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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

COMMITTEES

PROFESSIONAL LICENSURE,
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ORIGINAL: 2178

May 10, 2001

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REVIEW COMMISSION

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

Dear Chairman McGinley:

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

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

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

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

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

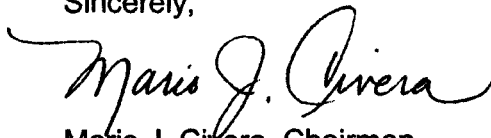
John R. McGinley, Jr., Chairman
Independent Regulatory Review Commission
Page 4
May 10, 2001

60 day period was established, whether this is standard notice in a supervisor/supervisee relationship, or whether there is precedence for a 60 day notice period in other states.

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

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

Sincerely,



Mario J. Civera, Chairman
House Professional Licensure Committee

MJC/sms
Enclosures

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

Regulation 16A-694

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

PROPOSAL: Regulation 16A-694 amends 49 PA Code, Chapter 47, regulations pertaining to social workers, and adds Chapters 48 and 49, regulations pertaining to marriage and family therapists and professional counselors respectively. The proposed regulations implement the licensing provisions of Act 136 of 1998, which established state licensure for Clinical Social Workers (CSWs), Marriage and Family Therapists (MFTs) and Professional Counselors (PCs), and expanded the Board of Social Work Examiners to include these newly licensed professions.

The proposed Rulemaking was published in the Pennsylvania Bulletin on March 24, 2001. The Professional Licensure Committee has until May 14, 2001 to submit comments on the regulation.

ANALYSIS:

Chapter 47: This Chapter contains the regulatory provisions pertaining to social workers, and would be amended to include provisions pertaining to CSWs. Definitions would be added to Sec. 47.1 for "licensed clinical social worker" and "supervisor," since the Act requires supervised clinical experience as a qualification for licensure as a CSW. Since the profession is newly licensed, there will be a five-year period in which a supervisor need not be a "licensed" CSW, but may be a licensed social worker with five years of experience as a CSW. A supervisor may also be an individual who holds a license in a related field and who has five years experience in that field.

Sec. 47.11 identifies the clinical level examination of the Association of Social Work Boards as the licensure exam for CSWs. Applicants will be responsible for directing that the testing organization send exam results and other information requested to the Board.

Sec. 47.12C(a) sets forth the qualifications for licensure as a CSW that essentially tracks the statutory language. Sec. 47.12C(b) sets forth the criteria for satisfying the supervised clinical experience requirement. At least one-half of the experience must be obtained in one of five designated areas, and the first 1800 hours out of the 3600 total hours of experience must be supervised by a licensed CSW or a CSW with five years of experience and who is a licensed social worker. A supervisee must disclose his or her status as a supervisee to each patient and obtain written permission to discuss the patient's case with the supervisor.

A supervisor must meet individually and in person with the supervisee for a minimum of one hour for every 20 hours of supervised experience. A supervisor may supervise no more than six supervisees at the same time, however, an exception to this provision may be requested if it creates an undue hardship. A supervisor who wishes to terminate supervision must give a supervisee 60 days written notice to enable the supervisee to obtain another qualified supervisor.

Supervised activity will not be credited unless it takes place in a single setting for either: (1) at least 30 hours per week but no more than 40 hours per week during at least a 3-month period or, (2) at least 15 hours per week for a period of at least 6 months.

Sec. 47.12D sets forth the standards for supervisors. The section includes 16 subparagraphs, which include the requirement that the supervisor be responsible for ensuring that the requirements relating to the supervised clinical experience are met. The supervisor is also responsible to ensure that the supervisee's status as a supervisee is made known to patients.

Sec. 47.13B sets forth the "grandfathering" provisions for licensure as a CSW. The Board lists the deadline for applying for licensure through this procedure as March 24, 2002. An applicant must provide proof of practice as a CSW for at least five of the preceding seven years, which must consist of at least 20 hours of practice per week. Also listed are the CSW credentials that will be recognized by the Board for the purpose of grandfathering eligibility.

Chapter 48: This would be a new chapter to Title 49 of the PA Code and would contain the licensing provisions for MFTs. A key definition contained in Sec. 48.1 is that of "field closely related to the practice of marriage and family therapy." This is important because the act authorizes licensure as an MFT to individuals with a Master's degree in marriage and family therapy or in a field closely related to the practice of marriage and family therapy. The definition of "supervisor" is similar to that for CSWs, except that a ten-year period would be allowed during which a supervisor could be a licensed MFT from another state.

Proposed Sec. 48.2 relates to educational requirements and lists the courses that would be required in the educational degrees, programs and graduate level course-work that must be completed for licensure eligibility. In that regard, the Board has adopted the educational requirements used by the Commission on Marriage and Family Therapy Education in its accreditation process.

Sec. 48.3 sets forth the qualifications for an MFT supervisor that will be in effect until January 1, 2010. A supervisor must be a Pennsylvania licensed MFT or licensed in another state, complete a one-semester graduate course in MFT supervision, and have five years experience as an MFT. Sec. 48.11 identifies the licensure examination as the National MFT Examination of the Association of Marital and Family Therapy Regulatory Boards. Sec. 48.12 sets forth general qualifications for licensure that essentially tracks statutory language.

