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House of Representatives
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ORIGINAL: 2178

April 23, 2001

Ms. Eva Cheney, Board Counsel
State Board of Social Workers, Marriage and Family Therapists,
and Professional Counselors
116 Pine Street
P.O. Box 2649
Harrisburg, PA 17105-2649

Dear Attorney Cheney:

I am writing to you to express concerns about proposed regulation, Reference Number 16A-694, for licensure of marriage and family therapists and profession counselors which was published in the Pennsylvania Bulletin on March 24, 2001. As the prime sponsor of the House version of the legislation which was the companion bill to Senate Bill 619, I am concerned that the proposed regulations are far more restrictive than was intended when the legislation was approved by the General Assembly. Several of the Board's proposed regulations would unnecessarily exclude a large number of qualified practitioners from licensure.

Specifically, I am concerned that the proposed experience requirements for licensure by exemption from examination (grandparenting) contained in §§ 48.15(5) and 49.15(4) of the proposed regulations would unfairly and unnecessarily deny licensure to many well-qualified, experienced practitioners. Among those who would be excluded are: experienced practitioners who have been promoted to supervisory or administrative positions; experienced practitioners who are currently educators; practitioners such as school counselors or college counselors, or others who work in educational settings and who work 9 months per year; experienced retired practitioners who maintain a part-time practice; experienced practitioners who have voluntarily cut back on practice, perhaps to raise a family or care for an elderly parent; and experienced practitioners who have been reassigned to less direct client contact because of their inability to obtain a license in the past. It was never the legislature's intent to exclude these experienced and qualified individuals from the grandparenting provisions of the act.

Similarly, I am concerned that the definitions of "field closely related to the practice of marriage and family therapy" and "field closely related to the practice of professional counseling" in §§ 48.1 and 49.1 respectively have been so narrowly drawn by the Board

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as to exclude many qualified practitioners that were intended to be licensable, both by examination and exemption from examination.

In addition, the Board has proposed; in §§ 48.15(5)(v), 48.15(5)(vi), and 49.15(5)(iv)(C); limiting continuing education for grandparenting to courses approved by a very limited number of providers; thus even further restricting eligibility for grandparenting. And, in the case of marriage and family therapists, the Board's proposed requirement that continuing education be approved by AAMFT would make grandparenting impossible for marriage and family therapists because AAMFT is not involved in the approval of continuing education courses.

Finally, the language of §§ 48.1, 48.3, 48.13(b)(2), 48.13(b)(4)(i), and 48.13(b)(5), taken together, requires that one half of the supervised clinical experience required of candidates for licensure as a marriage and family therapist be provided by a licensed marriage and family therapist and that up to one half of the supervision may be provided by a person in a related field. However, until regulations are promulgated, there are no licensed marriage and family therapists who can provide this required supervision. It appears that the Board attempted to remedy this problem by providing a transition period in § 48.3. That transition period, however, fails to remedy the problem because it specifies that during the proposed transition period all supervisors be licensed. This creates a situation in which it would be extraordinarily difficult for a marriage and family therapist to obtain the required supervision.

Each of the above issues have been addressed in comments prepared by the Pennsylvania Alliance of Counseling Professionals (PACP), an organization that I worked closely with for many years leading up to the passage of the legislation. In addition PACP has provided suggestions for revision of the proposed regulations that would remedy these and other valid concerns. I find their suggestions to be reasonable and consistent with both the language and the intent of the licensing law. I urge the Board to give careful consideration to PACP's comments and suggestions and to eliminate the unnecessary barriers to licensure that the proposed regulations contain.

Sincerely,

A handwritten signature in black ink, appearing to read "Shih Miller". The signature is fluid and cursive, with the first name "Shih" written in a larger, more prominent script than the last name "Miller".

cc: Independent Regulatory Review Commission
Senate Consumer Protection and Professional Licensure Committee
House Professional Licensure Committee
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