

<h1 style="margin: 0;">Regulatory Analysis Form</h1>		<p><b>This space for use by IRRC</b></p> <p style="text-align: center;">RECEIVED</p> <p style="text-align: center;">2001 MAR 13 AM 10:43</p> <p style="text-align: center;">REVIEW COMMISSION</p> <p style="text-align: right;">1</p>
<p><b>(1) Agency</b></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><b>IRRC Number:</b> 2178</p>
<p><b>(2) I.D. Number (Governor's Office Use)</b></p> <p>16A-694</p>		
<p><b>(3) Short Title</b></p> <p>Agency</p>		
<p><b>(4) PA Code Cite</b></p> <p>49 Pa. Code §47.1, 47.11, 47.12, 47.12(A), 47.12(B), 47.12(C), 47.12(D), 47.13(B), 48.1, 48.2, 48.3, 48.11, 48.12, 48.13, 48.14, 48.15, 49.1, 49.2, 49.11, 49.12, 49.13, 49.14, 49.15</p>	<p><b>(5) Agency Contacts &amp; Telephone Numbers</b></p> <p>Primary Contact: Eva Cheney, 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><b>(6) Type of Rulemaking (check one)</b></p> <p><input checked="" type="checkbox"/> Proposed Rulemaking</p> <p><input type="checkbox"/> Final Order Adopting Regulation</p> <p><input type="checkbox"/> Final Order, Proposed Rulemaking Omitted</p>	<p><b>(7) Is a 120-Day Emergency Certification Attached?</b></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><b>(8) Briefly explain the regulation in clear and nontechnical language.</b></p> <p>This regulation implements Act 136, which amends Act 39, Act of July 9, 1987, P.L. 220, 63 P.S. §1906(2), by delineating and defining qualifications for the three new licensure groups: Clinical Social Workers, Marriage and Family Therapists and Professional Counselors.</p>		
<p><b>(9) State the statutory authority for the regulation and any relevant state or federal court decisions.</b></p> <p>The regulation is authorized under Section 6(2) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act, Act of July 9, 1987, P.L. 220, <u>as amended</u>, 63 P.S. §1906(2).</p>		

### Regulatory Analysis Form

(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 July 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 July 9, 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.

## Regulatory Analysis Form

(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.

In compliance with Executive Order 1996-1, the Board extended an 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; Association of Social Work Boards; Morgan Plant/PA Alliance of Counseling; Council on Social Work Education; Donna F. Derr, Ph.D., LSW. Director of Family and Comm. Ed., Pennsylvania Society for Clinical Social Work; Edward Beck, Ed.D., CCMHC, NCC/Susquehanna Institute/East Shore Med. Ctr.; David W. Hall, Ph.D. Associate Professor/Counseling/University of Scranton; John M. Sutton, Jr.; Robert C. Nielsen, President, American Assoc. of State Counseling Bds.; Sally J. Tice, Ph.D./The Marriage & Family Life Ctr.; 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.

(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.

## Regulatory Analysis Form

(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/saving 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>	\$	\$	\$	\$	\$	\$
<b>Regulated</b>	NA	NA	NA	NA	NA	NA
<b>Local Government</b>						
<b>State Government</b>						
<b>Total Savings</b>						
<b>COSTS:</b>						
<b>Regulated</b>	U/K	U/K	U/K	U/K	U/K	U/K
<b>Local Government</b>						
<b>State Government</b>						
<b>Total Costs</b>						
<b>REVENUE LOSSES:</b>						
<b>Regulated</b>	NA	NA	NA	NA	NA	NA
<b>Local Government</b>						
<b>State Government</b>						
<b>Total Revenue Losses</b>						

(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 July 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 47.12(a), 47.12(b), 47.12(c), 47.12(d), 47.13(b) 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, amending Act 39, 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, 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 March 24, 2001, as provided in Act 39. 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  
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*David J. Gork*  
BY  
(DEPUTY ATTORNEY GENERAL)

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

*John V. Turner*

MAR 07 2001

DATE OF APPROVAL

DOCUMENT/FISCAL NOTE NO. 16A-694

DATE OF ADOPTION:

BY:

*Manuel Manolias*  
Manuel Manolias

12/2/01  
DATE OF APPROVAL

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

TITLE: Chairperson  
(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.

