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*House of Representatives*  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

CHAIRMAN  
PROFESSIONAL LICENSURE COMMITTEE

October 15, 2005

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

Re: Proposed Regulation 16A-699 Technical Revisions

Dear Mr. Hays:

On behalf of the Committee on Professional Licensure of the House of Representatives, I am respectfully requesting that the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors withdraw Regulation 16A-699 Technical Revisions.

There are several problems with this proposed regulation with respect to policy and drafting, the most compelling being two provisions of the proposed regulation which violate the Social Workers, Marriage and Family Therapists and Professional Counselors Act. Specifically, the language the board proposes to add to 49 Pa. Code Section 47.11(a) violates Section 7 of the Social Workers, Marriage and Family Therapists and Professional Counselors Act. Similarly, the language which the board proposes to add to 49 Pa. Code Section 47.12a also violates Section 7 of the enabling act.

The proposed addition to 49 Pa. Code 47.11 which would allow an individual seeking to become a licensed social worker to take either the master's level examination or the clinical examination violates Section 7(a)(3) and Section 7(d) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act. Section 7(a) addresses licensed social workers and requires an individual seeking to become licensed as a social worker "to pass an examination duly adopted by the board." Section 7(d)(4) commands that an individual applying for a license to practice clinical social work pass a "clinical examination adopted by the board." In addition, Section 7(d)(2)(i) and Section 7(d)(3) mandate that in order for an individual to be eligible to apply to become a clinical social worker, the individual must first hold a license to practice social work and complete at least three years or 3,600 hours of supervised experience.

Ronald E. Hays, Chairperson  
State Board of Social Workers,  
Marriage and Family Therapists and Professional Counselors  
November 15, 2005

Clearly, the intent of the General Assembly is to have those individuals seeking to become licensed social workers take the entry level social work examination, the master's level examination. It is equally clear that the intent of the General Assembly is to have only those individuals who have been licensed as social workers and who have completed the supervised experience take the clinical examination.

The Committee on Professional Licensure also notes that the Association of Social Work Boards, the entity which develops and administers the four levels of social work examinations on behalf of 49 states, including the Commonwealth, has written to the board asking that the board abandon its proposal with respect to allowing an individual applying for the entry-level social work license to take either the master's examination or the clinical examination. The letter dated October 20, 2005, states that the adoption of the dual examination policy by the board would be a "disservice to the client community."

Regulation 16A-699 also contains proposed amendments to 49 Pa. Code Section 47.12a Licensed Social Worker. Specifically, the board is proposing to change the law with respect to the rule that, in order to be licensed as a social worker, an individual must graduate from an accredited school. The effect of the board's language, "Beginning 2 years after the effective date of this rulemaking..." is to allow, for a period of two years, the licensure of individuals who have not graduated from accredited schools.

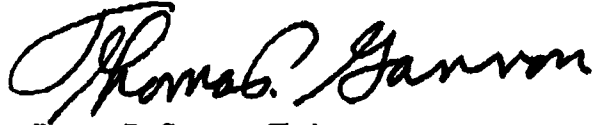
Section 7(a)(2) of the Social Workers, Marriage and Family Therapists and Professional Counselor Act establishes the will of the General Assembly with respect to the licensure of social workers. Specifically, that provision provides that an individual seeking a license to practice social work must have "received a master's degree from an accredited school of social work or social welfare or a doctoral degree in social work." Indeed, the General Assembly wrote a similar statutory provision with respect to the other types of social work licenses created by the act, that of a provisional social work license and a clinical social work license. In order to be qualified to hold either of these licenses, an individual must hold a degree from an accredited school.

Given that the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors is proposing to act in contravention of the enabling act and because those changes represent public policy choices which are contrary to the interests of clients, individuals applying for licenses to practice social work, and the Commonwealth's citizens, the Committee on Professional Licensure must respectfully ask the board to withdraw this regulation.

The committee is scheduled to review Regulation 16A-699 at its November 22, 2005, meeting.

I look forward to hearing from the board with respect to the issue of withdrawal well in advance of the committee's November 22<sup>nd</sup> meeting.

Very truly yours,

A handwritten signature in black ink, reading "Thomas P. Gannon". The signature is fluid and cursive, with the first name "Thomas" being more prominent and the last name "Gannon" following in a similar style.

Thomas P. Gannon, Chairman  
House Professional Licensure Committee

Cc: Honorable Basil L. Merenda, Commissioner  
Bureau of Professional and Occupational Affairs

Albert H. Masland, Chief Counsel  
Department of State

Samuel J. Denisco, Director of Legislative Affairs

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

Honorable John R. McGinley, Chairman  
Independent Regulatory Review Commission

Kim Kaufman, Executive Director  
Independent Regulatory Review Commission