

Regulatory Analysis Form

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

2005 APR 20 PM 2: 54

REGULATORY REVIEW COMMISSION

(2) I.D. Number (Governor's Office Use)

IRRC Number: 2479

16A-6912

(3) Short Title

Continuing Education

(4) PA Code Cite

**49 Pa. Code §§47.32-47.37, 47.41
48.31 – 48.42 and 49.31 – 49.42.**

(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)783-1088**

(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 non-technical language.

The regulation would amend Sections 47.32 through 47.37 and 47.41 pertaining to continuing education for licensed social workers to extend the requirement to licensed clinical social workers and would add §§ 48.31 – 48.42 and 49.31 – 49.42 pertaining to continuing education for licensed marriage and family therapists and licensed professional counselors. The proposed regulations would require 30 clock hours of continuing education as a condition of biennial renewal of a license for all classes of licensees.

(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 18(a) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act (63 P.S. §1906(2)).

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(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?

With the enactment of Act 136 of 1998, the Board now licenses marriage and family therapists, clinical social workers and professional counselors along with social workers. The Board's current regulations provide for continuing education of social workers only. The proposed regulations will amend the provisions pertaining to continuing education for social workers and add provisions to include continuing education requirements for all of the licensee categories. These proposed regulations will require 30 clock hours of continuing education as a condition of biennial renewal of a license. Mandatory continuing education will help licensees stay current in developing trends in the fields of social work, clinical social work, marriage and family therapy and professional counseling. Without these regulations, continuing education would not be required of licensed clinical social workers, marriage and family therapists and professional counselors.

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

Non-regulation would result in the lack of continuing education requirements for licensed clinical social workers, marriage and family therapists and professional counselors. This would result in a risk to the public in that these licensees would not be required to keep current in their field and would not be required to maintain and enhance their training and skills. Also, non-regulation would result in the incongruity that social workers would be required to take continuing education each biennium but other licensees of the Board would not.

(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 public, as well as the profession as a whole, will benefit from continuing education. The approximate number of licensees are as follows: Social Workers—6,092; Clinical Social Workers—2,831; Marriage and Family Therapists—296; and Professional Counselors—2,783.

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(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.)

All licensed clinical social workers, licensed marriage and family therapists and licensed professional counselors, except those exempted by the regulation (first time applicants) are required to comply with the regulation. There are approximately 6,092 licensed social workers, 2,831 licensed clinical social workers, 296 licensed marriage and family therapists, and 2,783 licensed professional counselors.

(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.

Input was sought and received from the following national and local professional associations and organizations: The National Association of Social Workers; ASWB; PA Alliance of Counseling Professionals; Council on Social Work Education; PA Society for Clinical Social Work; Susquehanna Institute; American Association of State Counseling Boards; American Association of Marriage and Family Therapy; and the Pennsylvania Social Work Coalition. Individuals identified by the Board as having an interest in these regulations were also asked to submit input. In addition, the Board sought input from all of the Commonwealth's colleges and universities that have programs of study in social work, clinical social work, marriage and family therapy and professional counseling.

(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 estimated cost to the regulated community is \$886,500 per year. This figure is calculated as 5,910 additional licensees (clinical social workers, marriage and family therapists and professional counselors) required to complete continuing education at an estimated \$300.00 per biennium or \$150.00 per year.

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(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 impose on state government costs associated with auditing licensees and enforcing the continuing education requirements.

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(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
SAVINGS:	\$N/A	\$N/A	\$N/A	\$N/A	\$N/A	\$N/A
Regulated						
Local Government						
State Government						
Total Savings						
COSTS:						
Regulated	\$886,500	\$886,500	\$886,500	\$886,500	\$886,500	\$886,500
Local Government						
State Government						
Total Costs	\$886,500	\$886,500	\$886,500	\$886,500	\$886,500	\$886,500
REVENUE	N/A	N/A	N/A	N/A	N/A	N/A
Regulated						
Local Government						
State Government						
Total Revenue						

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

The cost estimate was derived as follows: estimated average cost per credit (\$10) x 5,910 licensees x 30 credits required per biennium divided by 2 =annual cost.

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 Social Work Examiners	\$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.

This regulation is a benefit because licensees will enhance their education and skills through continuing education.

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

Inasmuch as Section 18(a) of the Act authorizes the Board to, by regulation, require evidence of continuing education as a condition of license renewal, 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?

The following surrounding states have continuing education requirements for biennial renewal of licensees: Delaware (45 hours), Washington D.C. (24 hours), Maryland (24 hours), New Jersey (20 hours), Ohio (30 hours), and Virginia (30 hours).

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.

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(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 N. Third 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.

