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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

COMMITTEES

PROFESSIONAL LICENSURE,
MAJORITY CHAIRMAN
LIQUOR CONTROL
FIREFIGHTERS' CAUCUS,
COCHAIRMAN EMERITUS

December 11, 2001

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 December 11, 2001, and voted to approve Regulation 16A-6311, Regulation 16A-482, and Regulation 16A-694.

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

Sincerely,

A handwritten signature in black ink that reads "Mario J. Civera".

Mario J. Civera, Chairman
House Professional Licensure Committee

MJC/sms
Enclosures

cc: Alex M. Siegel, J.D., Ph.D., Chairman
State Board of Psychology
James O. Pinkerton, FD, Chairperson
State Board of Funeral Directors
Thomas F. Matta, Ph.D., Chairperson
State Board of Social Workers, Marriage and Family
Therapists and Professional Counselors
Honorable Kim H. Pizzigrilli, Secretary of the Commonwealth
Department of State

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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.

Regulation 16A-694 is Final Rulemaking which was delivered to the Professional Licensure Committee on November 27, 2001. The Professional Licensure Committee has until December 17, 2001 to approve or disapprove 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," "related field" and "supervisor," since the Act requires supervised clinical experience as a qualification for licensure as a CSW. Sec. 47.1a sets forth the qualifications for a CSW supervisor. 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 six designated areas, and at least 1800 hours out of the 3600 total hours of experience must be supervised by a supervisor who meets the requirements of Sec. 47.1a. 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 with the supervisee for a minimum of two hours for every 40 hours of supervised experience. At least one of the two hours must be individually and in person, and one hour may be in a group setting and in person. 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 two weeks 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 50 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. Supervised experience must be completed in no less than 2 years and no more than 6 years, except that no less than 600 hours and no more than 1800 hours may be credited in any 12-month period.

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 February 19, 2002. An applicant must provide proof of practice as a CSW for at least five of the preceding seven years, and that the practice was conducted in Pennsylvania. 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. A definition for "related field" has been included because it is referenced in the qualifications for supervisors.

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. Since the profession is newly licensed, there will be a transition period until January 1, 2010 wherein a supervisor will be recognized as such if he or she practices as an MFT, has completed a 1-semester graduate course in MFT supervision (at least 30 contact hours) or the equivalent, and has 5 years of experience within the last 10 years 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, consultation, individual therapy and group therapy. 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 February 19, 2002. An applicant must provide proof of practice as a MFT for at least five of the preceding seven years. 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 related to the practice of marriage and family therapy that have been approved for continuing education credit by NBCC, CRCC, CBMT, ADTA, NADT, or has been offered by AAMFT or PAMFT. An applicant must also demonstrate holding Clinical Membership status from the AAMFT and passing the AMFTRB National MFT examination.

Section 48.16 sets for the standards by which licensure by reciprocity would be granted to MFT licensees of other states.

Chapter 49: This would be a new chapter to Title 49 of the PA Code and would contain the licensing provisions for PCs. Key definitions contained in Sec. 49.1 are that of “doctoral degree in a field closely related to the practice of professional counseling,” and “Master’s degree in a field closely related to the practice of professional counseling.” These are important because the act authorizes licensure as a PC to individuals with a Master’s degree or a doctoral degree in professional counseling or in a field closely related to the practice of professional counseling. “Related field” is also defined because it is referenced in the qualifications for supervisors. These fields would include psychiatry, psychology, social work, marriage and family therapy, art therapy, dance/movement therapy, drama therapy, music therapy, human services and counseling education.

Education requirements are set forth in Sec. 49.2. The qualifications for supervisors are set forth in Sec. 49.3. Since this is a newly licensed profession a transition period of five years is provided wherein an individual would be recognized as a supervisor is he or she practices as a professional counselor and has 5 years of experience with the last 10 years as a professional counselor.

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) given by the National Board for Certified Counselors, Inc. (NBCC); the Certified Rehabilitation Counselor (CRC) Examination given by the Commission on Rehabilitation Counselor Certification (CRCC); the Art Therapy Credentials Board (ATCB) Certification Examination given by the ATCB; the Board Certification Examination given by the Certification Board for Music Therapists (CBMT); the Practice Examination of Psychological Knowledge given by the North American Association of Master’s in Psychology (NAMP); the Advanced Alcohol & Other Drug abuse Counselor Examination (AAODA) given by the International Certification and Reciprocity Consortium/Alcohol and Other Drug Abuse Inc. (IC & RC/AODA); and the Examination for Master Addictions Counselors (EMAC) given by NBCC.

