application for license and that the practice was conducted in this Commonwealth. To satisfy the practice of clinical social work requirement, the applicant's practice shall have consisted of at least 20 hours per week.**
- (5) Successfully met the educational requirements of section 9(a)(4) of the act (63 P. S. § 1909(a)(4)). Continuing education submitted by an applicant under section 9(a)(4)(iii) of the act shall meet the following requirements:**
  - (i) Master's level difficulty.**
  - (ii) Direct practice social work subject matter.**
  - (iii) Excludes courses in office management or practice building.**
- (6) Demonstrated holding the Board Certified Diplomat (BCD) certification issued by the American Board of Examiners in Clinical Social Work, or a Diplomate in Clinical Social Work (DCSW) certification or Qualified Clinical Social Worker (QSCW) certification issued by the National Association of Social Workers.**

*(Editor's Note: The following chapter is new. It has been printed in regular type to enhance readability.)*

**[Continued on next Web Page]**

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COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS  
**STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY  
THERAPISTS AND PROFESSIONAL COUNSELORS**

Post Office Box 2649  
Harrisburg, Pennsylvania 17105-2649  
(717) 783-1389

December 18, 2001

The Honorable John R. McGinley, Jr., Chairman  
INDEPENDENT REGULATORY REVIEW COMMISSION  
14<sup>th</sup> Floor, Harristown 2, 333 Market Street  
Harrisburg, Pennsylvania 17101

Re: Final Regulation  
State Board of Social Workers, Marriage and Family Therapists  
and Professional Counselors  
16A-694: Licensure

Dear Chairman McGinley:

Enclosed is a copy of a final rulemaking package of the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors pertaining to licensure.

The Board will be pleased to provide whatever information the Commission may require during the course of its review of the rulemaking.

Sincerely,

Thomas F. Matta, Ph.D., Chairperson  
State Board of Social Workers, Marriage and Family  
Therapists and Professional Counselors

TFM/BSM/kp

Enclosure

c: John T. Henderson, Jr., Chief Counsel  
Department of State  
Albert H. Masland, Commissioner  
Bureau of Professional and Occupational Affairs  
Joyce McKeever, Deputy Chief Counsel  
Department of State  
Philip Zarone, Regulatory Counsel  
Bureau of Professional and Occupational Affairs  
Herbert Abramson, Senior Counsel in Charge  
Bureau of Professional and Occupational Affairs  
Beth Sender Michlovitz, Counsel  
State Board of Social Workers, Marriage and Family Therapists and Professional Counselors  
State Board of Social Workers, Marriage and Family Therapists and Professional Counselors

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE  
REGULATORY REVIEW ACT**

I.D. NUMBER: 16A-694

SUBJECT: State Board of Social Workers, Marriage & Family Therapists & Professional Counselors -  
Licensure

AGENCY: DEPARTMENT OF STATE

**TYPE OF REGULATION**

Proposed Regulation

☒ Final Regulation

Final Regulation with Notice of Proposed Rulemaking Omitted

120-day Emergency Certification of the Attorney General

120-day Emergency Certification of the Governor

Delivery of Tolled Regulation

a. With Revisions

b. Without Revisions

**FILING OF REGULATION**

DATE

SIGNATURE

DESIGNATION

12-18-01

*Leri A. Clark*

HOUSE COMMITTEE ON PROFESSIONAL LICENSURE

DEC 18 2001

*Senate*

SENATE COMMITTEE ON CONSUMER PROTECTION &  
PROFESSIONAL LICENSURE

12-18-01

*E. Pagan*

INDEPENDENT REGULATORY REVIEW COMMISSION

ATTORNEY GENERAL

LEGISLATIVE REFERENCE BUREAU

December 18, 2001