(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.

The regulation will require the Board staff to change its forms on applications in order to gather licensee information pertaining to continuing education. In addition, the Board staff will have to keep records of licensee continuing education and will be responsible for conducting audits of continuing education compliance.

(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.

N/A

(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 final publication in the Pennsylvania Bulletin.

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

The Board will continually monitor the effectiveness of the continuing education requirement for licensees.

FACE SHEET
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(Pursuant to Commonwealth Documents Law)

REVIEW COMMISSION

2479

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: *Angela M. Elliott*
(DEPUTY ATTORNEY GENERAL)

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

BY: *[Signature]*

APR 11 2005

DOCUMENT/FISCAL NOTE NO. 16A-6912

2.18.05

DATE OF APPROVAL

DATE OF ADOPTION:

DATE OF APPROVAL

BY: *Ronald Hays*
Ronald Hays

EXECUTIVE
(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, 48, & 49
CONTINUING EDUCATION

The State Board of Social Workers, Marriage and Family Therapists and Professional Counselors (Board) proposes to amend §§ 47.32 - 47.37 and 47.41 and add §§ 48.31 – 48.42 and 49.31 – 49.42 to read as set forth in Annex A.

Effective Date

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

Statutory Authority

Under Section 18(a) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act (act)(63 P.S. §1918(a)), the Board is authorized to require evidence of continuing education as a condition of license renewal.

Background and Purpose

With the enactment of Act 136 of 1998, the Board now licenses marriage and family therapists, clinical social workers and professional counselors along with social workers. The Board's current regulations provide for continuing education of social workers only. The proposed regulations will amend the provisions pertaining to continuing education for social workers in Chapter 47 to extend the continuing education requirement to clinical social workers and add similar provisions in Chapters 48 and 49, which will include continuing education requirements for marriage and family therapists and professional counselors respectively. These proposed regulations will require 30 clock hours of continuing education as a condition of biennial renewal of a license beginning with the renewals in 2007.

Description of Proposed Amendments

The proposed regulations would amend §§ 47.32 through 47.37 and 47.41. These sections currently contain the continuing education requirements for licensed social workers. These sections would be amended to extend the continuing education requirements to clinical social workers. In addition, 3 of the 30 hours of continuing education would be required to be completed in topics related to ethical issues. The Board also proposes to add §§ 48.31 – 48.42 to include continuing education requirements for marriage and family therapists and §§ 49.31 – 49.42 to including continuing education requirements for professional counselors.

Sections 48.31 and 49.31 (relating to definitions) would define the terms “biennium”, “certification”, “clock hour” and “provider.” Section 47.32 (relating to requirement for biennial renewal) would be amended to extend the continuing education requirement to licensed clinical social workers effective with the 2007 renewals and also to require that at least 3 of the required 30 clock hours be completed in topics related to ethical issues. Similarly, §§48.32 and 49.32 (relating to requirement for biennial renewal) would require marriage and family therapists and professional counselors to complete, as a condition of biennial renewal for 2007 renewals and thereafter, 30 clock hours of continuing education offered by approved providers which must

include at least 3 clock hours in ethical issues. Any excess hours may not be carried over to the next biennium.

Section 47.33 would be amended and §§ 48.33 and 49.33 (relating to acceptable continuing education courses and programs) would be added to explain that acceptable continuing education courses and programs would be those that are geared toward the master's level practitioner and must pertain to the scope of practice appropriate to the particular license. Subsection (d) would allow a licensee to accrue up to 20 of the required clock hours in home study courses offered by approved providers so long as the course has specific learning objectives and the provider evaluates the extent of learning that has taken place.

Section 47.34 would be amended and §§48.34 and 49.34 (relating to registration of continuing education providers who offer one course or program) would be added to clarify the requirements for the registration of continuing education providers who offer or intend to offer only one course or program. Such a provider could be an agency, organization, institution, association, center or individual. These provisions set forth the information required from the applicant and permits the Board to reject a submitted course or program which is outside the scope of practice for that particular license or is unacceptable because of presentation, content or failure to meet the standards under §§ 47.35, 48.35 and 49.35 (relating to standards for courses and programs). Applicants who are disapproved by the Board will receive a letter explaining the reason for disapproval and inform the applicant of the opportunity to submit a revised application within 10 days of receipt of the disapproval. Subsection (f) allows the Board to withdraw approval of a provider for cause and provides that the provider will be notified in writing of the reasons for withdrawal of approval.

