

# Regulatory Analysis Form

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REGULATORY  
REVIEW COMMISSION

(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-698**

IRRC Number: **2458**

(3) Short Title  
**Supervised Clinical Experience**

(4) PA Code Cite  
**49 Pa. Code §§47.12c(b)(6), 48.13(b)(6), 49.13(b)(6)**

(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) 783-7200**

(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 non-technical language.

**The amendments would permit clinical supervisors of applicants for licensure as clinical social workers, marriage and family therapists and professional counselors to supervise more than six supervisees in group supervisory sessions within educational, institutional and agency settings. The Act requires an applicant for licensure to, among other things, complete hours of supervised clinical experience. The Board's regulations currently prohibit a supervisor from supervising more than six supervisees at the same time. These regulations would carve out an exception to that rule for group supervision within educational, institutional and agency settings.**

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

**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?

**The Board had received input from applicants for licensure as well as clinical supervisors expressing concern that the clinical supervision requirement of no more than 6 supervisees in group sessions was overly restrictive. These regulations would allow supervisors in certain settings to supervise more than six supervisees at the same time.**

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

**Absent specific regulations, applicants for licensure would find it difficult to obtain the clinical supervisory experience required by the Act.**

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

**Applicants for licensure as clinical social workers, marriage and family therapists and professional counselors as well as supervisors of these applicants would benefit from these regulations in that it will be easier to obtain the clinical supervision required by the Act.**

**The following is a breakdown of the number of applicants the Board has received for licensure for the past 3 years:**

**2003 – Social Worker – 89  
2003 – Clinical Social Worker – 87  
2003 – Marriage and Family Therapist – 33  
2003 – Professional Counselor – 171**

**2002 – Social Worker – 44  
2002 – Clinical Social Worker – 69  
2002 – Marriage and Family Therapist – 61  
2002 – Professional Counselor – 335**

**2001 – Social Worker – 142  
2001 – Clinical Social Worker – 299  
2001 – Marriage and Family Therapist - 1**

## 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.)

**There are no perceived people or groups of people who would be adversely affected by this regulation.**

(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.)

**All applicants for licenses as clinical social workers, marriage and family therapists and professional counselors attempting to use group clinical supervisory experience for their required clinical supervision experience as well as all clinical supervisors who provide group supervision in educational, institutional and agency settings will be required to comply with the regulation. In the year 2003, there were 89 applicants for social work licenses, 87 applicants for clinical social work licenses, 33 applicants for marriage and family therapist licenses and 171 applicants for professional counselor licenses.**

(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.

**Prior to drafting this proposed regulation, the Board invited interested parties to comment on a preliminary draft. The Board reviewed and considered all comments and suggestions received by interested parties during the regulatory development process. The following interested parties commented on the amendments: Lehigh University; the Pennsylvania Society for Clinical Social Work; the Pennsylvania Chapter of the National Association of Social Workers; Peg Christopher; Angelo F. Gadaletto; and Roberta Iversen.**

(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 should be no costs or savings associated with complying with this regulation.**

## 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.

**There are no costs or savings to local governments resulting from the regulations.**

(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.

**There are no costs to state government in implementing these regulations.**

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

(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.

Program	FY -3	FY -2	FY -1	Current FY
State Board of Social Workers, Marriage and Family Therapists and Professional Counselors	\$257,057.21	\$305,871.61	\$309,899.38	\$308,000.00

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

**There should be no adverse effects and costs associated with compliance with the regulation. See, paragraphs (11) and (13) for benefits.**

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

**Since the amendments would change existing regulations, nonregulatory alternatives would not be an option.**

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

**See paragraph 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.

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?

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

(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 would not affect existing or proposed regulations of the Board or other agencies.**

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

**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 2601 North 3<sup>rd</sup> Street, Harrisburg, PA. A schedule of Board meeting dates is available on the Department of State's website at [www.dos.state.pa.us](http://www.dos.state.pa.us).**

## Regulatory Analysis Form

(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.

**The Board is aware of no special needs of any subset or group which should be excepted.**

(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 of final rulemaking in the Pennsylvania Bulletin. Compliance will be required as of that date.**

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

**The Board continuously reviews its regulations, periodically communicates with licensees through newsletters and obtains information and feed-back from its licensees on a frequent basis.**



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UNIVERSITY  
REVIEW COMMISSION

FACE SHEET  
FOR FILING DOCUMENTS  
WITH THE LEGISLATIVE REFERENCE BUREAU  
(Pursuant to Commonwealth Documents Law)

#2458

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.

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

BY: Amy M. Elliott  
(DEPUTY ATTORNEY GENERAL)

\_\_\_\_\_  
(AGENCY)

BY: Tanya C. Glesko

DEC 01 2004

DOCUMENT/FISCAL NOTE NO. 16A-698

11.5.04

DATE OF APPROVAL

DATE OF ADOPTION: \_\_\_\_\_

DATE OF APPROVAL

BY: Ronald Hays  
Ronald Hays

Asst.  
(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.

PROPOSED 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 47.12c(b)(6)  
48.13(b)(6), and 49.13(b)(6)  
SUPERVISED CLINICAL EXPERIENCE

The State Board of Social Workers, Marriage and Family Therapists and Professional Counselors (Board) proposes to amend its regulations at 49 Pa. Code, Chapters 47, 48 and 49 by amending §§ 47.12c, 48.13 and 49.13 (relating to licensed clinical social worker; licensed MFT; and licensed professional counselor), to read as set forth in Annex A. The amendments would exclude group supervisory sessions within educational, institutional and agency settings from the requirement that supervisors supervise no more than six supervisees at the same time.

