

# 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-6915**

IRRC Number: **2638**

(3) Short Title  
**Biennial Renewal Fees**

(4) PA Code Cite  
**49 Pa. Code § 47.4**

(5) Agency Contacts & Telephone Numbers  
  
Primary Contact: **Beth Sender Michlovitz, Counsel  
State Board of Social Workers, Marriage and Family  
Therapists and Professional Counselors (717)783-7200**  
Secondary Contact: **Joyce McKeever, Deputy Chief  
Counsel, Regulatory Review (717)783-7200**

(6) Type of Rulemaking (check one)  
  
 Proposed Rulemaking  
 **Final Order Adopting Regulation**  
 Final, Proposed Omitted

(7) Is a 120-Day Emergency Certification  
Attached?  
  
 No  
Yes: By the Attorney General  
Yes: By the Governor

(8) Briefly explain the regulation in clear and nontechnical language.  
  
**The regulation increases the biennial renewal fees for licensed social workers, clinical social workers, marriage and family therapists and professional counselors from \$45 to \$75. The new fees are needed because the current fees for social workers were last increased in 1990 and the current fees for clinical social workers, marriage and family therapists and professional counselors were established in 2002. These fees no longer cover the cost of sustaining the Board's operations.**

(9) State the statutory authority for the regulation and any relevant state or federal court decisions.  
  
**The amendments are authorized under section 18(c) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act (act) (63 P.S. §1918(c)).**

## 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.

**Yes. The Board is required by section 18(c) of the act (63 P.S. § 1918(c)) to reconcile its expenses and revenue and to increase fees as needed to meet or exceed projected expenditures.**

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

**The Board is required by section 18(c) of the act (63 P.S. § 1918(c)) to set fees to raise sufficient revenue to meet expenditures. It is anticipated that without raising fees the Board will realize a deficit of \$67,350.37 by fiscal year 2008-2009, which will continue to increase to a projected deficit of \$2,097,350.37 by fiscal year 2016-2017.**

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

**Nonregulation would adversely impact the fiscal integrity of the Board.**

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

**Recipients of licensed social work, clinical social work, marriage and family therapy and professional counseling services in the Commonwealth will benefit by having adequate funding for the Board to regulate the profession to insure that the appropriate standards of professional competence and integrity are maintained.**

## Regulatory Analysis Form

(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effects as completely as possible and approximate the number of people who will be adversely affected.)

**The licensee population will bear the cost of the increased fees. Each of the 6,387 social workers; 3,883 clinical social workers; 408 marriage and family therapists; and 3,808 professional counselors will pay an additional \$30 to renew their licenses each biennium.**

(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 of the 14,486 licensed social workers, licensed clinical social workers, licensed marriage and family therapists and licensed professional counselors would be required to comply with the regulation.**

(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.

**The reconciliation of its budget is an administrative function for which public input is not required. However, the Board receives its budget reports and discusses fee increases in public sessions.**

(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 Board estimates that 6,387 social workers, 3,883 clinical social workers, 408 marriage and family therapists and 3,808 professional counselors will renew their licenses. Each will pay an additional \$30 to renew each biennium. Total costs to the regulated community as a result of the increased fee is projected to be \$ 434,580.00 per biennium beginning with the biennial renewal on March 1, 2009 (fiscal year 2008-2009). No legal, accounting or consulting procedures will be implicated in complying with the regulatory amendments.**

## Regulatory Analysis Form

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

**Local governments will not be affected by the regulation.**

(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 Board will not incur an increase in administrative costs by implementing the regulation. Indeed, the regulatory amendments will permit the Board to recoup the costs of its operations.**

## 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 2007-08	FY +1 2008-09	FY +2 2009-10	FY +3 2010-11	FY +4 2011-12	FY +5 2012-13
<b>SAVINGS:</b>	\$	\$	\$	\$	\$	\$
Regulated Community						
Local Government						
State Government						
Total Savings						
<b>COSTS:</b>						
Regulated Community	\$ 0	\$ 434,580	\$ 0	\$ 434,580	\$ 0	\$ 434,580
Local Government						
State Government						
Total Costs	\$ 0	\$ 434,580	\$ 0	\$ 434,580	\$ 0	\$ 434,580
<b>REVENUE LOSSES:</b>						
Regulated Community						
Local Government						
State Government						
Total Revenue Losses						

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

**The cost estimates are based upon the total licensee population of 13,984, with the renewal expense occurring during the first of each 2-year biennial renewal period.**

**Biennial renewal – social workers**

**6,387 renewal x increase of \$30 over current fee = \$191,610**

**Biennial renewal – clinical social workers**

**3,883 renewal x increase of \$30 over current fee = \$116,490**

**Biennial renewal – marriage and family therapists**

**408 renewals x increase of \$30 over current fee = \$12,240**

**Biennial renewal – professional counselors**

**3,808 renewals x increase of \$30 over current fee = \$114,240**

**Total costs = \$434,580 biennially beginning with the renewal in FY 2008-2009 (March 1, 2009)**

## 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
<b>State Board of Social Workers, Marriage and Family Therapists and Professional Counselors</b>	<b>\$430,000.00</b>	<b>\$490,000.00</b>	<b>\$552,000.00</b>	<b>\$578,000.00</b>