Section 47.35 would be amended and §§ 48.35 and 49.35 would be added to set out the standards that courses and programs must meet in order to be approved by the Board. Section 47.36 (relating to pre-approved providers of continuing education courses and programs for social workers and clinical social workers) would be amended and §§ 48.36 and 49.36 (relating to pre-approved providers of continuing education courses and programs for marriage and family therapists; and pre-approved providers of continuing education courses and programs for professional counselors) would be added to list the providers that the Board has determined have already met the standards of §§ 47.35, 48.35 and 49.35 and therefore are considered to have pre-approval status. These providers would be approved for all courses and programs given by these providers (whereas §§ 47.34, 48.34 and 49.34 pertain to providers offering only one course or program). Subsection (b) would allow the Board to consider for approval, on a biennial basis, other organizations that offer multiple courses and programs for licensees.

Sections 47.36a, 48.37 and 49.37 (relating to other sources of continuing education) would authorize the Board to grant clock hours on a case-by-case basis for particular types of experiences. Section 47.37 would be amended and §§ 48.38 and 49.38 (relating to reporting by licensee of hours spent in continuing education) would require applicants for license renewal to provide a signed statement certifying that the continuing education requirements have been met. Subsection (b) would list the information that a licensee would need to submit in the event that the licensee would be selected for audit. Sections 48.39 and 49.39 (relating to retention of records) would require a licensee to retain documentation of completion of the required

continuing education for 4 years following the certification period pertaining to that particular biennial renewal period.

Sections 48.40 and 49.40 (relating to exemption and waiver) would provide that an individual applying for licensure in this Commonwealth for the first time would be exempted from the continuing education requirement for the biennial renewal period following initial licensure. Subsection (b) would permit the Board to waive all or a portion of the continuing education requirement for biennial renewal upon request of a licensee. The request would need to be in writing and include a description of the circumstances sufficient to show why compliance is impossible. Waivers could be granted for serious illness, military service or other demonstrated hardship.

Sections 48.41 and 49.41 (relating to continuing education requirement for biennial renewal of inactive and lapsed licenses) would require a licensee seeking to reinstate an inactive or lapsed license to show proof of compliance with the continuing education requirement for the preceding biennium. Section 47.41 would be amended and §§ 48.42 and 49.42 (relating to disciplinary action authorized) would be added to provide for discipline by the Board, under Section 11(a)(5) of the act, in the event a licensee would submit fraudulent clock hour reports. Subsection (b) would also provide that the falsification of a clock hour report by a program provider would result in revocation of approval by the Board for further program offerings of that provider.

Fiscal Impact and Paperwork Requirements

The proposed amendments will require the Board to alter its license renewal forms to include data regarding the licensee's compliance with the continuing education requirements and would also require licensees to maintain their own records of continuing education credits. The proposed regulations would not have any additional adverse fiscal impact on the Commonwealth or its political subdivisions. There would be a fiscal impact upon licensees who would be required to pay for and complete continuing education hours.

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 proposed amendments from licensees, professional associations, and educational programs.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on April 20, 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 that 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 and 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-6912, Continuing Education, 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

* * *

CONTINUING EDUCATION

* * *

§ 47.32. Requirement for biennial renewal.

(a) [For 1997 renewals and thereafter, the] The Board [will require] requires, as a condition of biennial renewal of a social worker's license, the completion during the preceding biennium of 30 clock hours of continuing education in acceptable courses and programs in social work offered by approved providers. Excess clock hours may not be carried over to the next biennium. Effective with the 2007 renewals and thereafter, at least 3 of the required 30 clock hours shall be related to ethical issues.

(b) For 2007 renewals and thereafter, the Board will require, as a condition of biennial renewal of a clinical social worker's license, the completion during the preceding biennium of 30 clock hours of continuing education in acceptable courses and programs in social work offered by approved providers which shall include at least 3 clock hours in ethical issues. Excess clock hours may not be carried over to the next biennium.

§ 47.33. Acceptable continuing education courses and programs.

(a) Only courses or programs offered by Board approved providers will be accepted for continuing education credit.

(b) [Acceptable subject matter for continuing education courses and programs is limited to courses and programs pertaining to the enhancement of the social worker's knowledge and practice skills related to helping people achieve adequate and productive personal, interpersonal and social adjustments in their individual lives, in their families and in their community.] Continuing education courses and programs shall be appropriate for the master's level practitioner and shall pertain to the practice of social work or clinical social work as defined in section 3 of the Act.

(c) The Board will not approve courses or programs in office management or in marketing the practice.

(d) A licensee may accrue up to 20 of the required clock hours in home study courses offered by approved providers if the home study has specific learning objectives which the provider evaluates to assure that learning has taken place. Home study courses must be indicated as such on the certificates of attendance.

§ 47.34. Registration of continuing education providers[, courses and programs] who offer one course or program.

