

# Regulatory Analysis Form

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INDEPENDENT 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-699**

IRRC Number: **2493**

(3) Short Title

**Technical Amendments**

(4) PA Code Cite

**49 Pa. Code §§ 47.1, 47.11, 47.12a,  
49.1**

(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**

**X Final Order Adopting Regulation**

**Final, Proposed Omitted**

(7) Is a 120-Day Emergency Certification  
Attached?

**X No**

**Yes: By the Attorney General**

**Yes: By the Governor**

(8) Briefly explain the regulation in clear and non-technical language.

**The regulations would make editorial changes, correct outdated provisions and clarify the Board's position that students who graduate from social work programs that are in candidacy for accreditation at the time of their graduation may apply for licensure once the program obtains accreditation.**

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

**The amendments are authorized under section 6(2) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act (63 P.S. §1906(2)) and section 812.1 of The Administrative Code of 1929 (71 P.S. §279.3a).**

## 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 learned that the Council on Social Work Education accredits social work programs rather than schools. Accordingly, the definition of "accredited school" is amended to reflect this fact.**

**The Association of Social Work Boards (ASWB) has changed the name of its social work licensure examination from the "intermediate" level examination to the "master's" level examination and is changing its examination for a provisional license from the "basic" level examination to the "bachelor's" level examination. Accordingly, it is necessary to amend these names in §47.11(a) and (b) (relating to licensure examination).**

**Section 47.12a(a) requires that an applicant for licensure as a social worker have, among other things, a master's degree in social work or social welfare from a school which was an accredited school on the date the degree was awarded or a doctoral degree in social work. The Board is aware that the process for a program to obtain accreditation is sometimes lengthy and a program can remain on "in candidacy" status for some time. The Board is also aware that once a program obtains full accreditation, the accreditation reverts back to the graduating classes of students who were admitted during or after the program was granted candidacy. Accordingly, the Board is amending § 47.12a(2) to clarify that students who graduate from social work or social welfare master's degree programs that are in candidacy for accreditation at the time of their graduation may apply for licensure once the program obtains accreditation.**

**The Board is deleting the definition found in § 49.1 (relating to definitions) of "CACREP" because the acronym is not referred to elsewhere in the regulations and the Board mistakenly included this definition in its regulations. The Board is also deleting the definition of "accredited program" found in § 47.1 (relating to definitions) because the term is not used anywhere in the Board's rules and regulations.**

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

**All of the revisions pertain to existing regulations. Absent these amendments, the Board would be required to enforce outdated and inaccurate regulations.**

## Regulatory Analysis Form

(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 social workers would benefit from these regulations in that applicants for social work licensure who graduated from a program that is "in candidacy" for accreditation would be permitted to be licensed once the program obtains accreditation.**

(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 who would be adversely affected by the amendments.**

(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 social workers and clinical social workers would be required to comply with the regulation. Each year, there are approximately 100 applicants for social work licenses and 100 applicants for clinical social work 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 associations and colleges and universities to comment on a preliminary draft. The Board reviewed and considered all comments and suggestions received by interested parties during the regulatory development process.**

## Regulatory Analysis Form

(17) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required.

**There will be no costs or savings associated with complying with this regulation.**

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

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

There are no costs associated with this rulemaking.

## 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	\$430,000.00	\$490,000.00	\$552,000.00	\$578,000.00

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

**There are no adverse effects and costs associated with compliance with the regulation. See, paragraphs (11) and (13) for benefits. Therefore, the benefits clearly outweigh the costs in favor of adoption of these amendments.**

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

**Because the amendments would change existing regulations, nonregulatory alternatives are not an option.**

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

**No alternative regulatory schemes were considered.**

## 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.

**There are no federal licensure standards for social workers or clinical social workers.**

(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 hearing 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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REVIEW COMMISSION

2493

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

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

BY: \_\_\_\_\_

Andrew C. Clark

DOCUMENT/FISCAL NOTE NO. 16A-699

NOV 6 2007

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

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

BY: \_\_\_\_\_  
Michael J. DeStefano

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

Deputy General Counsel,  
~~Chief Counsel,~~  
Independent Agency  
(Strike inapplicable title)

TITLE: Chairperson  
(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

- ☐ Check if applicable  
Copy not approved.  
Objections attached.
- ☐ Check if applicable.  
No Attorney General approval  
or objection within 30 day  
after submission.

