

<b>Regulatory Analysis Form</b>		This space for use by IRRC  7-3 11:44  IRRC Number: 2208
(1) Agency Department of State, Bureau of Professional and Occupational Affairs, State Board Social Workers, Marriage and Family Therapists and Professional Counselors		
(2) I.D. Number (Governor's Office Use) 16A-695		
(3) Short Title Fees		
(4) PA Code Cite  49 Pa. Code §§ 47.4, 47.34, 48.4, 49.4	(5) Agency Contacts & Telephone Numbers Primary Contact: Beth Sender Michlovitz, Counsel State Board of Social Workers, Marriage and Family Therapists and Professional Counselors (717)783-7200 Secondary Contact: Joyce McKeever, Deputy Chief Counsel, Regulatory Review (717)78 3-1088	
(6) Type of Rulemaking (check one)  <input type="checkbox"/> Proposed Rulemaking <input checked="" type="checkbox"/> Final Order Adopting Regulation <input type="checkbox"/> Final, Proposed Omitted	(7) Is a 120-Day Emergency Certification Attached? <input checked="" type="checkbox"/> No Yes: By the Attorney General Yes: By the Governor	
(8) Briefly explain the regulation in clear and nontechnical language. <p>The Social Workers, Marriage and Family Therapists and Professional Counselors Act requires the Board to set fees by regulation so that revenues meet or exceed expenditures over a biennial period. General operating expenses of the Board are funded through biennial license renewal fees. Expenses related to applications or services which are provided directly to individual licensees or applicants are excluded from general operating revenues and are funded through fees in which the cost of providing the service forms the basis for the fee.</p> <p>Three licensure groups were added to the Board pursuant to the act of December 21, 1998 (P.L. 1017, No. 136) (Act 136), which necessitated a determination of fees for services to the new licensees and applicants. Additionally, it was determined that the existing fees for applications for licensure and original licensure as a licensed social worker and approval as a continuing education provider or program fell short of the actual cost involved in providing the services.</p> <p>In this regulation, fees for the services identified will allocate costs to those who use the service or application.</p>		
(9) State the statutory authority for the regulation and any relevant state or federal court decisions.  The regulatory amendments are adopted under Section 6(2) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act, (63 P.S. §1906(2)).		

## **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. The Board is required by statute to adopt regulations setting fees. See Item No. 9 for the specific law.**

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

**The enabling statute of the Board requires that the Board set fees by regulation so that revenues meet or exceed expenditures over a biennial period. The operating expenses of the Board are generally borne by the licensee population through biennial renewal revenue. Expenses related to services which are provided directly to individual licensees or applicants are excluded from general operating revenues so that only the licensee who uses a particular service pays for a service being provided to him or her. By this regulation, the cost of providing the service will be apportioned to users, rather than burdening the entire licensee population.**

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

**Nonregulation could potentially adversely impact the fiscal integrity of the Board. If left unregulated, the costs of providing these services would be borne by the general licensing population, some of whom did not or would not receive a benefit from the service.**

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

**The licensing population generally will benefit by having costs of services which are utilized by only a portion of the licensees or applicants paid by those actually using the service.**

## **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.)

**The Board has identified no group of individuals or entities who will be adversely affected by the regulation. Applicants for services or licenses will be required to bear the up-to-date costs of providing the services involved.**

(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.)

**Licensees and applicants for licensure as social workers, clinical social workers, marriage and family therapists and professional counselors, and continuing education providers. The Board estimates that approximately 15,400 persons will avail themselves of one or more of the enumerated services in a two-year period.**

(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.

**Notice of proposed rulemaking was published at 31 Pa.B. 4651 (August 25, 2001). Publication was followed by a 30-day public comment period during which the Board received comments from the Pennsylvania Society for Clinical Social Work and the Pennsylvania Chapter of the National Association of Social Workers (NASW). The Board considered those comments in developing its final rulemaking. The Board also received comments from the Independent Regulatory Review Commission and the House Professional Licensure Committee.**

(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 Board estimates that 15,400 persons will avail themselves of one or more of the enumerated services within the first biennial period. Total aggregate additional cost for the regulated community for the first biennial period would be approximately \$648,500. It is anticipated that the number of persons in the first biennial period will be significantly higher than in subsequent biennial periods because the first biennial period will include persons licensed under the grandparenting period. Those individuals who already hold a license will be unaffected by this regulation. No legal, accounting or consulting procedures will be implicated in complying with the regulatory amendments.**

### **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.

**Local governments would not be affected by the regulation.**

(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.