(a) An agency, organization, institution, association, [or] center or individual seeking to offer [an] one organized course or program may apply to the Board as a provider.

(b) An applicant for Board approval as a provider of a course or program shall submit an application, along with a fee of [\$40] \$45, at least 90 days before the date the course or program commences.

* * *

(e) Upon approval as a qualified provider of a course or program, a Board approval number will be assigned and shall be listed on the certificate of attendance.

(f) The Board reserves the right to reject a submitted course or program which is outside the scope of practice of social work or clinical social work or is otherwise unacceptable because of presentation, content or failure to meet the criteria in § 47.35.

(g) Disapproval of a course or program will include a statement setting forth reasons. Applicants may submit [new applications] a revised application within 10 days after receipt of disapproval. [New] Revised applications shall document alterations made to meet Board requirements. Notification on [new] revised applications will occur as soon as possible within the Board's capability.

(h) The Board may withdraw approval of a course or program for cause. The provider will be notified in writing of the reasons for withdrawal of approval. Withdrawal of approval will be made in accordance with 1 Pa. Code Part II (relating to general rules of administrative practice and procedure).

§ 47.35. Standards for courses and programs.

(a) A provider [or licensee] seeking Board approval of a course or program shall present evidence that the course or program is geared toward the master's level practitioner and has the following:

(1) Subject matter pertaining to the enhancement of the social worker's or clinical social worker's knowledge and practice skills related to helping people achieve

adequate and productive personal, interpersonal and social adjustments in their individual lives, in their families and in their community.

* * *

(4) Established criteria for the evaluation of each course or program upon [completing] completion.

* * *

(b) Providers shall [supply adequate facilities including accessibility to persons who are disabled] comply with relevant federal, state and local laws related to serving people with disabilities and shall provide adequate facilities and appropriate instructional materials to carry out the continuing education course or program.

* * *

§ 47.36. [Sources] Pre-approved providers of continuing education courses and programs for social workers and clinical social workers.

(a) In addition to providers approved under § 47.34 (relating to registration of continuing education providers[, courses and programs] who offer one course or program), the Board finds the following entities have currently met the standards in § 47.35 (relating to standards for courses and programs). Accordingly, the following are approved providers:

- (1) Graduate and undergraduate [schools] programs accredited by the Council on Social Work Education.
- (2) [The Child Welfare League of America and its state and local affiliates.
- (3) The National Association of Social Workers and its state and local affiliates.

- (4) The National Association of Black Social Workers and its state and local affiliates.
- (5) The Family Service Association of America and its state and local affiliates.
- (6) The National Federation of Societies for Clinical Social Work, Inc. and its state and local affiliates.] The Association of Social Work Boards.
- (7) Accredited colleges and universities (graduate level and continuing education programs).
- (8) Graduate and post-graduate training programs accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE).
- (9) The following groups and the providers, courses or workshops approved by them:
- (i) The National Association of Social Workers (NASW) and its state and local affiliates.
 - (ii) The Clinical Social Work Federation, Inc. (CSWF) and its state and local affiliates.
 - (iii) The National Board for Certified Counselors, Inc. (NBCC).
 - (iv) The Commission on Rehabilitation Counselor Certification (CRCC).
 - (v) The Certification Board for Music Therapists (CBMT).
 - (vi) The American Art Therapy Association (AATA).
 - (vii) The American Dance Therapy Association (ADTA).
 - (viii) The National Association for Drama Therapy (NADT).

(ix) The American Psychological Association (APA).

(x) The Approved Continuing Education (ACE) Program developed by the Association of Social Work Boards.

(xi) The American Nurses Credentialing Center (ANCC).

(10) The following groups and their regional, state and local affiliates:

(i) The Child Welfare League of America.

(ii) The National Association of Black Social Workers.

(iii) The Family Service Association of America.

(iv) The National Federation of Societies for Clinical Social Work, Inc.

(v) The American Association for Marriage and Family Therapy (AAMFT).

(vi) The American Family Therapy Association (AFTA).

(vii) The National Council on Family Relations (NCFR).

(viii) Council of Nephrology Social Workers.

(ix) The American Association of Sex Educators, Counselors and Therapists (AASECT).

(x) The American Association of Pastoral Counselors (AAPC).

(xi) The American School Counselor Association (ASCA).

(xii) The American Counseling Association (ACA).

(xiii) The American Mental Health Counselors Association (AMHCA).

(xiv) The National Rehabilitation Counseling Association (NRCA).