**FINAL 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 & 49**

**TECHNICAL AMENDMENTS**

The State Board of Social Workers, Marriage and Family Therapists and Professional Counselors (Board) hereby amends §§ 47.1, 47.1a, 47.11, 47.12a and 49.1 to read as set forth in Annex A.

### **Effective Date**

The amendments take effect 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)), and section 812.1 of The Administrative Code of 1929 (71 P.S. § 279.3(a)).

### **Summary of Comments and Responses on Proposed Rulemaking**

Notice of the proposed rulemaking was published at 35 Pa. B. 5530 (October 8, 2005). Publication was followed by a 30-day public comment period during which the Board received comments from the Pennsylvania Chapter of the National Association of Social Workers (NASW-PA), the Association of Social Work Boards (ASWB) and Dr. Edward W. Sites, professor at University of Pittsburgh School of Social Work.

Following the close of the public comment period, the Board received comments from the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC). The Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) did not comment. The following is a response to the comments and a description of changes in final rulemaking.

#### **Section 47.1 (relating to definitions).**

The HPLC and IRRC commented that in light of the change in definition of “accredited school,” there may no longer be a need for the definition of “accredited program.” The Board agrees and has deleted the definition of “accredited program” in final rulemaking.

#### **Section 47.1a (relating to qualification for supervisors).**

The HPLC and IRRC brought to the Board’s attention that it was proposing to amend subsection (3), a provision which has now expired as of January 1, 2006. The Board originally intended to have this change implemented long before the expiration date. Since this is obviously not the case, the Board recognizes that this change is unnecessary.

Section 47.11 (relating to licensure examination).

NASW wrote in support of the Board's proposal to permit applicants for social work licensure to take either the master's level examination or the clinical level examination.

ASWB objected strenuously to the Board's proposal that applicants for the social work license be permitted to take either the master's level examination or the clinical level examination. In particular, ASWB commented that the master's level examination surveys a broad range of skills necessary in many different areas of social work, only one of which is clinical. When MSW graduates are permitted to take the clinical examination to measure minimum competence, they are not tested on many aspects of social work they will encounter in the beginning of their careers. In addition, they are asked on the clinical exam to have mastered knowledge and skills for advanced applications, when they have not yet attained the experience necessary to enhance their competence. Also, they cannot yet meet the Board's regulatory requirements of 2 years of supervised practice before they advance to the licensure level of clinical social worker.

HPLC and IRRC raised objections to the proposed amendments to § 47.11(a) and commented that the proposal violates the intent of the General Assembly as expressed in the act. IRRC also commented that the proposal is not sound policy because the master's level examination and the clinical examination are very different. In particular, IRRC referred to ASWB's comments that permitting entry level MSW's to take the clinical examination without the experience required in the statute and regulations would be tantamount to allowing those who have not concentrated in clinical social work to advance to the status of prospective clinical social workers without the background to assure competence.

The Board reviewed all of these comments and decided it needed additional information relating to the master's level examination and the clinical level examination. The Board invited representatives of ASWB to a Board meeting to address this issue. On March 14, 2006, the Board heard expert testimony of Troy Elliott, Communications Director, ASWB and Nisha Mittal, a psychometrician involved in the development of the ASWB examinations. The testimony elicited indicated that the master's level examination tests entry level skills in many different areas of social work practice and the clinical examination tests advanced applications.

Based upon the comments received and the testimony elicited, the Board has determined that the master's examination and the clinical level examination are, indeed, very different. For this reason, the Board has agreed, in this final rulemaking, to delete the option of allowing applicants for social work licensure to take the clinical level examination.

Section 47.12a (relating to licensed social worker).

Dr. Edward W. Sites commented that the Board should not permit students who graduate from social work or social welfare master's degree programs that are in candidacy for accreditation at the time of their graduation to apply for a license when the program obtains accreditation. Dr. Sites explained that the Council on Social Work Education (CSWE), the

official accrediting body, always specifies an exact effective date for accreditation and that date is retroactive at least 2 years back into candidacy.

HPLC and IRRC also objected to this proposed change in that the Board lacks statutory authority to allow the licensure of individuals who did not graduate from accredited schools.