**The Board will not incur an increase in administrative costs by implementing the regulation. Indeed, the regulatory amendments will permit the Board to recoup the costs of providing the enumerated services.**

### 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 Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
<b>SAVINGS:</b>	\$	\$	\$	\$	\$	\$
<b>Regulated</b>						
<b>Local Government</b>						
<b>State Government</b>						
<b>Total Savings</b>						
<b>COSTS:</b>	N/A	\$600,500	\$600,500	\$341,750	\$341,750	\$341,750
<b>Regulated</b>						
<b>Local Government</b>						
<b>State Government</b>						
<b>Total Costs</b>						
<b>REVENUE LOSSES:</b>	N/A	\$600,500	\$600,500	\$341,750	\$341,750	\$341,750
<b>Regulated</b>						
<b>Local Government</b>						
<b>State Government</b>						
<b>Total Revenue Losses</b>						

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

The cost estimates are based upon the following number of persons which the Board estimates will avail themselves of the specified service over a fiscal year period (one-half biennium) multiplied by the cost to the applicant for the service:

1. Social Work license application \*25 x 500 = 12,500
2. \*\*Clinical Social Work, Marriage and Family Therapist or Professional Counselor license application (1<sup>st</sup> biennial period) 45 x 6,000 = 270,000
3. Clinical Social Work, Marriage and Family Therapist and Professional Counselor license application (2<sup>nd</sup> biennial period) 45 x 250 = 11,250
4. Biennial renewal fee for Clinical Social Workers, Marriage and Family Therapists And Professional Counselors 45 x 6,000 = 270,000
5. Application for approval as a Continuing Education Provider or program approval \*40 x 1,200 = 48,000

\* designates increased cost

\*\*1<sup>st</sup> biennial billing cycle only because applications will include those for licensure by grand-parenting — thereafter estimated biennial number of applications is 500.

### 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 amendments to the existing regulations will assure that the costs of providing the specified services to certain applicants and licensees will be borne by individuals who receive the service.**

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

**No nonregulatory alternatives were considered because the Board's enabling statute requires the Board to promulgate regulations to establish fees or changes thereto.**

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

**See No. 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.

**No federal licensure standards apply.**

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

**This regulation does not put Pennsylvania at a competitive disadvantage with other states. Following is a comparison of Pennsylvania fees with other states.**

	PA	NJ	NY	MD	OH	DE
1. Social Work App	25	75 (note 1)	270	40 --134	60—75	25
2. CSW, MFT, PC App.	45	no licenses for these groups	no info available	no licenses for these groups	60—75	no info available
3. App for C.E. Provider Or program	40	100 (provider) Plus 5 each course	-----	----	-----	-----
4. Renewal (biennial)	45	LCSW only, 160	155	40—134	60—75	104 currently (note 2)

NOTE: (1) plus initial license fee of ½ or full renewal fee, depending on date

NOTE: (2) fee changes each renewal, determined by dept. director, based on amount of revenue required.

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

**This regulation will have no effect on other regulations of the Board or other state agencies.**

## **Regulatory Analysis Form**

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

**No.**

(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.

**No changes to reporting, recordkeeping or other paperwork are required by this regulation.**

(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?

**The regulation will be effective upon publication as an Order of Final Rulemaking in the *Pennsylvania Bulletin*.**

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

**The Board reviews its revenues and costs of its programs on a fiscal year and biennial basis.**



FACE SHEET  
FOR FILING DOCUMENTS  
WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)

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JUN 11 2002

DO NOT WRITE IN THIS SPACE

Copy below is hereby approved as to form and legality. Attorney General

Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by:

Copy below is approved as to form and legality. Executive or Independent Agencies.

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

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

BY: *John V. Turner*

DOCUMENT/FISCAL NOTE NO. 16A-695

\_\_\_\_\_  
DATE OF APPROVAL

DATE OF ADOPTION: \_\_\_\_\_  
BY: *Thomas F. Matta, Ph.D.*  
Thomas F. Matta, Ph.D.

