

# Regulatory Analysis Form

This space for use by IRRC

(1) Agency  
Department of State, Bureau of Professional and Occupational Affairs, State Board of Social Workers, Marriage and Family Therapists and Professional Counselors

(2) I.D. Number (Governor's Office Use)  
16A-696

IRRC Number: 2319

(3) Short Title

### Exemption from Licensure Examination

(4) PA Code Cite  
49 Pa. Code §49.15

(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)  
 Proposed Rulemaking  
 Final Order Adopting Regulation  
 Final, Proposed Omitted

(7) Is a 120-Day Emergency Certification Attached?  
 No  
Yes: By the Attorney General  
Yes: By the Governor

(8) Briefly explain the regulation in clear and nontechnical language.

The regulation authorizes a professional counselor license to be issued without examination to an applicant who demonstrates he or she holds the Master Addiction Counselor Credential from the National Association of Alcoholism and Drug Abuse Counselors (NAADAC) and has passed the examination for Master Addiction Counselor given by NAADAC.

(9) State the statutory authority for the regulation and any relevant state or federal court decisions.

The regulation is adopted under the authority of 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.

No.

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

After promulgation of Regulation 16A-694 which implemented Act 136 of 1998, the NAADAC informed the board that recognition of its credentialing body had been inadvertently omitted from the recognized credentials utilized by the Board to authorize exemption from professional counseling licensure examinations. The Board had, indeed, intended to include NAADAC credentials for purposes of licensure examination exemption for professional counselors. This regulation will correct that omission.

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

In order for the Board to notify professional counselors who wish to apply for exemption from the licensure examination, the Board must specifically recognize the NAADAC credentials in its regulations.

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

Individuals wishing to apply for licensure as a professional counselor who hold the Master Addictions Counselor Credential from NAADAC will benefit from this regulation. In addition, the public will benefit because it will encourage qualified individuals to become licensed through the exemption process.

## 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.)

**No persons would be adversely affected.**

(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.)

**Persons seeking exemption from the examination by holding the Master Addiction Counselor Credential from the NAADAC will be required to comply with the regulation.**

(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.

**The proposed rulemaking published on March 2, 2002 solicited public comment. The Board received and considered numerous public comments.**

**The NAADAC informed the Board that it had omitted its credentialing body from the recognized credentials utilized by the Board for purposes of exemption from professional counseling licensure examination.**

(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.

**There will be no costs to the regulated community associated with this regulation. Individuals who hold certificates as Master Addiction Counselors from the NAADAC will realize tremendous savings by being exempt from the licensure examination.**

## 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.

**The regulation will not result in costs and/or savings to local governments.**

(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 regulation will not impose any costs and/or savings on state government.**

## 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>	\$N/A	\$N/A	\$N/A	\$N/A	\$N/A	\$N/A
Regulated						
Local Government						
State Government						
Total Savings						
<b>COSTS:</b>	N/A	N/A	N/A	N/A	N/A	N/A
Regulated						
Local Government						
State Government						
Total Costs						
<b>REVENUE LOSSES:</b>	N/A	N/A	N/A	N/A	N/A	N/A
Regulated						
Local Government						
State Government						
Total Revenue Losses						

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

N/A

### Regulatory Analysis Form

(20b) Provide the past three year expenditure history for programs affected by the regulation.  
N/A

Program	FY -3	FY -2	FY -1	Current FY
State Board of	\$257,057.21	\$305,871.61	\$309,899.38	\$308,000.00
Social Work				
Examiners				

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.

**This regulation is a benefit because qualified individuals who hold the Master Addiction Counselor credential from the NAADAC will be able to become licensed without taking the examination.**

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

**Inasmuch as recognizing credentials for purposes of exemption from examination is required through regulation, no other regulatory approaches were considered.**

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

N/A

## 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.

N/A

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

**Other states allow individuals with certain credentials to be exempt from the licensure examination. Maryland and Virginia specifically exempt NAADAC certified counselors from the examination requirement.**

**This regulation will not put Pennsylvania at a competitive disadvantage with other states.**

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

No.

## Regulatory Analysis Form

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

**Because the subject of this regulation was recently subject to proposed rulemaking and public comment, no public hearings or informational meetings are scheduled.**

**The Board holds bi-monthly public meetings at which information relative to all rulemaking is discussed. Meetings are held in the Board's offices at 116-124 Pine Street, Harrisburg, Pennsylvania. A schedule of Board meeting dates is available on the Department of State's website at [www.dos.state.pa.us/bpoa](http://www.dos.state.pa.us/bpoa).**

(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.**

(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.