(b) The Board will consider for approval, on a biennial basis, other organizations who offer multiple courses and programs for social workers and clinical social workers. An

organization seeking Board approval shall submit an application to the Board which includes the information required in Section 47.34(c) of these regulations. The application shall be submitted at least 90 days before the date the course or program commences. The applicant will be notified of approval or disapproval in writing. Notifications of disapproval will set forth reasons.

(c) The approval given to providers is subject to reevaluation; however, a rescission of approval will be made only in accordance with 1 Pa. Code Part II (relating to general rules of administrative practice and procedure).

[(c) The Board may approve participation in other continuing education courses or programs for credit so long as the licensee submits, prior to attendance, an application for program approval and supporting documentation provided in § 47.35, and upon completion of the course or program submits verification of attendance.

(d) Clock hours may be granted on a case-by-case basis for the following:

- (1) Participation in clinical conferences, clinical rounds or training under a preceptor provided through hospitals, medical centers, schools and universities.
- (2) Services as a teacher, preceptor, lecturer or speaker and for publications of articles, books and research relating to the practice of social work.]

§ 47.36a. Other sources of continuing education.

(a) Clock hours may be granted on a case-by-case basis for the following:

- (1) Participation in clinical conferences, clinical rounds or training under a preceptor provided through hospitals, medical centers, schools and universities.
- (2) Services as a teacher (first-time experience only), preceptor, lecturer or speaker.

(3) Publications of articles, books and research relating to the practice of social work or clinical social work.

(b) A licensee who wishes to obtain clock hours for credit under subsections (1) and (2) of this section shall submit, prior to participating in the event, an application for approval along with a fee as provided by Section 47.34(b) (relating to registration of continuing education providers who offer one course or program) of this chapter. A licensee seeking to obtain clock hours for a publication under subsection (3) of this section, shall submit, after the publication of the article, book or research, an application for approval along with a fee as provided by Section 47.34(b).

§ 47.37. Reporting by licensee of hours spent in continuing education.

(a) Applicants for license renewal shall provide[, at a time prescribed and on forms approved by the Board,] a signed statement certifying that the continuing education requirements have been met. [and providing]

(b) A licensee selected for audit shall provide information to document [their] the licensee's certification, which information shall include the following:

* * *

(7) The Board approval number assigned to the course or program.

* * *

§ 47.41. Disciplinary action authorized.

(a) A licensed social worker or clinical social worker who submits fraudulent clock hour reports will be subject to disciplinary action under section 11(a)(5) of the act (63 P.S. § 1911(a)(5)).

* * *

**CHAPTER 48. STATE BOARD OF SOCIALWORKERS, MARRIAGE AND FAMILY
THERAPISTS AND PROFESSIONAL COUNSELORS – LICENSURE OF MARRIAGE
AND FAMILY THERAPISTS**

* * *

CONTINUING EDUCATION

§ 48.31. Definitions.

The following words and terms, when used in §§48.32 – 48.42, have the following meanings, unless the context clearly indicates otherwise:

Biennium - The period from March 1 of an odd-numbered year to February 28 of the next odd-numbered year.

Certification - A statement signed by the licensee certifying that continuing education requirements have been met along with information and documentation relative to the course.

Clock hour - 50 to 60 minutes of instruction or participation in an approved course or program.

Provider - An agency, organization, institution, association, center or individual approved by the Board to offer an organized course or program.

§ 48.32. Requirement for biennial renewal.

For 2007 renewals and thereafter, the Board will require, as a condition of biennial renewal of a marriage and family therapist's license, the completion during the preceding biennium of 30 clock hours of continuing education in acceptable courses and programs offered by approved providers which shall include at least 3 clock hours in ethical issues. Excess clock hours may not be carried over to the next biennium.

§ 48.33. Acceptable continuing education courses and programs.

(a) Only courses or programs offered by Board approved providers will be accepted for continuing education credit.

(b) Continuing education courses and programs shall be appropriate for the master's level practitioner and shall pertain to the practice of marriage and family therapy as defined in section 3 of the act.

(c) The Board will not approve courses or programs in office management or in marketing the practice.

(d) A licensee may accrue up to 20 of the required clock hours in home study courses offered by approved providers if the home study course has specific learning objectives which the provider evaluates to assure that learning has taken place. Home study courses must be indicated as such on the certificates of attendance.

§ 48.34. Registration of continuing education providers who offer one course or program.

(a) An agency, organization, institution, association, center or individual seeking to offer one organized course or program may apply to the Board as a provider by filing an application, along with a fee of \$45, at least 90 days before the date the course or program commences. The application shall include the following information:

- (1) The full name and address of the applicant.
- (2) The title of the course or program and core subjects covered.
- (3) The dates and location of the course or program.
- (4) The instructor names, titles, affiliations and degrees.