DATE OF APPROVAL  
*6/5/02*  
(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.

FINAL RULEMAKING  
COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS  
STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS  
AND PROFESSIONAL COUNSELORS  
49 PA. CODE, CHAPTERS 47, 48, 49  
FEES

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

**A. Effective date**

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

**B. Statutory Authority**

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

**C. Background and Purpose**

The Social Workers, Marriage and Family Therapists and Professional Counselors Act requires the Board to set fees by regulation so that revenues meet or exceed expenditures over a biennial period. General operating expenses of the Board are funded through biennial license renewal fees. Expenses related to applications or services which are provided directly to individual licensees or applicants are excluded from general operating revenues and are funded through fees in which the cost of providing the service forms the basis for the fee.

Three licensure groups were added to the Board pursuant to the Act of December 21, 1998 (P.L. 1017, No. 136)(Act 136), which necessitated a determination of fees for services to the new licensees and applicants. Additionally, it was determined that the existing fees for applications for licensure and original licensure as a licensed social worker and approval as a continuing education provider or program fell short of the actual cost involved in providing the services.

In this regulation, fees for the services identified will allocate costs to those who use the service or application.

**D. Response to Comments**

Notice of proposed rulemaking was published at 31 Pa.B. 4651 (August 25, 2001). Publication was followed by a 30-day public comment period during which the Board received comments from the Pennsylvania Society for Clinical Social Work and the Pennsylvania Chapter of the National Association of Social Workers (NASW). Both groups objected to the increase in the application fee for approval as a provider or program of continuing education from \$25.00 to \$40.00. In developing this fee, an analysis was made of the time it would take to perform all of the functions necessary to review and process an application. In particular, Board staff receives the request for approval of continuing education programs that licensees are required to complete as a condition of license renewal. The Board staff must review these applications. The Board administrator then sends the application and supporting documents to a Board member for evaluation and recommendation to approve or deny. Following the decision, the applicant is notified of the decision. If approved, the program is entered into the computer system. Based upon the analysis that

was undertaken to consider the time and manpower involved in performing these functions, a \$40.00 fee is required.

Following the close of the public comment period, the Board received comments from the Independent Regulatory Review Commission (IRRC) and the House Professional Licensure Committee (HPLC). The Board did not receive comments from the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC). The final rulemaking responds to the comments and suggestions made by IRRC and the HPLC.

The HPLC questioned why the proposal did not delete § 47.4(a)(3) pertaining to a one-time \$30 assessment for licensed social workers licensed during the 1988 to 1991 licensure cycle. The Board has deleted this in final rulemaking. The IRRC noted that the proposal would have required registration of continuing education providers, courses and programs for licensed marriage and family therapists or professional counselors but that these two new licensing groups do not yet have requirements for continuing education. IRRC recommended that the course registration be deleted from this rulemaking and that the Board consider developing future rulemaking pertaining to continuing education and registration of program providers. The Board agrees and has deleted these references.

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

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

#### F. Fiscal Impact and Paperwork Requirements

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

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

#### G. Sunset Date

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

#### H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), the Board submitted copies of the notice of proposed rulemaking, published at 31 Pa.B. 4651 (August 25, 2001), to IRRC, SCP/PLC and HPLC for review and comment.

In compliance with section 5(b.1) of the Regulatory Review Act (71 P.S. § 745.5(b.1)), the Board also provided IRRC, SCP/PLC, and HPLC with copies of comments received as well as other documents. In preparing the final-form regulation, the Board has considered the comments received from IRRC, HPLC, and the public.

Under section 5.1(d) of the Regulatory Review Act (71 P.S. § 745.5a(d)), this final-form regulation was (deemed) approved by the HPLC on \_\_\_\_\_, 2002, and (deemed) approved by SCP/PLC on \_\_\_\_\_, 2002. Under section 5.1(e) of the Regulatory Review Act (71 P.S. § 745.5a(e)), IRRC met on \_\_\_\_\_, 2002 and (deemed) the final-form regulation approved.

#### I. Contact Person

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

#### J. Findings

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

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

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

(3) This amendment does not enlarge the purpose of proposed rulemaking published at 31 Pa.B. 4651.

