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KIM KAUFMAN, EXECUTIVE DIRECTOR  
MARY S. WYATTE, CHIEF COUNSEL



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

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

June 30, 2005

Ronald E. Hays, Chairman  
State Board of Social Workers, Marriage and Family Therapists  
and Professional Counselors  
2601 North Third Street  
Harrisburg, PA 17110

Re: Regulation #16A-6912 (IRRC #2479)  
State Board of Social Workers, Marriage and Family Therapists  
and Professional Counselors  
Continuing Education

Dear Chairman Hays:

Enclosed are the Commission's comments for consideration when you prepare the final version of this regulation. These comments are not a formal approval or disapproval of the regulation. However, they specify the regulatory review criteria that have not been met.

The comments will be available on our website at [www.irrc.state.pa.us](http://www.irrc.state.pa.us). If you would like to discuss them, please contact me.

Sincerely,

Kim Kaufman  
Executive Director

evp

Enclosure

cc: Honorable Robert M. Tomlinson, Chairman, Senate Consumer Protection and Professional Licensure Committee  
Honorable Lisa M. Boscola, Minority Chairman, Senate Consumer Protection and Professional Licensure Committee  
Honorable Thomas P. Gannon, Majority Chairman, House Professional Licensure Committee  
Honorable William W. Rieger, Democratic Chairman, House Professional Licensure Committee  
Honorable Pedro A. Cortes, Secretary, Department of State

# Comments of the Independent Regulatory Review Commission

on

## State Board of Social Workers, Marriage and Family Therapists and Professional Counselors Regulation #16A-6912 (IRRC #2479)

### Continuing Education

June 30, 2005

We submit for your consideration the following comments that include references to the criteria in the Regulatory Review Act (71 P.S. § 745.5b) which have not been met. The State Board of Social Workers, Marriage and Family Therapists and Professional Counselors (Board) must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed on May 31, 2005. If the final-form regulation is not delivered within two years of the close of the public comment period, the regulation will be deemed withdrawn.

This proposed regulation amends three chapters in establishing procedures and requirements for continuing education for four groups of licensees: social workers, clinical social workers, marriage and family therapists, and professional counselors. The format and content of the provisions in each chapter are similar. Provisions with similar content generating similar concerns and questions are grouped together in the following paragraphs.

**1. Sections 47.32, 48.32 and 49.32. Requirement for biennial renewal. - Reasonableness, Implementation procedure.**

These sections state that the continuing education requirement is effective for "2007 renewals and thereafter." In its comments on the proposed regulation, the House Professional Licensure Committee (House Committee) expressed concern that licensees who currently do not have a continuing education requirement may not have received adequate notice of the new requirement. The Board should explain how all licensees can reasonably meet the continuing education requirements for 2007 license renewals. Alternatively, it should extend the deadline.

**2. Sections 47.33, 48.33 and 49.33. Acceptable continuing education courses and programs. - Consistency with statute; Reasonableness; Clarity.**

*Subsection (c) Practice building*

In these sections, this subsection states: "The Board will not approve courses or programs in office management or in marketing the practice." The House Committee recommends using the statutory phrase "practice building" (63 P.S. § 1918(a)) in the regulation rather than "marketing the practice." We concur.

*Subsection (d) Home study*

This subsection provides that licensees may accrue credits using 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. The House Committee questions how evaluations of such courses would be implemented and asks the Board to provide examples. We agree.

**3. Sections 47.36, 48.36 and 49.36. Preapproved providers of continuing education courses and programs. - Clarity.**

Commentators offered several additions or corrections to the lists of preapproved providers in Subsection (a). The Board should review these lists so that they are complete and accurate in the final-form regulation.

**4. Sections 47.37, 48.38 and 49.38. Reporting by licensee of hours spent in continuing education. - Reasonableness; Implementation procedure; Clarity.**

*Subsection (a) Certified statement*

The existing provision for social workers in Section 47.37 is being amended by deleting the requirement to use “forms approved by the Board.” The amended regulation would require a licensee to “provide a signed statement certifying that the continuing education requirements have been met.” The same new language appears in Sections 48.38 and 49.38. The House Committee and commentators expressed concern and confusion with this change. It is our understanding that the license renewal form will include the “statement” referenced in this subsection. If this is the case, the final-form regulation should state that the certification is included in the license renewal form that licensees are required to submit.

*Subsection (b) Required audit information*

Paragraph (7) requires the licensee to provide “the Board approval number assigned to the course or program” if a licensee is selected for an audit of continuing education clock hours. Do all preapproved organizations have an approval number for each course or program? If not, this provision should be amended.

**5. Sections 48.37 and 49.37. Other sources of continuing education. - Clarity.**

Subsection (a)(3) allows consideration of clock hours for “Publications of articles, books and research relating to the practice of *social work or clinical social work*” (emphasis added). This subsection should be amended to allow clock hours for publications of articles, books and research relating to the practice regulated by Chapters 48 (relating to marriage and family therapists) or 49 (relating to professional counselors) respectively.

**6. Miscellaneous Clarity Issues.**

The House Committee noted an inconsistency that applies to existing language in Section 47.33(a) and similar language proposed for Sections 48.33(a) and 49.33(a). Subsection (a) in all

three sections states: “Only courses or programs offered by Board approved providers will be accepted for continuing education credit.” However, Subsection (a) in Sections 47.36a, 48.37 and 49.37 states that “clock hours may be granted on a case-by-case basis” for activities not offered or sponsored by Board approved providers. As suggested by the House Committee, Sections 47.33(a), 48.33(a) and 49.33(a) should be amended to note this exception.

Subsection 48.33(d) includes this statement:

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. (Emphasis added).

Sections 47.33(d) and 49.33(d) include the same statement except for one difference. The singular word “course” is not included. Why is the word “course” included in one section but not in the other two?

### Facsimile Cover Sheet

**Kristine M. Shomper**  
Administrative Officer



Phone: (717) 783-5419  
Fax #: (717) 783-2664  
E-mail: [kriss@irrc.state.pa.us](mailto:kriss@irrc.state.pa.us)  
Website: [www.irrc.state.pa.us](http://www.irrc.state.pa.us)

**INDEPENDENT REGULATORY REVIEW COMMISSION**  
333 MARKET STREET, 14<sup>TH</sup> FLOOR, HARRISBURG, PA 17101

**To:** Suzanne Hoy  
**Agency:** Department of State  
Licensing Boards and Commissions  
**Phone:** 7-2628  
**Fax:** 7-0251  
**Date:** June 30, 2005  
**Pages:** 5

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INDEPENDENT REGULATORY REVIEW COMMISSION

**Comments:** We are submitting the Independent Regulatory Review Commission's comments on the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors regulation #16A-6912 (IRRC #2479). Upon receipt, please sign below and return to me immediately at our fax number 783-2664. We have sent the original through interdepartmental mail. You should expect delivery in a few days. Thank you.

Accepted by: *Suzanne Hoy* Date: 6/30/05