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

**The amendments to the existing regulations are mandated by section 18(c) of the act (63 P.S. § 1918(c)), so that Board revenues meet Board expenses.**

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

**No nonregulatory alternatives were considered. See Question 21.**

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

**No other regulatory schemes were considered. See Question 21.**

## 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.**

(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 will not put Pennsylvania licensees at a competitive disadvantage with other states, as the new fees are commensurate or lower than surrounding states. For example, the triennial renewal fee for social workers and clinical social workers in New York is \$155; the biennial renewal fee for social workers in New Jersey is \$120 and \$160 for clinical social workers; the biennial renewal fee for clinical social workers in Delaware is \$102; the biennial renewal fee for social workers in Ohio is \$60; the biennial renewal fee for social workers and clinical social workers in West Virginia is \$65; and the biennial renewal fee for social workers and clinical social workers in Maryland is \$200.**

(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.**

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

**The Board reviews regulatory proposals at regularly scheduled public meetings. However, in light of the statutory mandate, the Board has not scheduled public hearings or informational meetings regarding this regulation. A list of scheduled Board meetings may be found at [www.dos.state.pa.us/bpoa](http://www.dos.state.pa.us/bpoa).**

## 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.

**The proposed rulemaking will require the Board to alter some of its forms to reflect the new biennial renewal fees; however, the proposed rulemaking will not change existing reporting recordkeeping or other paperwork requirements for the regulated community.**

(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 has perceived no special needs of any subset of its applicants or licensees for whom special accommodations should be made.**

(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. The increased fee will be effective for the biennial renewal period beginning March 1, 2009.**

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

**The Board reviews its revenues and costs of its programs on a fiscal year and biennial basis.**



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INDEPENDENT REGULATORY  
REVIEW COMMISSION

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Agencies.

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-6915

MAY 21 2008

DATE OF APPROVAL

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

DATE OF APPROVAL

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

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 § 47.4

BIENNIAL RENEWAL FEES

The State Board of Social Workers, Marriage and Family Therapists and Professional Counselors (Board) hereby amends § 47.4 (relating to licensure fees), to read as set forth in Annex A.

#### Effective Date

The amendment will be effective upon publication of the final-form rulemaking in the Pennsylvania Bulletin. The increased fees will be effective for the biennial renewal period beginning March 1, 2009.

#### Statutory Authority

Section 18(c) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act (act) (63 P.S. § 1918(c)) requires the Board to increase fees by regulation to meet or exceed projected expenditures if the revenues raised by fees, fines and civil penalties are not sufficient to meet Board expenditures.

#### Background and Purpose

The Board's current biennial license renewal fees for licensed social workers were established on December 1, 1990. (See 20 Pa.B. 5937). The Board's current biennial license renewal fees for the newer licensee classifications of licensed clinical social workers, marriage and family therapists and professional counselors were originally established at 32 Pa.B. 5885 (November 27, 2002) and were set at that time at the same level as those in effect for licensed social workers (\$45). Under section 18(c) of the act (63 P.S. § 1918(c)), the Board is required by law to support its operations from the revenue it generates from fees, fines and civil penalties. In addition, the act provides that the Board must increase fees if the revenue raised by fees, fines and civil penalties is not sufficient to meet expenditures over a 2-year period. The Board raises virtually all of its revenue through biennial renewal fees.

At its Board meeting on February 13, 2007, the Department of State's Offices of Revenue and Budget presented a summary of the Board's revenue and expenses for Fiscal Years (FY) 2004-2005 and 2005-2006, and projected revenue and expenses through 2016-2017. The Offices of Revenue and Budget project a deficit of \$67,350.37 in FY 2008-2009, a deficit of \$416,350.37 in FY 2010-2011, a deficit of \$338,350.37 in FY 2011-2012, a deficit of \$841,350.37 in FY 2012-2013, a deficit of \$827,350.37 in FY 2013-2014, a deficit of \$1,397,350.37 in FY 2014-2015, a deficit of \$1,453,350.37 in FY 2015-2016, and a deficit of \$2,097,350.37 in FY 2016-2017. The major reason for the projected deficits is that the renewal fees for social workers have not been increased since 1990 and the renewal fees for licensed clinical social workers, marriage and family therapists and professional counselors have not been increased since their inception in 2002. Those fees have carried the board for almost 17 years for social workers and 5 years for the other newer licensee categories. As a result of the projected deficits, the Offices of Revenue and Budget recommended that the Board raise fees to meet or exceed projected expenditures, in compliance with section 18(c) of the act. The Budget Office anticipates that the proposed new biennial renewal fees will enable the Board to meet its estimated expenditures for at least 9 years.