## PROPOSED 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 proposes to amend 49 Pa. Code Section 47 and add Chapters 48 and 49, by amending Sections 47.1, 47.11, 47.12, reserving 47.13, adding 47.12(A), 47.12(B), 47.12(C), 47.12(D), 47.13(B) and adding Chapters 48 and 49 as set forth in Annex A.

**A. Effective Date**

The amendments will be effective 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, as amended, December 21, 1998, P.L. 1017, 63 P.S. Section 1906(2).

**C. Background and Purpose**

The General Assembly of the Commonwealth of Pennsylvania enacted Act No.136 of 1998, amending The Social Work Practice Act, Act of July 9, 1987, (63 P.S. §1901 et. seq.), by expanding the Board of Social Work Examiners to include Marriage and Family Therapists and Professional Counselors. This Act also provided three additional licensure groups: (1) licensed Clinical Social Workers, (2) Marriage and Family Therapists, and (3) Professional Counselors. This Annex only proposes regulations addressing definitions and licensure qualifications.

The Board has broken each licensure group into separate chapters as follows: Chapter 47 - Social Workers; Chapter 48 - Marriage and Family Therapists; and Chapter 49 - Professional Counselors. Several requirements for licensure are common to all three groups, and, as a result, are repeated in each individual chapter. In order 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 regulations.

**D. Description of Proposed Amendments**

**Chapter 47: Social Workers**

**Section 1: Organization**

The proposed regulations track statutory language. The following chart indicates the organization and authority for the proposals. 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.

STATUTE	PROPOSED REGULATION	SUBJECT MATTER
Section1903	Section 47.1	Definitions
Section1907(d)(4)	Section 47.11	Examinations
Section1907(d)	Section 47.12	General Qualifications for Licensure
Section1907(a-d)	Section 47.12(A) Section 47.12(B) Section 47.12(C) Section 47.12(D)	Qualifications for Licensure: Social Work Provisional Social Work Clinical Social Work Standards for Supervisors
Section1909(a)	Section 47.13(B)	Exemption from Licensure Examination/Clinical Social Workers

Section 2: Substantive interpretations of proposed regulations

Current Section 47.1 relating to definitions would be amended to reflect the addition of Marriage and Family Therapists and Professional Counselors to the title of the Act 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 five years of experience, or by an individual who holds a license in a related field with five years of experience in that related field. The Board would allow for a five year period in which a supervisor may be an individual who is a Clinical Social Worker with five years experience as a Clinical Social Worker and is licensed as a social worker.

Proposed Section 47.11 would be amended to reflect the change of names for the American Association of State Social Work Boards (AASWB) to its current name of Association of Social Work Boards (ASWB), and the State Board of Social Work Examiners to 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 Section 47.12 would 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 47.12(a) lists the qualifications for a licensed social worker; Section 47.12(b) lists the qualifications for provisional licensure of social workers; and Section 47.12(c) 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 Section 47.12(c) 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 regulations at 49 Pa. Code §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.

In drafting the proposal, the Board considered having all of the required 3600 hours of supervised clinical experience supervised by a licensed Clinical Social Worker. The Board decided that the first 1800 hours of supervision would be provided by an individual who is a licensed Clinical Social Worker. The remaining 1800 hours could be provided by an individual who holds a license in a related field with five 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 the 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 Section 47.12(d) 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 47.12(d) 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/or, if necessary, terminating his relationship with the supervisee.

Proposed Section 47.13(b) 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 pursuant to 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: Marriage and Family Therapists**

### **Section 1: Organization**

The proposed regulations track statutory language. The following chart indicates the organization and authority for the proposals. 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.