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

#### K. Order

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

(a) The regulations of the Board, 49 Pa. Code Chapters 47-49, are amended by amending Sections 47.4 and 47.34 and adding Sections 48.4 and 49.4 as set forth in Annex A.

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

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

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

THOMAS F. MATTA, PH.D., CHAIRMAN

ANNEX A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS  
PART I. DEPARTMENT OF STATE  
SUBPART A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS  
CHAPTER 47. STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY  
THERAPISTS AND PROFESSIONAL COUNSELORS

FEEES

§ 47.4 Licensure Fees.

(a) The fee schedule for licensure as a licensed social worker [or for a] , provisional license, licensed clinical social worker, licensed marriage and family therapist or licensed professional counselor shall be as follows:

- (1) Application fee for licensure and original license issuance as a licensed social worker.....\$ [15] 25
- (2) Biennial renewal for a licensed social worker, clinical social worker, marriage and family therapist or professional counselor.....\$ 45
- [(3)] (3) One-time assessment for a licensed social worker licensed During the 1988 to 1991 licensure cycle.....\$ 30]
- [(4)](3) Application fee for provisional license and provisional license issuance .....\$ 25
- [(5)](4) Verification of licensure .....\$ 15
- [(6)](5) Certification of license, scores or hours ..... \$ 25
- [(7)](6) Application fee for licensure and original license issuance as a clinical social worker, marriage and family therapist or professional counselor .....\$ 45

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§ 47.34 Registration of continuing education providers, courses and programs

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(b) An applicant for Board approval as a provider of a course or program shall submit an application, along with a fee of [ \$25] \$40, at least 90 days before the date the course or program commences.

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**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.**

**GENERAL PROVISIONS**

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**§ 48.4 Applicability of General Provisions in Chapter 47**

Sections 47.2 (relating to applicability of general rules), 47.3 (relating to meetings of the board), AND 47.4 (relating to licensure fees for social workers, clinical social workers, marriage and family therapists and professional counselors), and ~~47.34 (relating to registration of continuing education providers, courses and programs)~~ shall apply to this chapter.

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**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.**

**GENERAL PROVISIONS**

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**§ 49.4 Applicability of General Provisions in Chapter 47**

Sections 47.2 (relating to applicability of general rules), 47.3 (relating to meetings of the board), AND 47.4 (relating to licensure fees for social workers, clinical social workers, marriage and family therapists and professional counselors), and ~~47.34 (relating to registration of continuing education providers, courses and programs)~~ shall apply to this chapter.

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# PROPOSED RULEMAKING

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

[49 PA. CODE CHS. 47—49]

### Fees

The State Board of Social Workers, Marriage and Family Therapists and Professional Counselors (Board) proposes to amend §§ 47.4 and 47.34 (relating to licensure fees; and registration of continuing education providers, courses and programs); and add §§ 48.4 and 49.3 (relating to applicability of general provisions in Chapter 47) to read as set forth in Annex A.

#### A. Effective date

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

#### B. Statutory Authority

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

#### C. Background and Purpose

The act requires the Board to set fees by regulation so that revenues meet or exceed expenditures over a biennial period. General operating expenses of the Board are funded through biennial license renewal fees. Expenses related to applications or services which are provided directly to individual licensees or applicants are excluded from general operating revenues and are funded through fees in which the cost of providing the service forms the basis for the fee.

Three licensure groups were added to the Board under the enactment of the act of December 21, 1998 (P.L. 1017, No. 136) (Act 136), which necessitated a determination of fees for services to the new licensees and applicants. Additionally, existing fees for services to licensees and applicants were analyzed to determine if the fees reflected the actual cost of providing the services. Actual cost calculations are based upon the following formula:

$$\begin{array}{l} \text{Number of minutes to perform the function} \\ \times \\ \text{pay rate for the classification of personnel} \\ \text{performing the function} \\ + \\ \text{a proportionate share of administrative overhead.} \end{array}$$

The analysis determined that the existing fees for applications for licensure and original license issuance as a licensed social worker, and approval as a continuing education provider or program, did not accurately reflect the actual cost involved of providing the services. Fees for the Board in these categories fell short of the cost to provide the service. The analysis also determined the actual cost for application fees for licensure and original

license issuance for clinical social workers, marriage and family therapists and professional counselors.