**This regulation applies to all individuals applying for licensure by exemption from examination as a professional counselor who are certified through the NAADAC and who have passed the Master Addiction Counselor Examination given by NAADAC.**

(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 on publication in the Pennsylvania Bulletin.**

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

**The Board will continually monitor the effectiveness of the exemption from licensure examination provision for professional counselors.**



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE

**DATE:** October 31, 2002

**SUBJECT:** Final, Proposed Omitted Rulemaking  
16A-696: Exemption from Licensure Examination  
State Board of Social Workers, Marriage and  
Family Therapists and Professional Counselors

**TO:** Steven V. Turner, Deputy General Counsel  
Office of General Counsel

**FROM:** Beth Sender Michlovitz, Counsel *BSM*  
State Board of Social Workers, Marriage and  
Family Therapists and Professional Counselors

There are no significant legal and policy issues presented by this regulation.

I certify that I have reviewed the final rulemaking and that the contents are correct to the best of my knowledge, information and belief. Should you have any questions, please feel free to contact me.

BSM:kp

FACE SHEET  
FOR FILING DOCUMENTS  
WITH THE LEGISLATIVE REFERENCE BUREAU

RECEIVED  
JAN 23 11 21 AM '03  
LEGISLATIVE COMMISSION

(Pursuant to Commonwealth Documents Law)

# 2319

DO NOT WRITE IN THIS SPACE

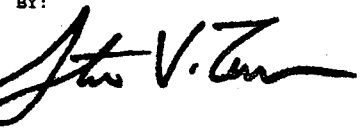
Copy below is hereby approved as to form and legality. Attorney General

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.

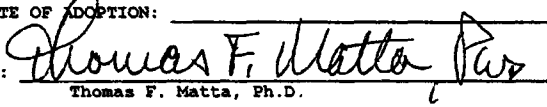
BY: \_\_\_\_\_  
(DEPUTY ATTORNEY GENERAL)

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

BY: 

DOCUMENT/FISCAL NOTE NO. 16A-696

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

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

DATE OF APPROVAL  
1/22/03  
(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 PROPOSED OMITTED RULEMAKING  
COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS  
STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS  
AND PROFESSIONAL COUNSELORS  
49 PA. CODE, CHAPTER 49.15  
EXEMPTION FROM LICENSURE EXAMINATION

By this Order, the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors (Board) amends 49 Pa. Code, § 49.15 (pertaining to exemption from licensure examination) as set forth in Annex A. The regulation authorizes a professional counselor license to be issued without examination to an applicant who demonstrates he or she holds the Master Addiction Counselor Credential from the National Association of Alcoholism and Drug Abuse Counselors (NAADAC) and has passed the examination for Master Addiction Counselors given by NAADAC.

#### Background and Need for Amendment

The Board promulgated regulations at 32 Pa.B. 1197 (March 2, 2002), which implemented the act of December 21, 1998 (P.L. 1017, No. 136) (Act 136). Section 49.15 of the Board's regulations states that a license will be issued without examination to applicants who, among other requirements, are certified as addiction counselors by various credentialing agencies.

NAADAC has informed the Board that recognition of its Master Addiction Counselor Credential was inadvertently omitted from the recognized credentials utilized by the Board for purposes of exemption from professional counseling licensure examinations. The Board has determined that it had intended to include NAADAC credentials for purposes of licensure examination exemption for professional counselors. During the rulemaking process at 32 Pa.B. 1197, the Board consulted with addiction specialists in Pennsylvania, including the NAADAC. The Board had determined to include this group in its list of recognized credentials. However, the Board inadvertently omitted the NAADAC from the list. This regulation will correct that omission.

Public notice of intention to amend the regulations pursuant to procedures specified in Sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§1201-1202) (commonly referred to as the "Commonwealth Documents Law"), has been omitted as authorized pursuant to Section 204(3) of the Commonwealth Documents Law, 45 P.S. §1204(3), because the Board finds that these procedures are, under the circumstances, unnecessary. The deadline for filing an application for license by exemption is February 19, 2003. Accordingly, recognition of the NAADAC for purposes of licensure by exemption must be perfected as quickly as possible. Public comment is unnecessary because comment had already been received in response to the proposed rulemaking published at 31 Pa.B. 1571 (March 24, 2001).