STATUTE	PROPOSED REGULATION	SUBJECT MATTER
Section1903	Section 48.1, Section 48.2 Section 48.3	Definitions Educational Requirements Qualifications for Supervisor
Section1907(e)(4)	Section 48.11	Examination
Section1907(e)	Section 48.12	General Qualifications for Licensure
Section1907(e)	Section 48.13 Section 48.14	Requirements for Licensure Standards for Supervisors
Section1909(b)	Section 48.15	Exemption from Licensure Examination

Section 2: Substantive interpretations of proposed regulations

Proposed Section 48.1 relating to definitions would include definitions for AAMFT, AAMFTRB, 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 course work 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, Supervisor, Supervision, and Supervisee.

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.

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 five years of experience in that related field. The Board would allow for a ten year period in which an individual may act as a supervisor so long as he is licensed, has received course-work in supervision, and has five years experience as a Marriage and Family Therapist.

Proposed Section 48.2 relating to educational requirements lists the courses that would be required in the educational degrees, programs and graduate level course-work 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. 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 COAMTE in its accreditation process, the programs would be more uniform, meet minimum standards and hold students accountable to national standards.

The educational requirements are set forth 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 Section 48.3 regarding qualifications for supervisor until January 1, 2010 sets forth the qualifications an individual must satisfy to act as a supervisor if he 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 course-work in Marriage and Family Therapy supervision, and have five years experience in Marriage and Family Therapy.

Proposed Section 48.11 regarding 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 Section 48.12 regarding 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 Section 48.13 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 regulations 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 Section 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 regulations at 49 Pa. Code §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 3600 hours of supervised clinical experience supervised by a licensed Marriage and Family Therapist. After considering several factors, the Board decided that the first 1800 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 1800 hours could be provided by an individual who holds a license in a related field with five 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 the 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 Section 48.14 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 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/or, if necessary, terminating his relationship with the supervisee.

Proposed Section 48.15 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 pursuant to 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: Professional Counselors**

### **Section 1: Organization**

The proposed regulations track statutory language. The following chart indicates the organization and authority for the proposals. 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>
Section1903	Section 49.1 Section 49.2	Definitions Educational Requirements
Section1907(f)(4)	Section 49.11	Examination
Section1907(f)	Section 49.12	General Qualifications for Licensure
Section1907(f)	Section 49.13 Section 49.14	Requirements for Licensure Standards for Supervisors
Section1909(c)	Section 49.15	Exemption from Licensure Examination

Section 2: Substantive interpretations of proposed regulations

Proposed Section 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 course-work 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 and the Council for Accreditation of Counseling and Related Education Programs. 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 the Council for Higher Education Accreditation, 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 five years experience, or by an individual who holds a license in a related field with five years of experience in that related field. The Board would allow for a five year period in which a supervisor may be an individual who is a Professional Counselor with five years experience as a Professional Counselor.

Proposed Section 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 the Council on Social Work Education. 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 the Council on Rehabilitation Education and the Council for Accreditation of Counseling and Related Education Programs for guidance. These are well recognized accrediting organizations in the 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 The Council for Accreditation of Counseling and Related Education Programs. 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 set forth 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 Section 49.11 regarding 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 Section 49.12 regarding 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 Section 49.13 lists the qualifications for licensure as a Professional Counselor. 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.

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 Section 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 regulations at 49 Pa. Code §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 3600 hours of supervised clinical experience supervised by a licensed Professional Counselor. After considering several factors, the Board decided that the first 1800 hours of supervision would be provided by an individual who is a licensed Professional Counselor. The remaining 1800 hours could be provided by an individual who holds a license in a related field with five 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 the 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 Section 49.14 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/or, if necessary, terminating his relationship with the supervisee.