Although the \$30 fee increase is significant, it is not surprising. As already stated, the fees for licensed social workers have not been increased since 1990 and the fees for licensed clinical social workers, marriage and family therapists and professional counselors have not been increased since they were originally established in 2002. Also, in spite of the proposed increase, the Board's new renewal fee of \$75 every 2 years will still be lower than a majority of the surrounding states. For example, in New York, social workers and clinical social workers pay \$155 every 3 years. In New Jersey, social workers pay \$120 every 2 years and clinical social workers pay \$160 every 2 years. In Delaware, clinical social workers pay \$102 every 2 years. In Ohio, social workers pay \$60 every 2 years. In West Virginia, social workers and clinical social workers pay \$65 every 2 years. Finally, in Maryland, social workers and clinical social workers pay \$200 every 2 years. None of the surrounding states have separate licensee categories for marriage and family therapists or professional counselors.

### Summary of Comments and the Board's Response

Notice of proposed rulemaking was published at 37 Pa.B. 5264 (September 29, 2007). The Board received comments from the National Association of Social Workers, Pennsylvania Chapter (NASW-PA); and the Pennsylvania Society for Clinical Social Work (PSCSW). In addition, as part of their review under the Regulatory Review Act, the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC) submitted comments. The following represents a summary of those comments and the Board's response.

The NASW-PA recognized the need to raise fees to meet anticipated expenses, however they would prefer to see a gradual increase over the next three biennial renewal periods than a large one-time increase. Likewise, the PSCSW suggested that the Board consider a more graduated schedule of fee increases over the next few years in order to reduce the burden on licensed social workers. IRRC noted the concerns of these public commentators and recommended that the Board consider implementing incremental fee increases in order to lessen the financial burden on licensees.

The Department of State is still reviewing the possibility of implementing graduated fee increases to determine if that approach is feasible under the enabling acts governing the boards and commissions under the Bureau of Professional and Occupational Affairs. The Board is concerned that phasing in fee increases may not be feasible given the language in section 18(c)(1) of the act, 63 P.S. § 1918(c)(1), which provides that "[i]f the revenues raised by fees, fines and civil penalties imposed pursuant to this act are not sufficient to meet expenditures over a two-year period, the board shall increase those fees by regulation so that the projected revenues will meet or exceed projected expenditures." At this time, the Offices of Revenue and Budget determined that a \$30 fee was necessary to avoid projected deficits in 2008-2009 and thereafter. Therefore, in order to avoid the projected deficits and to comply with the requirement to increase the fees so that projected revenue will meet or exceed projected expenditures, the Board has determined to go forward with the proposed increase at this time. Finally, while an increase of \$30 (from \$45 to \$75) is statistically significant, it amounts to \$15 per year for the biennial renewal period. As noted previously, the new fee will still be lower than the fees imposed by a majority of the surrounding states.

The HPLC questioned the 17-year lapse since the last biennial fee increase. As noted previously, the Board established the biennial renewal fee for social workers in 1990. In 2002, three new categories of license were created (licensed clinical social workers, marriage and family therapists and professional counselors), which had the effect of more than doubling the licensee population of the Board. At that time, biennial renewal fees for those classifications were set at the same level as that for social workers at \$45. The additional revenues from the new licensure categories continued to outpace expenditures until now. Because the revenues produced by those fees were adequate, there was no need to increase fees under section 18(c) of the act. However, a recent unanticipated increase in the expenses of the Board over the last few years has depleted the Board's surplus and the Board is now facing increasing deficits for the foreseeable future unless the biennial renewal fee is increased at this time.

The HPLC requested additional fiscal information explaining the major cost centers where significant increases had occurred in the previous five years. The major expense categories that have significantly increased are board administration, legal office, hearing examiners, enforcement and investigation and professional health monitoring. Specifically, the Board's administrative expenses increased from \$172,529.99 in FY 2002-2003 to \$245,880.18 in FY 2006-2007. Part of this increase is due to the Board's share of costs for the renovations related to the expansion of the office space utilized by the Health Licensing Division of the Bureau of Professional and Occupational Affairs. These costs were allocated between all health-related boards based on licensee population.

Legal office costs increased from \$75,326.65 in FY 2002-2003 to a high of \$195,493.34 in FY 2005-2006 followed by a decrease to \$152,681.01 in FY 2006-2007. Still these costs have essentially doubled in only 5 years. These include the costs of the Board's legal counsel, and the costs of prosecuting, adjudicating and defending disciplinary matters before the Board. Similarly, the hearing expenses incurred have nearly doubled over these 5 years, from \$6,208.09 in FY 2002-2003 to \$11,336.18 in FY 2006-2007. Enforcement and investigation costs saw the most dramatic increases in expenses – from \$23,957.99 in FY 2002-2003 to \$86,096.00 in FY 2006-2007.