#### Effective Date

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

#### 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)).

#### Background and Purpose

Sections 7(d)(3), 7(e)(3) and 7(f)(3) of the act require an applicant for licensure as a clinical social worker, marriage and family therapist and professional counselor to, among other things, complete hours of supervised clinical experience. Sections 47.12c(b)(6), 48.13(b)(6) and 49.13(b)(6) of the regulations pertaining to supervised clinical experience for licensed clinical social workers, licensed marriage and family therapists and licensed professional counselors currently prohibit a supervisor from supervising more than six supervisees at the same time. However, the Board recognizes that group supervision often occurs within educational, institutional and agency settings. In these settings, the Board recognizes that the prohibition of more than six supervisees is overly restrictive and the enforcement of such would result in the exclusion of these sessions from qualifying as supervised clinical experience for purposes of licensure qualification. Accordingly, the Board believes that an exception should be made for these types of group supervisory settings.

#### Fiscal Impact and Paperwork Requirements

The proposed amendments will have no fiscal impact and impose no additional paperwork requirements on the Board or its licensees.

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

#### 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 Board solicited pre-draft input regarding these amendments

from licensees, professional associations, and educational programs. The Board considered predraft comments in developing this proposal.

### Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on February 2, 2005, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly, and the Governor of comments recommendations or objections raised.

### Public Comment

Interested persons are invited to submit written comments, recommendations or objections regarding the proposed amendments to Sandra Matter, Administrative Assistant, 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 in the *Pennsylvania Bulletin*. Please reference No.16A-698, Supervised Clinical Experience, when submitting comments.

Ronald Hays, Chairperson

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**

\* \* \*

**§ 47.12c. Licensed Clinical Social Worker.**

\* \* \*

(b) *Supervised clinical experience.* Experience acceptable to the Board means experience as a supervisee in a setting that is organized to prepare the applicant for the practice of clinical social work consistent with the applicant's education and training.

\* \* \*

- (6) A supervisor shall supervise no more than [6] six supervisees at the same time.
- (i) This subparagraph does not apply to supervised experience obtained in group sessions within an educational, institutional or agency setting.
- (ii) If this provision creates an undue hardship on a supervisee, the supervisor and supervisee may request an exception to this provision. The request shall state, in writing, the reasons why this provision creates a hardship on the supervisee and why the supervisee is not able to obtain a supervisor who meets the requirements of this provision.

Before making a determination, the Board may require a personal appearance by the supervisee and supervisor.

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

\*\*\*

**LICENSURE**

\*\*\*

**§ 48.13. Licensed MFT.**

\*\*\*

(b) *Supervised clinical experience.* Experience acceptable to the Board means experience as a supervisee in a setting that is organized to prepare the applicant for the practice of marriage and family therapy consistent with the applicant's education and training.

\*\*\*

- (6) A supervisor shall supervise no more than [6] six supervisees at the same time.
- (i) This subparagraph does not apply to supervised experience obtained in group sessions within an educational, institutional or agency setting.
- (ii) If this paragraph creates an undue hardship on a supervisee, the supervisor and supervisee may request an exception to this paragraph. The request shall state, in writing, the reasons why this paragraph creates a hardship on the supervisee and why the supervisee is not able to obtain a supervisor who meets the requirements of this paragraph. Before making a determination, the Board may require a personal appearance by the supervisee and supervisor.

\* \* \*

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

\* \* \*

**LICENSURE**

\* \* \*

**§ 49.13. Licensed Professional Counselor.**

\* \* \*

(b) *Supervised clinical experience.* Experience acceptable to the Board means experience as a supervisee in a setting that is organized to prepare the applicant for the practice of counseling consistent with the applicant's education and training.

\* \* \*

- (6) A supervisor shall supervise no more than [6] six supervisees at the same time.
- (i) This subparagraph does not apply to supervised experience obtained in group sessions within an educational, institutional or agency setting.
- (ii) If this paragraph creates an undue hardship on a supervisee, the supervisor and supervisee may request an exception to this paragraph. The request shall state, in writing, the reasons why this paragraph creates a hardship on the supervisee and why the supervisee is not able to obtain a supervisor who meets the requirements

of this paragraph. Before making a determination, the Board may require a personal appearance by the supervisee and supervisor.

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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

February 2, 2005

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: Proposed Regulation  
State Board of Social Workers, Marriage and  
Family Therapists and Professional Counselors  
16A-698: Supervised Clinical Experience

Dear Chairman McGinley:

Enclosed is a copy of a proposed rulemaking package of the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors pertaining to Supervised Clinical Experience, 16A-698.

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

Sincerely,

  
Ronald E. Hays, Chairperson  
State Board of Social Workers, Marriage  
and Family Therapists and Professional Counselors

REH/BSM:law

Enclosure

cc: Albert H. Masland, Chief Counsel  
Department of State  
Basil L. Merenda, Commissioner  
Bureau of Professional and Occupational Affairs  
Joyce McKeever, Deputy Chief Counsel  
Department of State  
Cynthia 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-698

**SUBJECT:** State Board of Social Workers, Marriage & Family Therapists & Professional Counselors - Supervised Clinical Experience

**AGENCY:** DEPARTMENT OF STATE

#2458

**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

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REVIEW COMMISSION

**FILING OF REGULATION**

DATE	SIGNATURE	DESIGNATION
2/2/05	<i>Sandra J. Harper</i>	HOUSE COMMITTEE ON PROFESSIONAL LICENSURE
2/2/05	<i>Mary Walmer</i>	SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE
2/2/05	<i>[Signature]</i>	INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL (for Final Omitted only)
2/2/05	<i>[Signature]</i>	LEGISLATIVE REFERENCE BUREAU (for Proposed only)