Proposed Section 49.15 regarding exemption from licensure examination for 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 pursuant to 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/or 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; Association of Social Work Boards; Morgan Plant/PA Alliance of Counseling; Council on Social Work Education; Donna F. Derr, Ph.D., LSW. Director of Family and Comm. Ed., Pennsylvania Society for Clinical Social Work; Edward Beck, Ed.D., CCMHC, NCC/Susquehanna Institute/East Shore Med. Ctr.; David W. Hall, Ph.D. Associate Professor/Counseling/University of Scranton; John M. Sutton, Jr.; Robert C. Nielsen, President, American Assoc. of State Counseling Bds.; Sally J. Tice, Ph.D./The Marriage & Family Life Ctr.; 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

This regulation 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 amendment should not necessitate any legal, accounting or reporting requirements on 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

Pursuant to Section 5(a) of the Regulatory Review Act, the Act of June 30, 1989, P.L. 19, as amended, 71 P.S. Section 745.5(a), the agency submitted a copy of this proposed regulation 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 regulation, the agency has provided IRRC and the Committees with a detailed regulatory analysis prepared by the agency in compliance with Executive Order 1996-1 "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

If IRRC has objections to any portion of the proposed regulation, it would notify the agency within 10 days after the expiration of the Committee review. Such notification shall specify the regulatory review criteria which have not been met by the portion. The Act specifies detailed procedures for review prior to publication of the regulation by the Agency, 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 (Agency) when submitting comments.

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

*Board*—[State Board of Social Workers] State Board of Social Workers, Marriage and Family Therapists and Professional Counselors

*Licensed clinical social worker*-- A person who is currently licensed as a licensed clinical social worker under section 7 of the act

*Licensed social worker*-- A person who is currently licensed as a licensed social worker under section [3] 7 of the act ( 63 P. S. § 190 [3] 7).

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

*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.

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



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

## **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 [AASSWB] 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.

[c] (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]

e. The passing grade for the examination will be determined by the Board.

(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.

\* \* \* \* \*

(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.**

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

**47.12C Licensed Clinical Social Worker.**

(a) 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 section 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 set forth in paragraph (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 (relating to definitions). However, the first 1800 hours must 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/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 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 1800 hours delegation must 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 sixty (60) days written notice to enable the supervisee to obtain another qualified supervisor. In no event shall a supervisor 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 workers) 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 shall not qualify as a supervisor.

(4) The supervisor shall be responsible for ensuring that the requirements §47.12C(b), (relating to supervised clinical experience) 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 3600 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/her 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 worker, 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 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 (relating to qualifications for licensure).
- (2) Submitted an application provided by the Board and accompanied by the required fee.
- (3) Submitted an application no later than March 24, 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 twenty (20) hours per week.

(5) Successfully met the educational requirements of section 9(a)(4) of the Act. Continuing education submitted by an applicant pursuant to section 9(a)(4)(iii) 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 certification (BCD) issued by the American Board of Examiners in Clinical Social Work, or a Diplomate in Clinical Social Work certification (DCSW) or Qualified Clinical Social Worker certification (QCSW) issued by the National Association of Social Workers.

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**  
**PART I. DEPARTMENT OF STATE**  
**SUBPART A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**  
**CHAPTER 48. STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY**  
**THERAPISTS AND PROFESSIONAL COUNSELORS.**

**LICENSURE OF MARRIAGE AND FAMILY THERAPISTS**

**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-- American Association for Marriage and Family Therapists

AMFTRB-- Association of Marital and Family Therapy Regulatory Boards.

Accredited educational institution-- A graduate school which is recognized as an institution of higher education under 22 Pa.Code §33.102 (relating to 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 course-work that meets the criteria listed in §48.2.

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.

Graduate level course-work in marriage and family therapy acceptable to the board-- Course-work that meets the criteria listed in §48.2.



Masters 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 course-work that meets the criteria listed in §48.2.

Planned Program of 60 Semester Hours or 90 Quarter Hours which is closely related to marriage and family therapy-- A program which includes course-work that meets the criteria listed in §48.2

Program recognized by a national accrediting agency-- a master, doctoral or post-graduate degree training program accredited by COAMFTE.