Sec. 48.13 lists the qualifications for licensure for MFTs, generally tracking statutory language and establishing specific requirements for supervised clinical experience. At least one-half of an applicant's clinical experience must consist of one of the following areas: assessment, couples therapy, family therapy, other systems interventions and consultation. The rest of the provisions of this section are similar to the clinical supervision provisions for CSWs. Likewise, the provisions of Sec. 48.14, relating to standards for supervisors, are similar to the standards for CSWs.

Sec. 48.15 sets forth the "grandfathering" provisions for licensure as a MFT. The Board lists the deadline for applying for licensure through this procedure as March 24, 2002. An applicant must provide proof of practice as a MFT for at least five of the preceding seven years, which must consist of at least 15 hours of practice per week, with ten of those hours consisting of direct client contact. As authorized by Act 136, if an applicant has a master's degree of less than 48

hours but not less than 36 hours, continuing education may be used to achieve a total of 48 hours, at a ratio of 15 continuing education hours equaling one semester hour. The Board would recognize master's level difficulty courses approved by the AAMFT. An applicant must also demonstrate holding Clinical Membership status from the AAMFT and passing the AMFTRB National MFT examination.

Chapter 49: This would be a new chapter to Title 49 of the PA Code and would contain the licensing provisions for PCs. A key definition contained in Sec. 49.1 is that of "field closely related to the practice of professional counseling." This is important because the act authorizes licensure as a PC to individuals with a Master's degree in professional counseling or in a field closely related to the practice of professional counseling. These fields would include social work, clinical psychology, educational psychology, counseling psychology and child development and family studies. The definition of "supervisor" is similar to that for CSWs.

Proposed Sec. 49.11 lists the examinations that will be recognized as the PC licensure examinations. These are: The National Counselor Examination for Licensure and Certification (NCE) administered by the National Board for Certified Counselors, Inc. (NBCC); the Certified Rehabilitation Counselor (CRC) Examination administered by the Commission on Rehabilitation Counselor Certification (CRCC); the Art Therapy Credentials Board (ATCB) Certification Examination given by the ATCB; and the Board Certification Examination given by the Certification Board for Music Therapists (CBMT).

Proposed Sec. 49.12 sets forth general qualifications for licensure that essentially tracks statutory language. Sec. 49.13 lists the qualifications for licensure for PCs, generally tracking statutory language and establishing specific requirements for supervised clinical experience. At least one-half of an applicant's clinical experience must consist of one of the following areas: assessment, counseling, therapy, psychotherapy, other systems interventions and consultation. The rest of the provisions of this section are similar to the clinical supervision provisions for CSWs and MFTs. Likewise, the provisions of Sec. 49.14, relating to standards for supervisors, are similar to the standards for CSWs and MFTs.

Sec. 49.15 sets forth the "grandfathering" provisions for licensure as a PC. The Board lists the deadline for applying for licensure through this procedure as March 24, 2002. An applicant must provide proof of practice as a PC for at least five of the preceding seven years, which must consist of at least 15 hours of practice per week, with ten of those hours consisting of direct client contact. As authorized by Act 136, if an applicant has a master's degree of less than 48 hours but not less than 36 hours, continuing education may be used to achieve a total of 48 hours, at a ratio of 15 continuing education hours equaling one semester hour. The Board would recognize master's level difficulty courses approved by the NBCC, CRC, CBMT or ATCB.

An applicant must also demonstrate holding one of the following: The National Certified Counselor (NCC) certification and having passed the NCC examination given by the NBCC; the Certified Rehabilitation Counselor (CRC) certification and having passed the CRC examination given by the CRCC; the Registered Art Therapist (ATR) certification and having passed the Board Certification Examination given by the ATCB; 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 NBCC; the Music Therapists Board Certified certification from the Certification Board for Music Therapists (CBMT) and

having passed the Board certification examination given by the CBMT; the Registered Drama Therapist (RDT) certification from the National Association for Drama Therapy (NADT) and having passed the National Counselor Examination given by the NBCC; the Certified Clinical Mental health Counselor (CCMHC) certification for the Academy of Certified Mental Health Counselors (ACCMHC) and having passed the credentialing examination given by ACCMHC; or the Nationally Certified Psychologist (NCP) certification from the North American Association of Masters in Psychology (NAMP) and having passed the Practice Exam of Psychological Knowledge given by NAMP.

RECOMMENDATIONS: It is recommended that the Professional Licensure Committee take no formal action until final form regulations are promulgated. However, the Committee submits the following comments:

- (1) Relevant to proposed Sec. 48.1, the Committee recommends that the definition of “Field closely related to the practice of marriage and family therapy” be less restrictive. The Committee notes and agrees with comments forwarded by the Pennsylvania Alliance of Counseling Professionals (PACP) that recognizing only the six listed degrees will have the effect of excluding qualified and experienced individuals from licensure who are otherwise qualified in all respects. The Committee recommends that the Board adopt the language proposed by the PACP with respect to the specifically listed fields. Should the Board determine that the proposed “or any other field” language be too broad, the Committee suggests that “any other behavioral science field” might be appropriate.
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House of Representatives
Professional Licensure Committee
May 7, 2001