In determining whether to amend this proposal, the Board looked to the CSWE for guidance on what it means when a program is in candidacy for accreditation. It learned that programs working toward accreditation are first in precandidacy and then in candidacy. Precandidacy is a time that a new program and its institutional administration engages in a period of preliminary planning, securing resources, and hiring faculty before submitting an application for candidacy. Candidacy is the first step toward the initial accreditation process. Once a program is granted initial accreditation, it automatically covers those graduating classes of students who were admitted during or after the academic year, August to June, in which the program was granted candidacy. Students admitted prior to the academic year in which the program was granted candidacy (such as precandidacy) will not have graduated from a CSWE program. Based upon this information, the Board, in final rulemaking, has decided to delete the changes made in proposed rulemaking and to move the provision that states that students who graduate from social work or social welfare master's degree programs that are in candidacy for accreditation at the time of their graduation may apply for licensure once the program obtains accreditation. The Board believes this amendment does not violate the legislative intent because, as the CSWE has explained, accreditation relates back to cover the period of candidacy, but not precandidacy. Therefore, when the program becomes accredited, the students who were admitted while the program was in candidacy are then considered graduates of an accredited program.

NASW-PA also commented and asked the Board to revise the regulation to allow a student to become licensed upon graduation from a school in candidacy with the understanding that if the school is not successful in becoming accredited, that the license is thereby revoked. The Board's response is that, under the law of this Commonwealth, it cannot administratively revoke licenses once they are issued. However, the provision allowing students who graduate from programs that are in candidacy for accreditation at the time they graduate to apply for licensure once the program obtains accreditation should be a successful resolution of this issue.

### **Fiscal Impact and Paperwork Requirements**

This regulation will have no fiscal impact and will not impose additional paperwork requirements on the private sector, the general public or the Commonwealth and its political subdivisions.

### **Sunset Date**

The Board continually monitors the effectiveness of its regulations through communication with the regulated population. Accordingly, no sunset date has been assigned.

## **G. Regulatory Review**

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on September 26, 2005, the Board submitted copies of the notice of proposed rulemaking, published at 35 Pa.B. 5530, to IRRC and the chairpersons of the SCP/PLC and HPLC for review and comment.

Under section 5(c) of the Regulatory Review Act (71 P.S. § 745.5(c)), the Board also provided IRRC, SCP/PLC, and HPLC with copies of comments received as well as other documents when requested. In preparing the final-form rulemaking, the Board has considered all comments received from IRRC, HPLC, and the public. The Board did not receive comments from the SCP/PLC.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(f.2)), this final-form regulation was approved by the HPLC on \_\_\_\_\_ and deemed approved by SCP/PLC on \_\_\_\_\_. Under section 5.1(e) of the Regulatory Review Act (71 P.S. § 745.51(e)), IRRC met on \_\_\_\_\_ and approved the final-form rulemaking.

## **Contact Person**

Further information may be obtained by contacting Sandra Matter, Administrative Assistant, State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, P.O. Box 2649, Harrisburg, Pennsylvania 17105-2649, (717) 783-1389.

## **Findings**

The Board finds that:

- (1) Public notice of proposed rulemaking was given under section 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240)(45 P.S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.
- (2) A public comment period was provided as required by law and all comments were considered.
- (3) The amendments to this final-form rulemaking do not enlarge the purpose of proposed rulemaking published at 35 Pa.B. 5530.
- (4) This final-form rulemaking is necessary and appropriate for administering and enforcing the authorizing acts identified in this Preamble.

## **Order**

The Board, acting under its authorizing statutes, orders that:

- (a) The regulations of the Board, 49 Pa. Code Chapters 47 and 49 are amended by amending §§ 47.1, 47.1a, 47.11, 47.12a and 49.1 to read as set forth in Annex A.

- (b) The Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General as required by law.
- (c) The Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.
- (d) This order shall take effect on publication in the Pennsylvania Bulletin.

Michael J. DeStefano  
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**

**GENERAL PROVISIONS**

**§ 47.1. Definitions.**

The following words and terms, when used in this chapter have the following meanings, unless the context clearly indicates otherwise:

~~*Accredited program* – A graduate school social work or social welfare program offered by a school accredited by the Council on Social Work Education.~~

*Accredited school* – A graduate [school] program in social work or social welfare accredited by the Council on Social Work Education.

\* \* \* \* \*

**§ 47.1a. Qualifications for supervisors.**

To qualify as a supervisor, an individual shall meet one of the following criteria:

\* \* \* \* \*

(3) Until January 1, 2006, the following criteria:

\* \* \* \* \*

(iii) Hold a license to practice as a social worker in this Commonwealth ~~or in~~  
another state.