Biennial renewal fees for the three new licensure groups were determined by applying the existing biennial renewal fee for licensed social workers.

In this proposal, fees for the services identified will allocate costs to those who use the service or application. The Board would continue to apportion the enforcement and operating costs to the general licensing population when the Board makes its biennial reconciliation of revenue and expenditures.

#### D. Compliance with Executive Order 1996-1

In accordance with the requirements of Executive Order 1996-1, in drafting and promulgating the proposed rulemaking, the Board considered the least restrictive alternative to regulate costs for services requested by licensees and applicants. The Board also 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: 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.; and Donald B. Kaveny, Director/American Association of Marriage and Family Therapists.

#### E. Fiscal Impact and Paperwork Requirements

The proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The fees will have a modest fiscal impact on those members of the private sector who apply for services from the Board. The proposed rulemaking will impose no additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

#### F. Sunset Date

The Board continuously monitors the cost effectiveness of its regulations. Therefore, no sunset date has been assigned.

#### G. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on August 9, 2001, the Board submitted a copy of these proposed amendments to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. In addition to submitting the proposed amendments, the Board has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Board in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has objections to any portion of the proposed amendments, it will notify the Board within 10 days of the close of the Committees' review period. The notifica-



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

**H. Public Comment**

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to Eva Cheney, State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days of publication of this proposed rulemaking. Reference No. 16A-695 (Fees), when submitting comments.

THOMAS F. MATTA, Ph.D.,  
*Chairperson*

**Fiscal Note:** 16A-695. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

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

**GENERAL PROVISIONS**

**§ 47.4. Licensure fees.**

(a) The fee schedule for licensure as a licensed social worker [ or for a ], provisional license, licensed clinical social worker, licensed marriage and family therapist or licensed professional counselor shall be as follows:

(1) Application fee for licensure and original license issuance as a licensed social worker ..... \$[ 15 ] 25

(2) Biennial renewal for licensed social worker, clinical social worker, marriage and family therapist or professional counselor ..... \$45

\* \* \* \* \*

(7) Application fee for licensure and original license issuance as a clinical social worker, marriage and family therapist or professional counselor ..... \$45

\* \* \* \* \*

**CONTINUING EDUCATION**

**§ 47.34. Registration of continuing education providers, courses and programs.**

\* \* \* \* \*

(b) An applicant for Board approval as a provider of a course or program shall submit an application, along with a fee of [ \$25 ] \$40, at least 90 days before the date of the course or program commences.

\* \* \* \* \*

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

**GENERAL PROVISIONS**

**§ 48.4. Applicability of general provisions in Chapter 47.**

Sections 47.2—47.4 and 47.34 apply to this chapter.

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

**GENERAL PROVISIONS**

**§ 49.3. Applicability of general provisions in Chapter 47.**

Sections 47.2—47.4 and 47.34 apply to this chapter.

[Pa.B. Doc. No. 01-1561. Filed for public inspection August 24, 2001, 9:00 a.m.]

**FISH AND BOAT COMMISSION**

[58 PA. CODE CHS. 51 AND 63]

Administration and Fishing

The Fish and Boat Commission (Commission) proposes to amend Chapters 51 and 63 (relating to administrative provisions; and general fishing regulations). The Commission is publishing these amendments as a notice of proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The proposed amendments relate to administration and fishing.

**A. Effective Date**

The proposed amendments, if approved on final-form rulemaking, will go into effect upon publication of an order adopting the amendments in the *Pennsylvania Bulletin*.

**B. Contact Person**

For further information on the proposed amendments, contact Laurie E. Shepler, Assistant Counsel, P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7815. This proposal is available electronically through the Commission's website (<http://www.fish.state.pa.us>).

**C. Statutory Authority**

The proposed amendments to § 51.25 (relating to demand for or waiver of hearing) are published under the statutory authority of section 928 of the code (relating to revocation, suspension or denial of license, permit or registration). The proposed amendments to § 51.41 (relating to general) are published under the statutory authority of sections 928, 2102, 2305, 2711, 2903 and 2904 of the code. The proposed amendments to §§ 51.89, 63.5, 63.11, 63.15 and 63.21 are published under the statutory authority of section 2102 of the code (relating to rules and regulations).