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, consultation, family therapy and group therapy. 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 February 19, 2002. An applicant must provide proof of practice as a PC for at least five of the preceding seven years. 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, AATA, ADTA, The Pennsylvania Certification Board (PCB) or NADT, or which is approved for continuing education credit for licensed psychologists or licensed social workers.

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; the Nationally Certified Psychologist (NCP) certification from the North American Association of Masters in Psychology (NAMPP) and having passed the Practice Exam of Psychological Knowledge given by NAMPP; the Certified Addictions Counselor Credential (CAC) from PCB and having passed the Advanced Alcohol and Other Drug Abuse Counselor Examination given by the IC & RC/AODA; or the Master's Addictions Counselor Credential from NBCC and having passed the Examination for Master's Addictions Counselors given by NBCC.

Section 49.16 sets for the standards by which licensure by reciprocity would be granted to MFT licensees of other states.

The Board addressed the Committee's comments to the proposed regulations as follows:

- (1) Relevant to proposed Sec. 48.1, the Committee recommended that the definition of "Field closely related to the practice of marriage and family therapy" be less restrictive. The Board added the fields of medicine, nursing, pastoral counseling, ministry, theology, education and sociology to the fields previously listed.
- (2) Relevant to proposed Sec. 48.13(b)(2), the Committee questioned 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 Board changed the reference to Sec.

- 48.1. The Board also adopted the suggestion of the Committee and 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) The Board adopted the suggestion of the Committee and the PACP that “individual” and “group” therapies be recognized as appropriate supervised clinical experience.
 - (4) Relevant to the continuing education requirements set forth in proposed Secs. 48.15(5)(v) and (vi), the Board adopted the suggestion of the Committee and the PACP and expanded the list of appropriate continuing education.
 - (5) Relevant to Sec. 48.13(b)(5), the Board adopted the suggestion of the Committee and the PACP that in the interest of ensuring flexibility and supervisor availability during the initial years of MFT licensure, the Board “allow” rather than “require” group supervision.
 - (6) Relevant to proposed Sec. 49.1, the Board adopted the recommendation of the Committee and the PACP that the definition of “field closely related” be expanded. The Board changed the definitions in this section to take the emphasis off of limited fields and place it on the educational degree itself. The Board also adopted the Committee’s recommendation that a Human Services degree be recognized.
 - (7) The Committee noted 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 recommended that a transition period be provided to allow programs to develop appropriate internships. The Board adopted this recommendation by allowing a transition period of five years where this requirement may be satisfied by completion of a total of 6 semester hours or 9 quarter hours of practicum/internship experience.
 - (8) Relevant to the continuing education requirements of Sec. 49.15(5)(iv)(C), the Board adopted the recommendation of the Committee and the PACP and expanded the list of approved continuing education. The Board also adopted the Committee’s recommendation that courses approved by the Pennsylvania Certification Board (PCB) be included.
 - (9) Relevant to the supervision provisions in Secs. 49.13(b)(5) and 47.12C(b)(5), the Board adopted the recommendations of the Committee, the PACP and the Pennsylvania Society for Clinical Social Work (PSCSW) to allow for group supervision.
 - (10) The Board adopted the recommendation of the Committee and several professional organizations and eliminated the requirement that the “first” 1800 hours of an individual’s supervised clinical experience be supervised by an individual licensed in the supervisee’s field.
 - (11) The Board adopted the recommendation of the Committee and several professional organizations regarding the proof of practice standards for licensure by grandfathering. The Board eliminated 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.
 - (12) The Board amended the grandfathering provision to properly designate February 19, 2002 as the last day to apply for licensure by grandfathering.
 - (13) In response to the Committee’s questioning of the need for 60 days written notice on the part of a supervisor to a supervisee of his or her intent to terminate supervision during a training period, the Board changed the notice provision to 2 weeks.

- (14) The Board adopted the Committee's recommendation that the Certified Addiction Counselor (CAC) credential be added to the list set forth in proposed Sec. 49.15(6) as a credential recognized for the purpose of licensure be grandfathering. The holder of a CAC credential must also have passed the Advanced Alcohol and Other Drug abuse Counselor Examination given by the IC & RC/AODA. The Board will also recognize the Master's Addictions Counselor credential from the NBCC. Holders of this credential must have passed the Examination for Master's Addictions Counselors given by the NBCC.
- (15) The Board adopted the Committee's recommendation that the Advanced Alcohol and Other Drug Abuse Counselor Examination (AAODA) 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. The Board also added the Examination for Master Addictions Counselors (EMAC) given by the NBCC.

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

House of Representatives
Professional Licensure Committee
December 6, 2001