- (5) The schedule of the course or program-syllabus, lecturer, time allocated and the like.
- (6) The total number of clock hours requested.
- (7) The method of certifying attendance.
- (8) The objectives.
- (9) The course or program coordinator.
- (10) The instruction and evaluation methods.
- (11) The evidence of meeting standards set forth in § 48.35 (relating to standards for courses and programs).
- (b) Statements made in the application shall be sworn to be true and correct to the best of the applicant's information, knowledge and belief.
- (c) Upon approval as a qualified provider of a course or program, a Board approval number will be assigned and shall be listed on the certificate of attendance.
- (d) The Board reserves the right to reject a submitted course or program which is outside the scope of practice of marriage and family therapy or is otherwise unacceptable because of presentation, content or failure to meet the criteria in § 48.35.
- (e) Disapproval of a course or program will include a statement setting forth reasons. Applicants may submit a revised application within 10 days after receipt of disapproval. Revised applications shall document alterations made to meet Board requirements. Notification on revised applications will occur as soon as possible within the Board's capability.
- (f) The Board may withdraw approval of a course or program for cause. The provider will be notified in writing of the reasons for withdrawal of approval. Withdrawal of

approval will be made in accordance with 1 Pa. Code Part II (relating to general rules of administrative practice and procedure.

§ 48.35. Standards for courses and programs.

(a) A provider seeking Board approval of a course or program shall present evidence that the course or program is appropriate for the master's level practitioner and has the following:

(1) Subject matter pertaining to the enhancement of the marriage and family therapist's knowledge and practice skills related to helping people achieve adequate and productive personal, interpersonal and social adjustments in their individual lives, in their families and in their community.

(2) An established mechanism measuring the quality of the course or program being offered.

(3) Established criteria for selecting and evaluating faculty or source material.

(4) Established criteria for the evaluation of each course or program upon completion.

(5) A minimum total duration of at least 2 clock hours; however, the hours need not be contiguous.

(b) Providers shall comply with relevant federal, state and local laws related to serving people with disabilities and shall provide adequate facilities and appropriate instructional materials to carry out the continuing education course or program.

(c) Providers shall insure that instructors have suitable qualifications and are of good reputation and character.

§ 48.36. Pre-approved providers of continuing education courses and programs for marriage and family therapists.

(a) In addition to providers approved under § 48.34 (relating to registration of continuing education providers who offer one course or program), the Board finds the following entities have currently met the standards in § 48.35 (relating to standards for courses and programs). Accordingly, the following are approved providers:

(1) Graduate and undergraduate programs accredited by the Council on Social Work Education.

(2) The Association of Social Work Boards.

(3) Accredited colleges and universities (graduate level courses and continuing education programs).

(4) Graduate and post-graduate training programs accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE).

(5) The following groups and the providers, courses or workshops approved by them:

(i) The National Association of Social Workers (NASW) and its state and local affiliates.

(ii) The Clinical Social Work Federation, Inc. (CSWF) and its state and local affiliates.

(iii) The National Board for Certified Counselors, Inc. (NBCC).

- (iv) The Commission on Rehabilitation Counselor Certification (CRCC).
 - (v) The Certification Board for Music Therapists (CBMT).
 - (vi) The American Art Therapy Association (AATA).
 - (vii) The American Dance Therapy Association (ADTA).
 - (viii) The National Association for Drama Therapy (NADT).
 - (ix) The American Psychological Association (APA).
 - (x) The Approved Continuing Education (ACE) Program developed by the Association of Social Work Boards.
 - (xi) The American Nurses Credentialing Center (ANCC).
- (6) The following groups and their regional, state, and/or local affiliates:
- (i) The Child Welfare League of America.
 - (ii) The National Association of Black Social Workers.
 - (iii) The Family Service Association of America.
 - (iv) The National Federation of Societies for Clinical Social Work, Inc.
 - (v) The American Association for Marriage and Family Therapy (AAMFT).
 - (vi) The American Family Therapy Association (AFTA).
 - (vii) The National Council on Family Relations (NCFR).
 - (viii) Council of Nephrology Social Workers.
 - (ix) The American Association of Sex Educators, Counselors and Therapists (AASECT).
 - (x) The American Association of Pastoral Counselors (AAPC).

- (xi) The American School Counselor Association (ASCA)
- (xii) The American Counseling Association (ACA).
- (xiii) The American Mental Health Counselors Association (AMHCA).
- (xiv) The National Rehabilitation Counseling Association (NRCA).

(b) The Board will consider for approval, on a biennial basis, other organizations who offer multiple courses and programs for marriage and family therapists. An organization seeking Board approval shall submit an application to the Board which includes the information required in Section 48.34(a) of these regulations. The application shall be submitte at least 90 days before the date the course or program commences. The applicant will be notified of approval or disapproval in writing. Notifications of disapproval will set forth reasons.

