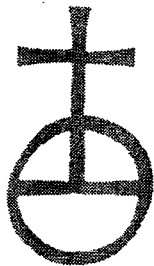


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PENNSYLVANIA CATHOLIC CONFERENCE

223 North Street • Box 2835 • Harrisburg, PA 17105 • (717) 238-9613 • FAX (717) 238-1473

September 30, 2004

Beth Sender Michlovitz, Counsel
State Board of Social Workers, Marriage and Family
Therapists and Professional Counselors
P. O. Box 2649
Harrisburg, PA 17105-2649

Re: Proposed rulemaking in Pennsylvania Bulletin (16A-691) Sexual Misconduct

Dear Ms. Michlovitz:

The Pennsylvania Catholic Conference monitors legislation and regulations affecting Catholic Social Service agencies throughout the Commonwealth and was actively involved in the passage of the 1998 amendments to the Social Work Practice Act. Our Conference's efforts at that time were directed, in part, toward ensuring that the Act applied only to those who hold themselves out as licensed practitioners ; not to those who simply practice in the covered fields. Thus, the Act clearly states that it "regulates only those who hold themselves out as *licensed* social workers, *licensed* clinical social workers, *licensed* marriage and family therapists or as *licensed* professional counselors." 63P.S. §1902. (emphasis added)

The introductory comments to the proposed regulations refer appropriately to the desire to regulate "licensed" individuals. However, none of the sections of the proposed regulations that define pertinent terms or prohibit certain conduct refer to "licensed" persons. Instead, they refer generally to "social workers" etc. In order to avoid any potential confusion about the scope of the Act, and to be consistent with the legitimate statutory authority of the Board, our Conference recommends that the proposed regulations be amended throughout to refer to "licensed social workers", licensed marriage and family therapists", and "licensed professional counselors."

Thank you for your attention to this matter.

Sincerely,

Francis J. Viglietta
Director, Social Concerns Department

FJV/mjs

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REVIEW COMMISSION

May 29, 2003

Commonwealth of Pennsylvania
Governor's Office of General Counsel
116 Pine Street, P.O. Box 2649
Harrisburg, PA 17105-2649

Attention: Beth Sender Michlovitz, Esq.

Dear Attorney Sender Michlovitz:

This letter is written in response to your request for public input regarding two rules and regulations proposed by the Pennsylvania State Board of Social Workers, Marriage and Family Therapists and Professional Counselors. The first is 16A-691 involving sexual intimacies, and the second is 16A-698 involving supervised clinical experience. As a licensed social worker with 25 years post-MSW experience at the direct practice level and 15 years experience as a social work educator, I'm so very pleased to have the opportunity to respond to your request.

16A-691 Sexual Intimacies:

The NASW Code of Ethics has a similar standard. Regulation 16A-691 is more specific, however, and includes valuable definitions. The only concern I have about the regulation is under section §50.24 "Disciplinary Proceedings" (c) which states: *In a disciplinary proceeding brought under §50.21-50.23, the social worker, clinical social worker, marriage and family therapist or professional counselor shall have the burden of proving that there has been no exploitation of the client/patient in light of all the relevant factors enumerated under §50.23(b)(1)-(7).*

Professionals licensed with the Occupational Board need to have the same protections offered to other U.S. citizens. In the United States, people are said to be innocent until proven guilty. A regulation that places the burden of proof on the professional appears to contradict this and sets the stage for possible false accusations on the part of unethical individuals who would want to discredit a professional or seek revenge for professional activities that are mandated by law (e.g., the mandatory reporting of a child abuse situation). Is it possible for the Board to accept all of regulation 16A-691 without the burden of proof discussion?

16A-698 Supervised Clinical Experiences:

I do not understand where the designated number of six came from and worry that this regulation could be misused to delay or deny licensure to applicants who received their clinical supervision in the past. The number of supervisees a clinical supervisor had when the applicant was involved may not be documented and may be very difficult to prove. I feel that the Board's credibility is reduced when it adopts regulations that are can't be enforced. The quality of supervision one receives is determined by a number of factors. The burden of having too many supervisees is only one of many factors that can reduce the quality of one's supervision. To determine the quality of the supervision one receives, the Board would have to examine (1) the professional training and qualifications of the person doing the supervision, (2) the job description and job-related expectations the supervisor was working under, (3) the supervisor's communication/supervision skills, (4) the supervisory setting, (5) the nature of the clinical work that is being supervised, etc.

Sincerely,

Peg Christopher, Ph.D., MPH, LSW