\* \* \* \* \*

## LICENSURE

### § 47.11. Licensure examination.

(a) The examination required as a prerequisite to original licensure as a licensed social worker is the Association of Social Work Boards' (ASWB) (formerly known as the American Association of State Social Work Boards' (AASSWB)) [intermediate] master's level examination ~~or the ASWB clinical level examination.~~

(b) The examination required as a prerequisite to being granted a license to hold oneself out as a social worker with a provisional license is the ASWB (formerly known as AASSWB) [basic] bachelor's level examination.

\* \* \* \* \*

### § 47.12a. Licensed social worker.

(a) To be issued a license to hold oneself out as a licensed social worker, an applicant shall provide proof satisfactory to the Board, that the applicant has met the following conditions:

(1) Satisfied the general requirements for licensure of § 47.12 (relating to qualifications for licensure).

(2) ~~{Received}~~Beginning \_\_\_\_\_ ~~(Editor's note: The blank refers to a date 2 years after the effective date of adoption of this proposed rulemaking), received a~~  
master's degree in social work or social welfare from a school which was an accredited school on the date the degree was awarded or a doctoral degree in social work. Students who graduate from social work or social welfare master's degree programs that are in candidacy for accreditation at the time of their graduation may apply for licensure once the program obtains accreditation.



(3) Passed the examination required by § 47.11 (relating to licensure examination).

(b) STUDENTS WHO GRADUATE FROM SOCIAL WORK OR SOCIAL WELFARE MASTER'S DEGREE PROGRAMS THAT ARE IN CANDIDACY FOR ACCREDITATION AT THE TIME OF THEIR GRADUATION MAY APPLY FOR LICENSURE WHEN THE PROGRAM OBTAINS ACCREDITATION.

(C) An applicant who is a graduate of a foreign school shall submit to the Board an evaluation of foreign credentials performed by the Council on Social Work Education, which assesses the foreign credentials to be the equivalent of the curriculum policy of an accredited graduate school during the same time period, to be considered as meeting the requirements of having earned a master's degree in social work or social welfare from an accredited school.

~~(e)~~(D) If an applicant has a graduate or an equivalent degree or certificate in social work or social welfare, which was granted prior to July 1, 1952, the Board will review the complete application individually.

\* \* \* \* \*

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

**GENERAL PROVISIONS**

**§ 49.1. Definitions.**

The following words and terms, when used in this chapter, have the following meanings,  
unless the context clearly indicates otherwise:

\* \* \* \* \*

[*CACREP*-Council for Accreditation of Counseling and Related Programs.]

\* \* \* \* \*

16A-699: Technical Amendments  
Commentators List

Barbara Matz, EdD, MSW, LCSW  
Association of Social Work Board  
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National Associate of Social Workers  
2001 North Front Street, Suite 321  
Harrisburg, PA 17102

abuse shall report that suspicion to the coroner of the county where death occurred or, in the case where the child is transported to another county for medical treatment, to the coroner of the county where the injuries were sustained.

#### § 49.55. Immunity from liability.

Under 23 Pa.C.S. § 6318 (relating to immunity from liability), a licensed professional counselor who participates in good faith in the making of a report, cooperating with an investigation, testifying in a proceeding arising out of an instance of suspected child abuse or the taking of photographs shall have immunity from civil and criminal liability that might result by reason of the licensed professional counselor's actions. For the purpose of any civil or criminal proceeding, the good faith of the licensed professional counselor shall be presumed. The Board will uphold the same good faith presumption in any disciplinary proceeding that might result by reason of a licensed professional counselor's actions in participating in good faith in the making of a report, cooperating with an investigation, testifying in a proceeding arising out of an instance of suspected child abuse or the taking of photographs.

#### § 49.56. Confidentiality—waived.

To protect children from abuse, the reporting requirements of §§ 49.52—49.54 (relating to suspected child abuse—mandated reporting requirements; photographs, medical tests and X-rays of child subject to report; and suspected death as a result of child abuse—mandated reporting requirement) take precedence over the provisions of any client confidentiality, ethical principle or professional standard that might otherwise apply.

#### § 49.57. Noncompliance.

(a) *Disciplinary action.* A licensed professional counselor who willfully fails to comply with the reporting requirements in §§ 49.52—49.54 (relating to suspected child abuse—mandated reporting requirements; photographs, medical tests and X-rays of child subject to report; and suspected death as a result of child abuse—mandated reporting requirement) will be subject to disciplinary action under section 11 of the act (63 P.S. § 1911).

(b) *Criminal penalties.* Under 23 Pa.C.S. § 6319 (relating to penalties for failure to report), a licensed professional counselor who is required to report a case of suspected child abuse who willfully fails to do so commits a summary offense for the first violation and a misdemeanor of the third degree for a second or subsequent violation.