(c) The approval given to providers is subject to reevaluation; however, a rescission of approval will be made only in accordance with 1 Pa. Code Part II (relating to general rules of administrative practice and procedure).

§48.37. Other sources of continuing education.

- (a) Clock hours may be granted on a case-by-case basis for the following:
- (1) Participation in clinical conferences, clinical rounds or training under a preceptor provided through hospitals, medical centers, schools and universities.
 - (2) Services as a teacher (first-time experience only), preceptor, lecturer or speaker.
 - (3) Publications of articles, books and research relating to the practice of social work or clinical social work.
- (b) A licensee who wishes to obtain clock hours for credit under subsections (1) and (2) of this section shall submit, prior to participating in the event, an application for

approval along with a fee of \$45 as provided by Section 48.34(a) (relating to registration of continuing education providers who offer one course or program) of this chapter. A licensee seeking to obtain clock hours for a publication under subsection (3) of this section, shall submit, after the publication of the article, book or research, an application for approval along with a fee of \$45 as provided by Section 48.34(a) of this chapter.

§ 48.38. Reporting by licensee of hours spent in continuing education.

(a) Applicants for license renewal shall provide a signed statement certifying that the continuing education requirements have been met.

(b) A licensee selected for audit shall provide information to document the licensee's certification, which information shall include the following:

- (1) The date attended.
- (2) The clock hours claimed.
- (3) The title of course or program and description of content.
- (4) The school, hospital, medical center or organization which sponsored the course or program.
- (5) The instructor.
- (6) The location of course or program.
- (7) The Board approval number assigned to the course or program.

§ 48.39. Retention of records.

The licensee shall retain documentation of completion of the prescribed number of clock hours for 4 years following the certification which shall be produced upon request by the Board

or its auditing agents. The Board will utilize a random audit of renewals to determine compliance with the education requirement.

§ 48.40. Exemption and waiver.

(a) An individual applying for licensure in this Commonwealth for the first time shall be exempted from the continuing education requirement for the biennial renewal period following initial licensure.

(b) The Board may waive all or a portion of the continuing education requirement for biennial renewal upon request of a licensee. The request shall be made in writing, with appropriate documentation, and shall include a description of circumstances sufficient to show why compliance is impossible. A waiver request will be evaluated by the Board on a case-by-case basis. Waivers may be granted for serious illness, military service or other demonstrated hardship. The Board will send written notification of its approval or denial of a waiver request.

§ 48.41. Continuing education requirement for biennial renewal of inactive and lapsed licenses.

A licensee seeking to reinstate an inactive or lapsed license shall show proof of compliance with the continuing education requirement for the preceding biennium.

§ 48.42. Disciplinary action authorized.

(a) A licensed marriage and family therapist who submits fraudulent clock hour reports will be subject to disciplinary action under section 11(a)(5) of the act (63 P. S. § 1911(a)(5)).

(b) The falsification of a clock hour report by a program provider will result in revocation of approval by the Board for further program offerings of that provider.

* * *

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

* * *

CONTINUING EDUCATION

§ 49.31. Definitions.

The following words and terms, when used in §§49.32 – 49.42, have the following meanings, unless the context clearly indicates otherwise:

Biennium - The period from March 1 of an odd-numbered year to February 28 of the next odd-numbered year.

Certification - A statement signed by the licensee certifying that continuing education requirements have been met along with information and documentation relative to the course.

Clock hour - 50 to 60 minutes of instruction or participation in an approved course or program.

Provider - An agency, organization, institution, association, center or individual approved by the Board to offer an organized course or program.

§ 49.32. Requirement for biennial renewal.

For 2007 renewals and thereafter, the Board will require, as a condition of biennial renewal of a professional counselor's license, the completion during the preceding biennium of 30 clock hours of continuing education in acceptable courses and programs offered by approved providers which shall include at least 3 clock hours in ethical issues. Excess clock hours may not be carried over to the next biennium.

§ 49.33. Acceptable continuing education courses and programs.

(a) Only courses or programs offered by Board approved providers will be accepted for continuing education credit.

(b) Continuing education courses and programs shall be appropriate for the master's level practitioner and shall pertain to the practice of professional counseling as defined in section 3 of the act.

(c) The Board will not approve courses or programs in office management or in marketing the practice.

(d) A licensee may accrue up to 20 of the required clock hours in home study courses offered by approved providers if the home study has specific learning objectives which the provider evaluates to assure that learning has taken place. Home study courses must be indicated as such on the certificates of attendance.