Supervisor--An individual providing supervision to a supervisee who is a Marriage and Family Therapist licensed under this act and has received certification as an Approved Supervisor or Supervisor-In-Training by the American Association for Marriage and Family Therapists (AAMFT). However, until January 1, 2010, an individual who meets all of the criteria listed in §48.3 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.

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

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

## **48.2 Educational Requirements.**

(1) Human development (3 courses minimum-9 semester or 12 quarter or 135 didactic contact hours). Courses in this area should provide knowledge of individual personality development and its normal and abnormal manifestations. Course-work should cover human development across the life-span, including special issues that affect an individual's development (i.e. culture, gender, and human sexuality).

(2) Marriage and Family Studies (3 courses minimum-minimum-9 semester or 12 quarter or 135 didactic contact hours). Courses in this area should be a fundamental introduction to systems theory.

(3) Marriage and Family Therapy (3 courses minimum-minimum-9 semester or 12 quarter or 135 didactic contact hours). Courses in this area should have a major focus on family systems theory and systemic therapeutic interventions. This area is intended to 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) Courses in this area are intended to contribute to the professional development of the therapist. Areas of study should 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 inter-professional cooperation.

(5) Research (1 course minimum- 3 semester or 4 quarter or 45 didactic contact hours) Course in this area should 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 Supervisor until January 1, 2010**

(1) The individual is a Marriage and Family Therapist 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.

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

(3) The individual has (5) years experience as a Marriage and Family Therapist.

## **LICENSURE**

### **§ 48.4 Licensure Fees**

#### **§ 48.11. Licensure examination.**

(a) The examination required as a prerequisite to being granted a license to hold oneself out as a licensed marriage and family therapist 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.**

**(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, or by telephone at: (717) 783-1389 or by email at: socialwo@pados.state.pa.us.**

**(4) The applicant has submitted the application licensure fee required by § 48.4 (relating to licensure fees), 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) To be issued a license to hold oneself out as a licensed Marriage and Family Therapist, 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 §48.12 (relating to general qualifications for licensure).

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

(3) Has successfully met one of the following educational requirements:

(i). Within 5 years after the Board has promulgated final regulations, has completed a planned program of 60 semester hours or 90 quarter hours of graduate course work which is closely related to marriage and family therapy as defined in §48.1 (relating to definitions), including

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

(B) A master's degree in a field closely related to the practice of marriage and family therapy as defined in §48.1 (relating to definitions) from an accredited educational institution, with graduate level course-work 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 (relating to definitions).

(ii) Successfully completed a planned program of 60 semester hours or 90 quarter hours of graduate course work which is closely related to marriage and family therapy as defined in §48.1 (relating to definitions) including

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

(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 (relating to definitions) with graduate level course-work 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 (relating to definitions).

(iii) Holds a doctoral degree in marriage and family therapy as defined in §48.1 and §48.2 (relating to educational requirements) 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 (relating to definitions) from an accredited educational institution with graduate level course-work 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 (relating to definitions).

(4) Has met the following experience requirements:

(i) Individuals who meet the education requirements of paragraph (a)(3)(i) or (ii), must have completed at least three years or 3,600 hours of supervised clinical experience meeting the criteria set forth in paragraph (b), obtained after the completion of 48 semester hours or 72 quarter hours of graduate course-work. Supervision for the supervised clinical experience shall be provided by a supervisor as defined in §48.1 (relating to definitions).

(ii) Individuals who meet the education requirements of paragraph (a)(3)(iii) or (iv) must complete at least two years or 2,400 hours of supervised clinical experience which meets the criteria set forth in paragraph (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 (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 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.

(2) Supervision for the clinical experience shall be provided by a supervisor as defined in §47.1 (relating to definitions). However, the first 1800 hours must 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

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

(4) The supervisor shall delegate, order and control the marriage and family therapy activities of the supervisee.

(i) A supervisor who is temporarily unable to provide supervision shall designate a qualified substitute. However, for the first 1800 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 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 sixty (60) days written notice to enable the supervisee to obtain another qualified supervisor. In no event shall a supervisor 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.