The increases in enforcement and investigation, legal office costs and hearing expenses are the result of a combination of factors. Doubling the licensee population of the Board since 2002 obviously results in an increase in potential disciplinary actions. In addition, the Board's and the Department's presence on the internet has resulted in increased public awareness of the complaint process and has made it easier to file a complaint against a licensee. For example, in FY 2002-2003, a total of 74 disciplinary files were opened. In FY 2006-2007, there were 163 disciplinary files opened (down from 222 in FY 2005-2006). Each complaint file must be investigated to determine if a violation of the act or regulations of the Board occurred. The legal office must then prosecute those matters where a violation is found. The Board incurs hearing expenses for each matter actually prosecuted, and the Board incurs additional legal costs defending any appeals.

Finally, costs related to professional health monitoring increased from only \$2,095.18 in FY 2002-2003 to \$5,156.02 in FY 2006-2007. This increase is a result of an increase in the number of the Board's licensees who are participating in the Department's Professional Health Monitoring Program (PHMP). The number of participants in this program increased from 6 in FY 2005-2006 to 9 in FY 2006-2007. PHMP costs are allocated based on the number of open cases.

These cost categories represent the bulk of the Board's budget. Overall, the Board's expenditures increased from \$349,932.98 in FY 2002-2003 to \$580,132.58 in FY 2005-2006 and \$591,199.77 in FY 2006-2007. Thus, the Board must set its fees at a level that will produce approximately \$1.2 million per biennial renewal period to meet or exceed its expenses as required by the act. There are approximately 14,500 Board licensees. Therefore, at \$75 per licensee, the anticipated revenue from biennial renewal fees, which makes up the bulk of the Board's revenue, will be approximately \$1,087,500. The remaining revenue comes from other user fees and from civil penalties imposed by the Board.

### Fiscal Impact

The final rulemaking increases the biennial renewal fee for licensed social workers, clinical social workers, marriage and family therapists and professional counselors from \$45 to \$75 each biennial renewal period. The rulemaking should have no other fiscal impact on the private sector, the general public or political subdivisions.

### Paperwork Requirements

The proposed regulation will require the Board to alter some of its forms to reflect the new biennial renewal fees; however, the proposed regulations should not create additional paperwork for the private sector.

### Sunset Date

The act requires that the Board monitor its revenue and costs on a fiscal year and biennial basis. Therefore, no sunset date has been assigned.

### Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on September 19, 2007, the Board submitted a copy of this proposed rulemaking, published at 37 Pa.B. 5264 (September 29, 2007), to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Professional Licensure Committee (HPLC) and the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC, the HPLC and the SCP/PLC, were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Board has considered all comments from IRRC, the HPLC and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. §745.5a(j.2)), on \_\_\_\_\_, 2008, the final-form rulemaking was approved by the HPLC. On \_\_\_\_\_, 2008, the final-form rulemaking was deemed approved by SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on \_\_\_\_\_, 2008, and approved the final-form rulemaking.

### Additional Information

Interested persons may obtain information regarding the final-form rulemaking by writing to Beth Michlovitz, Counsel, State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, P. O. Box 2649, Harrisburg, PA 17105-2649, or [bmichlovit@state.pa.us](mailto:bmichlovit@state.pa.us).

### Findings

The Board finds that:

- (1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.S. 769, No. 240) (45 P.S. §§ 7.1 and 7.2).
- (2) A public comment period was provided as required by law and all comments were considered.
- (3) There are no amendments to the final-form rulemaking that would enlarge the purpose of the proposed rulemaking published at 37 Pa.B. 5264.
- (4) This final-form rulemaking is necessary and appropriate for administration and enforcement of the act.

### Order

The Board orders that:

- (a) The regulations of the Board at 49 Pa. Code Chapter 47 are amended by amending § 47.4 (relating to licensure fees) 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 to 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**

\* \* \* \* \*

**§ 47.4. Licensure fees.**

(a) The fee schedule for licensure as a licensed social worker, provisional license, licensed clinical social worker, licensed marriage and family therapist or licensed professional counselor shall be as follows:

\* \* \* \* \*

(2) Biennial renewal for a licensed social worker, clinical social worker, marriage and family and family therapist or professional counselor .....\$[45] 75

\* \* \* \* \*

Pennsylvania Department of State  
 Bureau of Professional and Occupational Affairs  
 State Board of Social Workers, Marriage and Family Therapists, and Professional Counselors  
 5 Year Expenditure History