#### Compliance with Executive Order 1996-1

The Board reviewed this rulemaking and considered its purpose and likely impact upon the public and regulated population under the directives of Executive Order 1996-1, Regulatory Review and Promulgation. The final/proposed omitted regulation addresses a compelling public interest as described in this preamble and otherwise complies with Executive Order 1996-1.

### Statutory Authority

This amendment is authorized by Section 6(2) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act (Act) (63 P.S. §1906(2)).

### Fiscal Impact and Paperwork Requirements

The amendment will have no fiscal impact on the Commonwealth or its political subdivisions, nor will it impose any additional paperwork requirements.

### Regulatory Review

Pursuant to section 5.1(c) of the Regulatory Review Act (71 P.S. § 745.5a(c)), the Board submitted a copy of the final/proposed omitted on January 29, 2003 to the Independent Regulatory Review Commission (IRRC), the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC), and the House Professional Licensure Committee (HPLC). On the same date, the regulation was submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P.S. §§ 732-101 – 732-506).

In accordance with Section 5.1(d) and (e) of the Act (71 P.S. § 745.5a(d) and (e)), the regulation was (deemed) approved by HPLC on \_\_\_\_\_, 2003 and (deemed) approved by SCP/PLC \_\_\_\_\_, 2003. IRRC met on \_\_\_\_\_, 2003 and (deemed) the regulation approved. A copy of the material is available to the public upon request.

### Additional Information

Individuals who desire information are invited to submit inquiries to Board Administrator, State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, P.O. Box 2649, Harrisburg, PA 17105-2649. The telephone number of the Board is (717) 783-1389.

### Findings

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

1. That public notice of intention to amend the regulations as adopted by this Order pursuant to the procedures specified in Sections 201 and 202 of the Commonwealth Documents Law, 45 P.S. §§1201 and 1202, has been omitted pursuant to the authority contained in Section 204(3) of the Commonwealth Documents Law, 45 P.S. §1204(3), because the Board has, for good cause, found that the procedure specified in Sections 201 and 202 of the Commonwealth Documents Law, 45 P.S. §§1201 and 1202, is in this circumstance, unnecessary.

2. That the amendment of the regulations of the Board in the manner provided in this Order is necessary and appropriate for the administration of its authorizing statute.

Order

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

- A. Regulations of the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors are hereby amended by amending Section 49.15, as set forth in Annex A.
- B. The Chairperson of the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors shall submit this Order and attached Annex A to the Office of General Counsel and the Office of Attorney General for approval as to legality as required by law.
- C. The Chairperson of the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors shall certify this Order and attached Annex A and deposit the same with the Legislative Reference Bureau as required by law.
- D. This Order shall become effective immediately upon publication in the Pennsylvania Bulletin.

Thomas F. Matta, Ph.D., Chairperson

ANNEX A

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

\* \* \*

§ 49.15. Exemption from licensure examination.

A license will be issued without examination to an applicant who meets the following requirements. The applicant shall have:

\* \* \*

- (6) Demonstrated holding one of the following:

\* \* \*

(XI) The Master Addiction Counselor credential from the National Association of Alcoholism and Drug Abuse Counselors (NAADAC) and having passed the examination for Master Addiction Counselors given by NAADAC.

\* \* \*



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

January 29, 2003

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

Re: Final/Proposed Omitted Regulation  
State Board of Social Workers, Marriage and Family Therapists and Professional Counselors  
16A-696: Exemption from Licensure Examination

Dear Chairman McGinley:

Enclosed is a copy of a Final/Proposed Omitted rulemaking package of the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors pertaining to exemption from licensure examination.

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

Sincerely,

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

TFM/BSM/:kp

Enclosure

c: W. Raymond Ketner, Deputy 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-696  
SUBJECT: Exemption from Licensure Examination  
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
<u>1-29-03</u>	<u>Lou A Clark</u>	HOUSE COMMITTEE ON PROFESSIONAL LICENSURE
<u>1-29-03</u>	<u>Jim Hageman</u>	SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE
<u>1-29-03</u>	<u>Olivia Pagan</u>	INDEPENDENT REGULATORY REVIEW COMMISSION
<u>1-29-03</u>	<u>Mary Mummert</u>	ATTORNEY GENERAL
		LEGISLATIVE REFERENCE BUREAU

January 22, 2003