#### **§ 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 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 shall not qualify as a supervisor.

(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 3600 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/her 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 access multidisciplinary consultation, as necessary.

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

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 § 48.12 (relating to qualifications for licensure).

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

(3) Submitted an application no later than March 24, 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) Has successfully met one of the following educational requirement:

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

(ii) Has 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 course-work in marriage and family therapy acceptable to the Board as defined in §48.1.

(iii) Has 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) Has 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) Has 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 has within the past ten 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.

(a) Continuing education satisfactory to the Board shall meet the following requirements:

(1) Masters level difficulty

(2) Excludes courses in office management or practice building

(3) Any course approved by AAMFT

(vi) Has 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 course-work in marriage and family therapy as defined in §48.1 and has within the past ten 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.

(a) Continuing education satisfactory to the Board shall meet the following requirements:

- (1) Masters level difficulty
- (2) Excludes courses in office management or practice building
- (3) Any course approved by AAMFT

(6) 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.

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**  
**PART I. DEPARTMENT OF STATE**  
**SUBPART A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS.**  
**CHAPTER 49. STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY**  
**THERAPISTS AND PROFESSIONAL COUNSELORS.**

**LICENSURE OF PROFESSIONAL COUNSELORS**

**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 under 22 Pa.Code §33.102 (relating to 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.

*CORE*-- Council on Rehabilitation Education.

*Doctoral Degree in a Field Closely Related to the Practice of Professional Counseling*--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 course-work that meets the criteria listed in §49.2

*Doctoral Degree in Professional Counseling*--A doctoral degree which is awarded upon successful completion of a program which includes course-work that meets, and builds upon, the criteria listed in §49.2.

*Field closely related to the practice of professional counseling*-- Includes the fields of Social Work, Clinical Psychology, Educational Psychology, Counseling Psychology, and Child Development and Family Studies.

Planned Program of 60 Semester Hours or 90 Quarter Hours of graduate course-work in counseling or a field closely related to the practice of professional counseling-- A program which includes course-work that meets the criteria listed in §49.2.

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.

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

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

#### **§ 49.2 Educational Requirements**

(1) Human Growth and Development- (2 semester or 3 quarter hours) studies that provide an understanding of the nature and needs of individual 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 which 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.

## **LICENSURE**

### **§ 49.4 Licensure Fees**

#### **§ 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 by the National Board for Certified Counselors, Inc. (NBCC)

(2) The Certified Rehabilitation Counselor (CRC) Examination administered by the Commission on Rehabilitation Counselor Certification (CRCC)

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

(4) The Board Certification Examination given by the Certification Board for Music Therapists (CBMT).

(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.

(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, or by telephone at: (717) 783-1389 or by email at: socialwo@pados.state.pa.us.

(4) The applicant has submitted the application licensure fee required by § 49.4 (relating to licensure fees), 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.

#### **49.13 Licensed Professional Counselor**

(a) 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 subsection (a)

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

(3) Has successfully met one of the following educational requirements:

(i) Within 5 years after the effective date of the Board regulations, has successfully completed a "planned program of 60 semester hours or 90 quarter hours of graduate course work in counseling or a field closely related to the practice of professional counseling" as defined in 49.1 (relating to definitions) including

(A) A Master's degree in professional counseling from an accredited educational institution, or

(B) A Masters 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 course work in counseling or a field closely related to the practice of professional counseling" as defined in 49.1 (relating to definitions) including

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

(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 educational institution.