[Pa.B. Doc. No. 05-1855. Filed for public inspection October 7, 2005, 9:00 a.m.]

### [49 PA. CODE CHS. 47 AND 49] Licensure Technical Amendments

The State Board of Social Workers, Marriage and Family Therapists and Professional Counselors (Board) proposes to amend §§ 47.1, 47.1a, 47.11, 47.12a and 49.1 to read as set forth in Annex A. The proposed rulemaking makes editorial changes, corrects outdated provisions and clarifies the Board's position that graduates of social work programs that are in candidacy for accreditation may apply for licensure once the program obtains accreditation.

#### *Effective Date*

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin*.

#### *Statutory Authority*

The proposed rulemaking is authorized under section 6(2) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act (act) (63 P.S. § 1906(2)) and section 812.1 of The Administrative Code of 1929 (71 P.S. § 279.3(a)).

#### *Background and Purpose*

Section 7(a) of the act (63 P.S. § 1907(a)) requires that an applicant for social work license submit proof that, among other things, the applicant has received a master's degree from an accredited school of social work or social welfare or a doctoral degree in social work. The Board has been made aware that the Council on Social Work Education (CSWE) accredits social work programs rather than schools. Accordingly, the Board proposes to amend the definition of "accredited school" in § 47.1 (relating to definitions) to mean a graduate program in social work or social welfare accredited by the CSWE.

Section 47.1a (relating to qualifications for supervisors) provides three options for becoming qualified as a supervisor. Paragraph (3) allows an individual to qualify, until January 1, 2006, by, among other things, holding a license to practice as a social worker in this Commonwealth. The Board has received comments from individual applicants indicating that this requirement is overly restrictive in that it prevents an applicant who obtained supervisory experience in another state from using that experience to qualify for licensure in this Commonwealth. The Board, therefore, proposes to amend this provision to delete the requirement that a supervisor, under § 47.1a(3)(iii), hold a license in this Commonwealth.

The Board was recently informed that the Association of Social Work Boards (ASWB) is changing the name of its social work licensure examination from the "intermediate" level examination to the "master's" level examination and is changing its examination for a provisional license from the "basic" level examination to the "bachelor's" level examination. Accordingly, the Board proposes to change the names of these examinations in § 47.11(a) and (b) (relating to licensure examination).

Section 7(d)(2)(ii) of the act requires an applicant for clinical social work license to hold a license as a social worker. The Board is aware that many applicants for social work licensure are applying only because holding the license is a prerequisite for becoming licensed as a clinical social worker. These applicants have asked whether they might be permitted to complete the clinical social work examination rather than the social work license examination. Because the Board recognizes that the clinical social work examination is an "umbrella" examination which encompasses social work as well as clinical social work knowledge, the Board is proposing to amend § 47.11(a) to give applicants for social work licenses the option of completing the ASWB master's level examination or the ASWB clinical level examination.

Section 47.12a(a) (relating to licensed social worker) requires that an applicant for licensure as a social worker have, among other things, a master's degree in social work or social welfare from a school which was an accredited school on the date the degree was awarded or a doctoral degree in social work. The Board has received numerous communications from a member of the public

involved in social work education who has raised the concern that the Board is licensing graduates of social work programs that are in candidacy for accreditation but have not yet obtained accreditation. The Board is aware that the process for a program to obtain accreditation is sometimes lengthy and a program can remain on "in candidacy" status for some time. The Board is also aware that once a program obtains full accreditation, the accreditation reverts back to the graduating classes of students who were admitted during or after the program was granted candidacy. The Board recognizes that if it were to fail to license graduates of programs that were in candidacy for accreditation, it would result in the failure to establish new social work programs because students would not attend programs unless they were already fully accredited. Accordingly, the Board is proposing to amend § 47.12a(2) to provide notice that beginning 2 years after the effective date of this amendment an applicant for licensure must have received a master's degree in social work or social welfare from a program which was an accredited program on the date the degree was awarded or a doctoral degree in social work. In addition, students who graduate from social work or social welfare master's degree programs that are in candidacy for accreditation at the time of their graduation may apply for licensure once the program obtains accreditation.

The Board is proposing to delete the definition in § 49.1 (relating to definitions) of "CACREP" because the acronym is not referred to elsewhere in the regulations and the Board mistakenly included this definition in its regulations.