MARIO J. CIVERA, JR., MEMBER  
HOUSE POST OFFICE BOX 202020  
MAIN CAPITOL BUILDING  
HARRISBURG, PENNSYLVANIA 17120-2020  
PHONE: (717) 787-3850  
FAX: (717) 705-1851

232 LONG LANE  
UPPER DARBY, PENNSYLVANIA 19082  
PHONE: (610) 352-7800  
FAX: (610) 352-3389



*House of Representatives*  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

COMMITTEES

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

COPY

October 5, 2001

RECEIVED

OCT 11 2001

DOS LEGAL COUNSEL

John R. McGinley, Jr., Chairman  
Independent Regulatory Review Commission  
14th Floor, Harrisstown 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 October 2, 2001, and voted to take no formal action on Regulation 16A-695 until final form regulations are promulgated. However, the Committee questions why the Board has not proposed deleting Section 47.4(a)(3). This was a one-time \$30 assessment for licensed social workers licensed during the 1988 to 1991 licensure cycle.

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

Sincerely,

A handwritten signature in cursive script that reads "Mario J. Civera".

Mario J. Civera, Chairman  
House Professional Licensure Committee

MJC/sms  
Enclosure

cc: 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

**Regulation 16A-695**

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

**PROPOSAL:** Regulation 16A-695 amends 49 PA Code, Chapter 47, regulations of the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors. The amendment makes revisions to the schedule of Board fees by increasing two fees and establishing fees for initial licensure and biennial renewal of licensure for clinical social workers, marriage and family therapists and professional counselors.

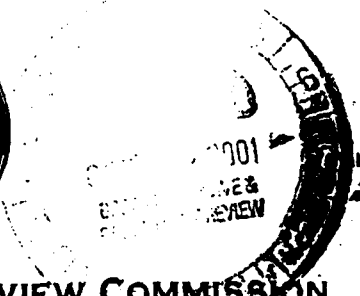
The proposed Rulemaking was published in the Pennsylvania Bulletin on August 25, 2001. The Professional Licensure Committee has until October 15, 2001 to submit comments on the regulation.

**ANALYSIS:** Pursuant to Sec. 18c of the Social Workers' Practice Act, 63 P.S. Sec. 1918c, the Board is required to meet expenditures through revenues raised by fees, fines and civil penalties. The Board is required to increase fees so that projected revenues will meet or exceed projected expenditures. Fees for various services provided directly to applicants or licensees are based upon the actual charge of providing the service requested. The proposed regulations would increase the application fee for original issuance of a social worker license from \$15 to \$25, and increase the application fee for approval as a continuing education provider or program from \$25 to \$40. Fees would also be established for the licensure categories of clinical social workers, marriage and family therapists and professional counselors, professions that became eligible for licensure with the passage of Act 136 of 1998. An application fee for initial licensure for these categories would be set at \$45. The biennial renewal fee for these licensure categories would also be set at \$45, the same as currently charged for social worker license renewal.

**RECOMMENDATIONS:** It is recommended that the Professional Licensure Committee take no formal action until final form regulations are promulgated. However, the Committee questions why the Board has not proposed deleting Section 47.4(a)(3). This was a one-time \$30 assessment for licensed social workers licensed during the 1988 to 1991 licensure cycle.

House of Representatives  
Professional Licensure Committee  
September 17, 2001

JOHN R. MCGINLEY, JR., ESQ., CHAIRMAN  
ALVIN C. BUSH, VICE CHAIRMAN  
ARTHUR COCCODRILLI  
ROBERT J. HARBISON, III  
JOHN F. MIZNER, ESQ.  
ROBERT E. NYCE, EXECUTIVE DIRECTOR  
MARY S. WYATTE, CHIEF COUNSEL



PHONE: (717) 783-5417  
FAX: (717) 783-2664  
irrc@irrc.state.pa.us  
http://www.irrc.state.pa.us

**INDEPENDENT REGULATORY REVIEW COMMISSION**  
333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

October 25, 2001

Thomas F. Matta, Ph.D., Chairman  
State Board of Social Workers, Marriage and Family Therapists and  
Professional Counselors  
116 Pine Street  
Harrisburg, PA 17105

Re: Regulation #16A-695 (IRRC #2208)  
State Board of Social Workers, Marriage and Family Therapists and  
Professional Counselors  
Fees

Dear Chairman Matta:

Enclosed are our Comments. They will soon be available on our website at [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

Our Comments list objections and suggestions for consideration when you prepare the final version of this regulation. We have also specified the regulatory criteria which have not been met. These Comments are not a formal approval or disapproval of the proposed version of this regulation.