**Cost Categories**

	<u>ACTUAL FY 2002-03</u>	<u>ACTUAL FY 2003-04</u>	<u>ACTUAL FY 2004-05</u>	<u>ACTUAL FY 2005-06</u>	<u>ACTUAL FY 2006-07</u>
<b><u>ADMINISTRATIVE COSTS:</u></b>					
Board Administration:	\$ 172,529.99	\$ 146,165.41	\$ 172,272.25	\$ 184,354.66	\$ 245,880.18
Commissioner's Office:	\$ 12,441.16	\$ 14,512.70	\$ 16,501.47	\$ 14,908.42	\$ 20,039.39
Departmental Services:	\$ 33,636.70	\$ 46,542.79	\$ 47,004.06	\$ 46,536.89	\$ 45,254.86
<b><u>LEGAL COSTS:</u></b>					
Legal Office:	\$ 75,326.65	\$ 96,673.92	\$ 145,568.06	\$ 195,493.34	\$ 152,681.01
Hearing Expenses:	\$ 6,208.09	\$ 2,777.05	\$ 10,165.49	\$ 12,378.38	\$ 11,336.18
Legislative and Regulatory Analysis:	\$ 2,498.55	\$ 1,693.40	\$ 6,159.55	\$ 1,993.23	\$ 1,947.41
Enforcement and Investigation:	\$ 23,957.99	\$ 59,501.86	\$ 57,404.22	\$ 91,286.02	\$ 86,096.00
Prof. Health Monitoring Program:	\$ 2,095.18	\$ 1,607.00	\$ 2,936.50	\$ 3,265.25	\$ 5,156.02
Board Member Expenses:	<u>\$ 21,238.67</u>	<u>\$ 20,752.76</u>	<u>\$ 18,959.27</u>	<u>\$ 29,916.39</u>	<u>\$ 22,808.72</u>
<b>TOTAL BOARD COSTS:</b>	<b>\$ 349,932.98</b>	<b>\$ 390,226.89</b>	<b>\$ 476,970.87</b>	<b>\$ 580,132.58</b>	<b>\$ 591,199.77</b>

Board Admin.: The 25% increase in expenses from 2005-06 to 2006-07 is due to the board's share of non-recurring costs for the renovations related to the expansion of the space utilized by the Health Licensing Section. These costs are allocated to the boards housed in Health Licensing based on the licensee population.

Legal Office: The number of open cases increased from 28 in 2002-03 to 163 in 2006-07(83% increase) with a record high of 222 open cases in 2005-06. The dramatic increase in the number of open cases accounts for the increase in the legal office costs. Costs associated with an



**an increase in the number of open cases are based on time spent by board prosecutors and support staff, expert witness reviews and newspaper advertising for license suspensions, revocations or fines assessed.**

**Hearing Expenses:** The increase in these costs are also associated with the increase in the number of cases.

**Enforcement and Investigation:** The increase in the number of open cases results in an increased number of investigations.

**Professional Health Monitoring:** The number of participants in this program increased from 6 in 2005-06 to 9 in 2006-07 (33% increase). PHMP costs are allocated based on the number of open cases.

examination fees and examination registration forms [provided by] to the test administrator.

(d) Affidavits of internship experience [gained after the filing of the application shall be filed before the examination date] shall be filed before authorization to take the exam is given.

§ 27.25. Licensure by reciprocity.

\* \* \* \* \*

(b) [An] Except as provided in subsection (c), an applicant for licensure by reciprocity who received a license to practice pharmacy in any other state, territory or possession of the United States, after January 26, 1983, shall be required to demonstrate that [he] the applicant passed the FDLE.

(c) If an applicant licensed after January 26, 1983, cannot demonstrate that the applicant passed the FDLE, the applicant shall be required to demonstrate that the applicant passed the Pennsylvania MPJE.

RENEWAL OF PHARMACIST LICENSE AND  
PHARMACY PERMIT

§ 27.31. Biennial renewal.

\* \* \* \* \*

(b) A licensed pharmacist shall renew the license every 2 years, in even-numbered years. Renewal requires completion of a form mailed to the pharmacist by the Board in advance of the renewal period or completion of an online electronic form, and payment of the specified fee. [Beginning with 1988 renewals, a] A pharmacist shall also submit proof of compliance with the continuing education requirements of § 27.32 (relating to continuing education).

\* \* \* \* \*

[Pa.B. Doc. No. 07-1794. Filed for public inspection September 28, 2007, 9:00 a.m.]

STATE BOARD OF SOCIAL  
WORKERS, MARRIAGE  
AND FAMILY THERAPISTS  
AND PROFESSIONAL  
COUNSELORS

[ 49 PA. CODE CH. 47 ]  
Biennial Renewal Fees

The State Board of Social Workers, Marriage and Family Therapists and Professional Counselors (Board) proposes to amend § 47.4 (relating to licensure fees), to read as set forth in Annex A. The proposed rulemaking would increase the biennial license renewal fee for licensed social workers, clinical social workers, marriage and family therapists and professional counselors from \$45 to \$75.

*Effective Date*

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

The increased fees will be effective for the biennial renewal period beginning March 1, 2009.

*Statutory Authority*

Section 18(c) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act (act) (63 P. S. § 1918(c)) requires the Board to increase fees by regulation to meet or exceed projected expenditures if the revenues raised by fees, fines and civil penalties are not sufficient to meet Board expenditures.