§ 49.34. Registration of continuing education providers who offer one course or program.

(a) An agency, organization, institution, association, center or individual seeking to offer one organized course or program may apply to the Board as a provider by filing an application, along with a fee of \$45, at least 90 days before the date the course or program commences. The application shall include the following information:

- (1) The full name and address of the applicant.
- (2) The title of the course or program and core subjects covered.
- (3) The dates and location of the course or program.
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- (5) The schedule of the course or program-syllabus, lecturer, time allocated and the like.
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 - (11) The evidence of meeting standards set forth in § 48.35 (relating to standards for courses and programs).
- (b) Statements made in the application shall be sworn to be true and correct to the best of the applicant's information, knowledge and belief.
- (c) Upon approval as a qualified provider of a course or program, a Board approval number will be assigned and shall be listed on the certificate of attendance.
- (d) The Board reserves the right to reject a submitted course or program which is outside the scope of practice of professional counseling or is otherwise unacceptable because of presentation, content or failure to meet the criteria in § 48.35.
- (e) Disapproval of a course or program will include a statement setting forth reasons. Applicants may submit a revised application within 10 days after receipt of disapproval. Revised applications shall document alterations made to meet Board requirements. Notification on revised applications will occur as soon as possible within the Board's capability.
- (f) The Board may withdraw approval of a course or program for cause. The provider will be notified in writing of the reasons for withdrawal of approval. Withdrawal of

approval will be made in accordance with 1 Pa. Code Part II (relating to general rules of administrative practice and procedure).

§ 49.35. Standards for courses and programs.

(a) A provider seeking Board approval of a course or program shall present evidence that the course or program is geared toward the master's level practitioner and has the following:

(1) Subject matter pertaining to the enhancement of the professional counselor's knowledge and practice skills related to helping people achieve adequate and productive personal, interpersonal and social adjustments in their individual lives, in their families and in their community.

(2) An established mechanism measuring the quality of the course or program being offered.

(3) Established criteria for selecting and evaluating faculty or source material.

(4) Established criteria for the evaluation of each course or program upon completion.

(5) A minimum total duration of at least 2 clock hours; however, the hours need not be contiguous.

(b) Providers shall comply with relevant federal, state and local laws related to serving people with disabilities and shall provide adequate facilities and appropriate instructional materials to carry out the continuing education course or program.

(c) Providers shall insure that instructors have suitable qualifications and are of good reputation and character.

§ 49.36. Pre-approved providers of continuing education courses and programs for professional counselors.

(a) In addition to providers approved under § 49.34 (relating to registration of continuing education providers who offer one course or program), the Board finds the following entities have currently met the standards in § 49.35 (relating to standards for courses and programs). Accordingly, the following are approved providers:

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(b) The Board will consider for approval, on a biennial basis, other organizations who offer multiple courses and programs for professional counselors. An organization seeking Board approval shall submit an application to the Board which includes the information required in Section 49.34(a) of these regulations. The application shall be submitted at least 90 days before the date the course or program commences. The applicant will be notified of approval or disapproval in writing. Notifications of disapproval will set forth reasons.

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(b) A licensee who wishes to obtain clock hours for credit under subsections (1) and (2) of this section shall submit, prior to participating in the event, an application for approval along with a fee of \$45 as provided by Section 49.34(a) (relating to registration

of continuing education providers who offer one course or program) of this chapter. A licensee seeking to obtain clock hours for a publication under subsection (3) of this section, shall submit, after the publication of the article, book or research, an application for approval along with a fee of \$45 as provided by Section 49.34(a) of this chapter.

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§ 49.42. Disciplinary action authorized.

(a) A licensed professional counselor who submits fraudulent clock hour reports will be subject to disciplinary action under section 11(a)(5) of the act (63 P. S. § 1911(a)(5)).

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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

April 20, 2005

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

Re: Proposed Regulation
State Board of Social Workers, Marriage and
Family Therapists and Professional Counselors
16A-6912: Continuing Education

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 Continuing Education, 16A-6912.

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 "Ronald E. Hays".

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-6912

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

AGENCY: DEPARTMENT OF STATE # 2479

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

RECEIVED
 2005 APR 20 PM 2:54
 REVIEW COMMISSION

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
4-20-05	<i>Sandra J. Harper</i>	HOUSE COMMITTEE ON PROFESSIONAL LICENSURE
4-29-05	<i>Jim Ziegler</i>	SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE
4/20/05	<i>Steph. F. Hoff</i>	INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL (for Final Omitted only)
4-30-05	<i>C. Lee Brun</i>	LEGISLATIVE REFERENCE BUREAU (for Proposed only)