If you would like to discuss these Comments, please contact my office at 783-5417.

Sincerely,

Robert E. Nyce  
Executive Director

evp

Enclosure

- cc: Honorable Mario J. Civera, Jr., Majority Chairman, House Professional Licensure Committee
- Honorable William W. Rieger, Democratic Chairman, House Professional Licensure Committee
- Honorable Clarence D. Bell, Chairman, Senate Consumer Protection and Professional Licensure Committee
- Honorable Lisa M. Boscola, Minority Chairman, Senate Consumer Protection and Professional Licensure Committee
- Honorable Kim Pizzingrilli, Secretary, Department of State

**Comments of the Independent Regulatory Review Commission**

**on**

**State Board of Social Workers, Marriage and Family Therapists and Professional Counselors Regulation No. 16A-695**

**Fees**

**October 25, 2001**

We submit for your consideration the following objections and recommendations regarding this regulation. Each objection or recommendation includes a reference to the criteria in the Regulatory Review Act (71 P.S. § 745.5a(h) and (i)) which have not been met. The State Board of Social Workers, Marriage and Family Therapists, and Professional Counselors (Board) must respond to these Comments when it submits the final-form regulation. If the final-form regulation is not delivered by September 24, 2003, the regulation will be deemed withdrawn.

**1. Section 47.4. Licensure fees. – Need; Clarity.**

The House Professional Licensure Committee questioned why the Board did not delete the fee relating to the 1988 to 1991 licensure cycle. Is this fee needed?

**2. Sections 48.4 and 49.3. Applicability of General Provisions in Chapter 47. – Need; Clarity.**

These provisions require registration of continuing education providers, courses and programs under Section 47.34. However, there currently is no continuing education requirement for licensed Marriage and Family Therapists or Professional Counselors. If the Board intends to require continuing education for licensees under Chapters 48 and 49 in the future, that requirement would require another rulemaking.

The Board should consider deleting the course registration provisions from this rulemaking. Instead, the Board should promulgate continuing education requirements and registration of course providers together in a future rulemaking. This would allow affected parties to consider the full implications of these requirements.



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

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

October 3, 2002

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

Re: Final Regulation  
State Board of Social Workers, Marriage and Family Therapists and Professional Counselors  
16A-695: Fees

Dear Chairman McGinley:

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

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

Sincerely,

A handwritten signature in cursive script that reads "Thomas F. Matta".

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

TFM/BSM/:kp

Enclosure

c: David M. Williams, Acting Commissioner  
Bureau of Professional and Occupational Affairs  
John T. Henderson, Jr., Chief Counsel  
Department of State  
Joyce McKeever, Deputy Chief Counsel  
Department of State  
Cynthia K. Montgomery, Regulatory Counsel  
Department of State  
Herbert Abramson, Senior Counsel in Charge  
Department of State  
Beth Sender Michlovitz, Counsel  
State Board of Social Workers, Marriage and Family Therapists and Professional Counselors  
State Board of Social Workers, Marriage and Family Therapists and Professional Counselors

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

**I.D. NUMBER:** 16A-695  
**SUBJECT:** State Board of Social Workers, Marriage & Family Therapists & Professional Counselors - Fees  
**AGENCY:** DEPARTMENT OF STATE

**TYPE OF REGULATION**

- Proposed Regulation
- Final Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor
- Delivery of Tolled Regulation
  - a. With Revisions
  - b. Without Revisions

**FILING OF REGULATION**

DATE	SIGNATURE	DESIGNATION
10-3-02	Lori A. Clark	HOUSE COMMITTEE ON PROFESSIONAL LICENSURE
OCT 03 2002	Paul J. Fidy	SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE
10/3/02	Diana Pagan	INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL
		LEGISLATIVE REFERENCE BUREAU