*Background and Purpose*

The Board's current biennial license renewal fees for licensed social workers were established on December 1, 1990. (See 20 Pa.B. 5937 (December 1, 1990).) The Board's current biennial license renewal fees for the newer licensee classifications of licensed clinical social workers, marriage and family therapists and professional counselors were originally established at 32 Pa.B. 5885 (November 27, 2002) and were set at that time at the same level as those in effect for licensed social workers (\$45). Under section 18(c) of the act (63 P. S. § 1918(c)), the Board is required by law to support its operations from the revenue it generates from fees, fines and civil penalties. In addition, the act provides that the Board must increase fees if the revenue raised by fees, fines and civil penalties is not sufficient to meet expenditures over a 2-year period. The Board raises virtually all of its revenue through biennial renewal fees.

At its Board meeting on February 13, 2007, the Department of State's Offices of Revenue and Budget presented a summary of the Board's revenue and expenses for Fiscal Years (FY) 2004-2005 and 2005-2006 and projected revenue and expenses through 2016-2017. The Offices of Revenue and Budget project a deficit of \$67,350.37 in FY 2008-2009, a deficit of \$416,350.37 in FY 2010-2011, a deficit of \$338,350.37 in FY 2011-2012, a deficit of \$841,350.37 in FY 2012-2013, a deficit of \$827,350.37 in FY 2013-2014, a deficit of \$1,397,350.37 in FY 2014-2015, a deficit of \$1,453,350.37 in FY 2015-2016 and a deficit of \$2,097,350.37 in FY 2016-2017. The major reason for the projected deficits is that the renewal fees for social workers have not been increased since 1990 and the renewal fees for licensed clinical social workers, marriage and family therapists and professional counselors have not been increased since their inception in 2002. Those fees have carried the Board for almost 17 years for social workers and 5 years for the other newer licensee categories. As a result of the projected deficits, the Offices of Revenue and Budget recommended that the Board raise fees to meet or exceed projected expenditures, in compliance with section 18(c) of the act. The Budget Office anticipates that the proposed new biennial renewal fees will enable the Board to meet its estimated expenditures for at least 9 years.

Although the \$30 fee increase is significant, it is not surprising. As already stated, the fees for licensed social workers have not been increased since 1990 and the fees for licensed clinical social workers, marriage and family therapists and professional counselors have not been increased since they were originally established in 2002. Also, in spite of the proposed increase, the Board's new renewal fee of \$75 every 2 years will still be lower than a majority of the surrounding States. For example, in New York, social workers and clinical social workers pay \$155 every 3 years. In New Jersey, social workers pay \$120 every 2 years and clinical social workers pay \$160 every 2 years. In Delaware, clinical social workers pay \$102 every 2 years. In Ohio, social workers pay \$60 every 2 years. In

West Virginia, social workers and clinical social workers pay \$65 every 2 years. Finally, in Maryland, social workers and clinical social workers pay \$200 every 2 years. None of the surrounding states have separate licensee categories for marriage and family therapists or professional counselors.

*Description of Proposed Amendments*

Based upon the expense and revenue estimates provided to the Board, the Board proposes to amend § 47.4 to increase the fee for biennial renewal of licensed social workers, clinical social workers, marriage and family therapists and professional counselors from \$45 to \$75.

*Fiscal Impact*

The proposed amendment will increase the biennial renewal fee for licensed social workers, clinical social workers, marriage and family therapists and professional counselors. The proposed amendment should have no other fiscal impact on the private sector, the general public or political subdivisions.

*Paperwork Requirements*

The proposed amendment will require the Board to alter some of its forms to reflect the new biennial renewal fees; however, the proposed amendment should not create additional paperwork for the private sector.

*Sunset Date*

The act requires that the Board monitor its revenue and costs on a fiscal year and biennial basis. Therefore, no sunset date has been assigned.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on September 19, 2007, the Board submitted a copy of this proposed amendment 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. Comments, recommendations or objections shall specify the regulatory review criteria which have not been met. The Regulatory

Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly, and the Governor of comments, recommendations or objections raised.

*Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Beth Michlovitz, Counsel, 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-6915, Biennial Renewal Fees, when submitting comments.

MICHAEL J. DESTEFANO,  
*Chairperson*

**Fiscal Note:** 16A-6915. 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**

**§ 47.4. Licensure fees.**

(a) The fee schedule for licensure as a licensed social worker, provisional license, licensed clinical social worker, licensed marriage and family therapist or licensed professional counselor shall be as follows:

\* \* \* \* \*

(2) Biennial renewal for a licensed social worker, clinical social worker, marriage and family therapist or professional counselor .....\$ [ 45 ] 75

\* \* \* \* \*

[Pa.B. Doc. No. 07-1795. Filed for public inspection September 28, 2007, 9:00 a.m.]