#### *Fiscal Impact and Paperwork Requirements*

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

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

#### *Predraft Comments*

The Board reviewed this rulemaking and considered its purpose and likely impact upon the public and regulated population. The Board solicited predraft input on this proposed rulemaking from licensees, professional associations and educational programs. The Board received approximately five comments to the draft. The Board considered these comments in developing proposed rulemaking.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 26, 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 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 (71 P. S. § 745.5(g)), 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 publication of the final-form

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 rulemaking 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*. Reference No. 16A-699, Technical Licensure Amendments, when submitting comments.

RONALD HAYS,  
*Chairperson*

**Fiscal Note:** 16A-699. No fiscal impact; (8) recommends adoption.

#### **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**

#### **GENERAL PROVISIONS**

#### **§ 47.1. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

*Accredited school*—A graduate [ **school** ] program in social work or social welfare accredited by the Council on Social Work Education.

\* \* \* \* \*

#### **§ 47.1a. Qualifications for supervisors.**

To qualify as a supervisor, an individual shall meet one of the following criteria:

\* \* \* \* \*

(3) Until January 1, 2006, the following criteria:

\* \* \* \* \*

(iii) Hold a license to practice as a social worker in this Commonwealth **or in another state**.

#### **LICENSURE**

#### **§ 47.11. Licensure examination.**

(a) The examination required as a prerequisite to original licensure as a licensed social worker is the Association of Social Work Boards' (ASWB) (formerly known as the American Association of State Social Work Boards' (AASSWB)) [ **intermediate** ] master's level examination **or the ASWB clinical level examination**.

(b) The examination required as a prerequisite to being granted a license to hold oneself out as a social worker with a provisional license is the ASWB (formerly known as AASSWB) [ **basic** ] bachelor's level examination.

\* \* \* \* \*

## § 47.12a. Licensed social worker.

(a) To be issued a license to hold oneself out as a licensed social worker, an applicant shall provide proof satisfactory to the Board, that the applicant has met the following conditions:

\* \* \* \* \*

(2) [ Received ] Beginning \_\_\_\_\_ (Editor's Note: The blank refers to a date 2 years after the effective date of adoption of this proposed rulemaking.), **received** a master's degree in social work or social welfare from a school which was an accredited school on the date the degree was awarded or a doctoral degree in social work. **Students who graduate from social work or social welfare master's degree programs that are in candidacy for accreditation at the time of their graduation may apply for licensure once the program obtains accreditation.**

\* \* \* \* \*

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

GENERAL PROVISIONS

§ 49.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

[ **CACREP—Council for Accreditation of Counseling and Related Programs.** ]

\* \* \* \* \*

[Pa.B. Doc. No. 05-1856. Filed for public inspection October 7, 2005, 9:00 a.m.]



**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

November 7, 2007

The Honorable Arthur Coccodrilli, Chairman  
INDEPENDENT REGULATORY REVIEW COMMISSION  
14<sup>th</sup> Floor, Harrisstown 2, 333 Market Street  
Harrisburg, Pennsylvania 17101

Re: Final Regulation  
State Board of Social Workers, Marriage and Family Therapists  
and Professional Counselors  
16A-699: Technical Amendments

Dear Chairman Coccodrilli:

Enclosed is a copy of a final rulemaking package of the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors pertaining to Technical Amendments.

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 black ink, appearing to read "Michael J. DeStefano".

Michael J. DeStefano, Chairperson  
State Board of Social Workers, Marriage and  
Family Therapists and Professional Counselors

MJD/BSM:rs

Enclosure

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

Cynthia Montgomery, Regulatory Counsel & 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-699

SUBJECT: TECHNICAL AMENDMENTS

AGENCY: DEPARTMENT OF STATE - STATE BOARD OF SOCIAL WORKERS,  
MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS

**TYPE OF REGULATION**

Proposed Regulation

X 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  
2007 NOV -7 AM 11:00  
INDEPENDENT REGULATORY  
REVIEW COMMISSION

**FILING OF REGULATION**

DATE	SIGNATURE	DESIGNATION
11/7/07	<u>James M. Jones</u>	HOUSE COMMITTEE ON PROFESSIONAL LICENSURE MAJORITY CHAIRMAN <u>Mike Sturka</u>
11/7/07	<u>Mary Walmer</u>	SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE MAJORITY CHAIRMAN <u>Robert Y. Johnson</u>
11/7/07	<u>Kathy Cooper</u>	INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL (for Final Omitted only)
		LEGISLATIVE REFERENCE BUREAU (for Proposed only)

November 6, 2007