(4) Has met the following experience requirements:

(i) Individuals who meet the educational requirements of paragraph 3(i) or (ii), must have completed at least 3 years or 3,600 hours of supervised clinical experience meeting the criteria set forth in paragraph (b), obtained after the completion of 48 semester hours or 72 quarter hours of graduate course-work. Supervision for the supervised clinical experience shall be provided by a supervisor as defined in § 49.1 (relating to definitions)

(ii) Individuals who meet the educational requirements of paragraph 3(iii) or (iv) must have completed at least 2 years or 2,400 hours of supervised clinical experience meeting the criteria set forth in paragraph (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 (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 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

(2) Supervision for the clinical experience shall be provided by a supervisor as defined in §49.1 (relating to definitions). However, the first 1800 hours must be supervised by a licensed professional counselor, or, until January 1, 2006, a professional counselor with 5 years experience as a professional counselor.

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

(4) The supervisor shall delegate, orer and control the professional counseling activities of the supervisee.

(i) A supervisor who is temporarily unable to provide supervision shall designate a qualified substitute. However, for the first 1800 hours delegation must 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.

(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 sixty (60) days written notice to enable the supervisee to obtain another qualified supervisor. In no event shall a supervisor 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.

#### **§ 47.14 Standards for supervisors.**

Supervisors, and those to whom supervisory responsibilities are delegated, under §49-13(a)(4) (relating to licensed professional counselors) 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 shall not qualify as a supervisor.

(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 3600 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/her 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.

#### **§ 49.15 Exemption from licensure examination**

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 §49.12 (relating to qualifications for licensure).

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

(3) Submitted an application no later than March 24, 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) Has 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) Has 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) Has a masters 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 feild 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 hour or 72 quarter hours at a ratio of 15 continuing education hours equaling 1 semester hour.

(a) Continuing education satisfactory to the board shall meet the following requirements:

(1) Masters level difficulty

(2) Excludes courses in office management or practice building

(3) Any course approved by NBCC, CRC, CBMT, or ATCB, 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 (NCC) certification from the National Board

for Certified Counselors (NBCC) and having passed the National Counselor Examination given by the NBCC.

(ii) The Certified Rehabilitation Counselor (CRC) certification from the Commission on Rehabilitation Counselor Certification (CRCC) and having passed the CRC Examination given by the CRCC.

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

(iv) The Academy of Dance Therapists Registered certification (ADTR) from the American Dance Therapy Association (ADTA) and having passed the National Counselor Examination given by the National Board for Certified Counselors (NBCC).

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

(vi) The Registered Drama Therapist (RDT) certification from the National Association for Drama Therapy (NADT) and having passed the National Counselor Examination given by the National Board for Certified Counselors.(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 Northamerican Association of Masters in Psychology (NAMP). and having passed the Practice Exam of Psychological Knowledge given by NAMP.



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

(717) 783-1389

116 PINE STREET  
P. O. BOX 2649  
HARRISBURG, PA  
17105-2649

March 13, 2001

The Honorable John R. McGinley, Chairman  
Independent Regulatory Review Commission  
14<sup>th</sup> Floor, Harristown 2  
333 Market Street  
Harrisburg, PA 17101

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

Dear Chairman McGinley:

Enclosed is a copy of a proposed 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 your Commission may require during the course of its review of the rulemaking.

Sincerely,

A handwritten signature in black ink that reads "Thomas F. Matta".

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

TFM:ELC:apm  
Enclosures

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  
Gerald S. Smith, Senior Counsel in Charge  
Bureau of Professional and Occupational Affairs  
Eva L. Cheney, 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

RECEIVED

2001 MAR 13 AM 10:13

REVIEW COMMISSION

I.D. NUMBER: 16A-694

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

AGENCY: DEPARTMENT OF STATE

TYPE OF REGULATION

X 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

3-13-01

Lori A. Clark

HOUSE COMMITTEE ON PROFESSIONAL LICENSURE

3/13/01 Charlotte C. Brown

3/13/01 Lanning L. Brown

SENATE COMMITTEE ON CONSUMER PROTECTION &  
PROFESSIONAL LICENSURE

3/13/01 Tom Kibula

INDEPENDENT REGULATORY REVIEW COMMISSION

ATTORNEY GENERAL

3/13/01 C. Lee Brown

LEGISLATIVE REFERENCE BUREAU

March 8, 2001