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE

DATE:

3/28/08

**SUBJECT: Final Rulemaking:  
State Board of Social Workers, Marriage and Family Therapists  
and Professional Counselors  
16A-6915: Biennial Renewal Fees**

**TO: Andrew C. Clark, Deputy General Counsel  
Office of General Counsel**

**FROM: Beth Sender Michlovitz, Counsel** <sup>BSM</sup>  
**State Board of Social Workers, Marriage and Family Therapists  
And Professional Counselors**

There are no significant legal and policy issues presented by this final rulemaking, which amends the Board's biennial renewal fees for licensed social workers, licensed clinical social workers, licensed marriage and family therapists and licensed professional counselors.

I certify that I have reviewed this regulation for form and legality, that I have discussed any legal and policy issues with the administrative officers responsible for the program, and that all information contained in the Preamble and Annex is correct and accurate.

BSM

James H. Andrews, LCSW, BCD  
President

Jenna Mehnert, MSW  
Executive Director

October 23, 2007

Beth Michlovitz, Counsel  
State Board of Social Workers, Marriage and Family Therapists  
And Professional Counselors  
PO Box 2649  
Harrisburg, PA 17105-2649

Dear Ms. Michlovitz:

The National Association of Social Workers, PA Chapter (NASW-PA) would like to provide comments on proposed rulemaking regarding biennial renewal fees.

The State Board of Social Workers, Marriage and Family Therapists and Professional Counselors proposes by this rulemaking to raise the fees for social workers and clinical social workers renewing their licenses from \$45 every two years to \$75 every two years. This increase is in anticipation of increased expenses through the year 2017.

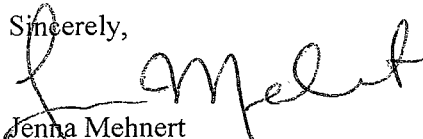
NASW-PA recognizes the need to raise fees to meet anticipated expenses of the Board. As the Board does not receive revenue from the general fund, fees must be increased to meet Board expenses.

The increase of \$30 in one licensure period is a large increase. NASW-PA would prefer to see a gradual increase in the next three licensure periods.

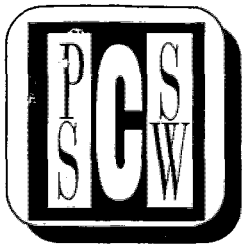
Many licensed social workers and clinical social workers providing services to clients relying on private insurance, Medicaid or other government funding streams are facing level salaries or even a decrease in salary from the previous year. Requesting these professional to pay an increase in licensing fees, when their salaries have not kept up with inflation could be problematic.

Thank you for your time and consideration to this matter.

Sincerely,

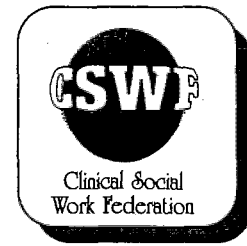
  
Jenna Mehnert  
Executive Director, NASW-PA

Cc: Arthur Coccodrilli, Chairman, IRRC  
Kim Kaufman, Executive Director, IRRC



PENNSYLVANIA SOCIETY FOR  
CLINICAL SOCIAL WORK

112 CAROL LANE  
RICHBORO, PA 18954  
215/942-0775  
800/429-7579 (OUTSIDE 215 AND 610 AREA CODES)  
EMAIL - PSCSW@AOL.COM



October 24, 2007

Beth Michlovitz, Counsel  
State Board of Social Workers, Marriage and Family Therapists  
And Professional Counselors  
PO Box 2649  
Harrisburg, Pa 17105-2649

Dear Ms. Michlovitz:

The Pennsylvania Society for Clinical Social Workers [PSCSW] appreciates this opportunity to respond to rulemaking regarding biennial renewal fees.

We also appreciate the very reasonable fees which The Pennsylvania Board of Social Workers, Marriage and Family Therapists, and Professional Counselors has maintained since the beginning. Since the Board expects increased expenses in the next 10 years, it is understandable that it must raise fees.

However, the proposed raise of 67% from \$45 to \$75 in one lump sum is a hefty jump for licensed social workers and clinical social workers who have had their reimbursements cut and anticipate further cuts from Medicare, which is often the model for private insurance plans. Agencies also have kept their starter salaries and even their supervisory salaries at very low rates, making this raise difficult for those agency employed social workers to pay increased fees.

PSCSW respectfully requests the Board to consider a more graduated schedule of fee raises over these next few years so as to reduce the burden on current and new licensed social workers.

Thank you for your time and effort on this matter.

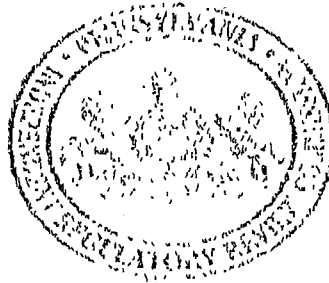
Sincerely yours,

A handwritten signature in cursive script that reads 'Joan F. Pollak'.

Joan F. Pollak, LCSW, BCD  
President PSCSW

Cc: Arthur Coccodrilli, Chairman, IRRC  
Kim Kaufman, Executive Director, IRRC

ARTHUR COGNODRILLI, CHAIRMAN  
ALVIN C. LUSH, VICE CHAIRMAN  
DAVID J. DEVRIES, ESQ.  
JOHN F. MIZNER, ESQ.  
KIM KAUFMAN, EXECUTIVE DIRECTOR  
LESLIE A. LEWIS JOHNSON, CHIEF COUNSEL



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

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

November 28, 2007

Michael J. DeStefano, Chairman  
State Board of Social Workers, Marriage/Family Therapists and Professional Counselors  
2601 North Third Street  
Harrisburg, PA 17110

Re: Regulation #16A-6915 (IRRC #2638)  
State Board of Social Workers, Marriage/Family Therapists and Professional Counselors  
Biennial Renewal Fees

Dear Chairman DeStefano:

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  
wbj  
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 P. Michael Sturla, Majority Chairman, House Professional Licensure Committee  
Honorable William F. Adolph, Jr., Minority Chairman, House Professional Licensure Committee  
Honorable Pedro A. Cortes, Secretary, Department of State

**State Board of Social Workers, Marriage and Family Therapists and Professional Counselors**  
**Regulation 16A-6915: Biennial Renewal Fees**  
**Proposed Regulation**

**PROPOSAL:** Regulation 16A-6915 is Proposed Regulation which was delivered to the House Professional Licensure Committee on September 19, 2007. The House Professional Licensure Committee has until November 19, 2007 to submit comments on the Proposed Regulation.

Regulation 16A-6915 amends 49 Pa. Code § 47.4, licensure fees to allow for an increase in fees from \$45 to \$75.

**PROPOSED REGULATION ANALYSIS:** Section 47.4 of the Pennsylvania Code would be amended to allow for an increase in biennial renewal fees for licensed social workers, clinical social worker, marriage and family therapists, and professional counselors. The fee would be increased from \$45 to \$75.

The original fees were set in 2002 and were based on the renewal fees for social workers at that time. The renewal fees for licensed social workers have not been increased since 1990 and the renewal fees for a licensed clinical social workers, marriage and family therapists, and professional counselors have not been increased since their inception in 2002.

The Department of State's Office of Revenue and Budget predicts a deficit for this board in the amount of 67, 350.37 in the fiscal year of 2008-2009; 416,350.37 in the fiscal year of 2010-2011 and 2,097,350.37 in the fiscal year 2016-2017.

**RECOMMENDATION:** It is recommended the House Professional Licensure Committee take no formal action until final regulations are promulgated and submit the following comments:

1. The committee requests additional fiscal information explaining the major cost centers where significant increases had occurred in the previous five years.
2. The committee questioned the 17 year lapse since the last biennial fee increase.

House of Representatives  
Professional Licensure Committee  
November 14, 2007



**Comments of the Independent Regulatory Review Commission**

on

**State Board of Social Workers, Marriage/Family Therapists and Professional Counselors Regulation #16A-6915 (IRRC #2638)****Biennial Renewal Fees****November 28, 2007**

We submit for your consideration the following comments on the proposed rulemaking published in the September 29, 2007 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors (Board) to respond to all comments received from us or any other source.

**Section 47.A. Licensure fees. – Reasonableness; Fiscal Impact.**

Commentators assert that the proposed fee increases will financially burden licensees and request that the fee increases be implemented incrementally to alleviate some of that financial strain. We agree that incremental fee increases could lessen the burden on licensees and recommend that the Board consider implementing the commentators' suggestion.

LIST OF PUBLIC COMMENTATORS  
16A-6915 – STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY  
THERAPISTS AND PROFESSIONAL COUNSELORS  
BIENNIAL RENEWAL FEES

Jenna Mehnert, Executive Director  
National Association of Social Workers,  
Pennsylvania Chapter  
2001 North Front Street, Suite 321  
Harrisburg, PA 17102

Joan F. Pollak, President  
Pennsylvania Society for Clinical Social Work  
112 Carol Lane  
Richboro, PA 18954



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

June 2, 2008

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

Re: Final Regulation  
State Board of Social Workers, Marriage and Family Therapists  
and Professional Counselors  
16A-6915: Biennial Renewal Fees

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 Biennial Renewal Fees.

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 DeStefano".

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

MD/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-6915  
 SUBJECT: BIENNIAL RENEWAL FEES  
 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  
 2008 JUN -2 AM 11:26  
 INDEPENDENT REGULATORY  
 REVIEW COMMISSION

**FILING OF REGULATION**

DATE	SIGNATURE	DESIGNATION
6/2/08	<i>[Signature]</i>	HOUSE COMMITTEE ON PROFESSIONAL LICENSURE MAJORITY CHAIRMAN <i>Mike Sturla</i>
6/2/08	<i>[Signature]</i>	SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE MAJORITY CHAIRMAN <i>Babert Tomlinson</i>
6/2/08	<i>[Signature]</i>	INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL (for Final Omitted only)
		LEGISLATIVE REFERENCE BUREAU (for Proposed only)