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Jenna Mehnert, MSW
Executive Director

Chris Rich, LSW, ACSW
President

April 25, 2011

David Green
Board Counsel
Department of State
State Board of Medicine
2601 North Third Street
Harrisburg, PA 17105

Dear Mr. Green,

This purpose of this correspondence is to raise two significant concerns held by the National Association of Social Workers (NASW-PA) with the proposed regulations 16A-4929 to create a license for behavior specialists. NASW-PA supports licensure as a standard for reimbursement from private insurance as a mechanism to ensure quality services are provided. In theory, we do not support the creation of a new class of providers when appropriately licensed mental health professions are already recognized by the Commonwealth and able to serve as behavioral specialists. However, respecting that the will of the General Assembly was to create a new class of providers, NASW-PA is concerned that the current regulations as drafted lack the clarity necessary for a document of such critical importance. NASW-PA is asking the Board of Medicine to voluntarily withdraw these regulations from IRRC to add greater clarification to two sections.

The current regulations do not create clear expectations related to holding the B.S. license for any licensed profession for which providing behavioral specialist services falls within its current scope of practice. It is simply unclear in the regulations whether members of other professions such as social work and psychology are expected to hold this second license to be reimbursed by private insurance. These professions are already able to be licensed, and it is unclear if a duplication of licensing is needed. Additionally, the supporting documentation clarifying the regulations raises some contradictions as well. For instance, question 16 of the regulatory analysis form states, "For example, licensed psychologist and licensed social workers who may provide these types of services and bill for those services under the licensee's license number need not be certified." However, the summary from the Board of Medicine states on page 4 of their comments state, "although licensees such as psychologist and social workers remain authorized to continue practice within the scope of their respective professions, their educational backgrounds also may fulfill a criterion for licensure as a behavioral specialist."

The intent appears clear that a master's level social worker would not need to be licensed as a behavioral specialist to provide all of the traditional services provided by a behavioral specialist. While the intent appears to point in one direction, the language that will be enforced as regulation is anything but clear. The parameters of this new license will serve to create the primary funding stream for services to autistic children in the Commonwealth for decades to come. To that end, clear expectations are critical to serve the best interest of all parties. The suggestion that a profession that is already licensed could earn a second license is problematic. Inclusion of professions that were already licensed made sense when a certification was being created, but now that it is a behavior specialist *license*, the ideal that other professions could earn a license to fulfill a function they are already licensed to do creates too much confusion. There are significant concerns that individuals who are currently licensed will be required by their employers to obtain this new behavioral specialist license unless a clear provision addressing these other professions is included. NASW-PA would recommend that language such as that listed here be included:

18.528: Exemptions

An individual licensed by the Commonwealth as a psychologist, social worker, clinical social worker, professional counselor or marriage and family therapist is authorized to provide the services of and utilize the title of a behavioral specialist as the functions of a behavioral specialist fall within the scope of service of each of the above mentioned licenses.

The second issue of concern relates to the 1,000 hours that must be earned prior to receiving the behavioral specialist license. The regulations as they read today are silent about at what point in time the required hours may begin being accrued. Without clarity, questions arise as to when the clock could start clicking toward earning the required hours. The majority of individuals currently functioning as behavior specialist today are fresh out of graduate school. If an individual must earn 1,000 hours post-masters there will be a significant and negative impact on the workforce supply for this function. However, it supports poor practice and unprofessional standards to assert that hours earned prior to enrollment in a masters' degree program could or even should be clinical in nature. Regulations are the ideal place to create clear expectations that support professional standards. To that end, NASW-PA would suggest that language be included to clarify when hours may start being accrued with modifications to the current language such as:

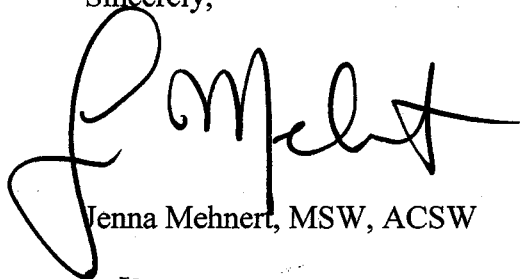
18.524 Criteria for LICENSURE as a behavior specialist

(c) LICENSURE as a behavioral specialist shall have completed at least 1,000 hours of IN-PERSON clinical experience with individuals with behavioral challenges during or upon completion of a related masters degree program or at least 1,000 hours of experience, upon completion of a bachelor's degree program, in a related field with individuals with autism spectrum disorders.

NASW-PA recognizes the significant amount of work that has been invested in the process of developing these regulations by those within state government, and understands that requesting these modifications will frustrate those who wish to have these regulations finalized. However, understanding that the implications of these regulations are not policing a profession, but establishing the infrastructure for reimbursement for services to children with autism it is critical that they be finalized only when every attempt has been made to prevent unintended consequences. It is out of concern for both children living with autism and professionals called to work with these special individuals that NASW-PA respectfully request that the additional time be invested to ensure that these regulations are as clear and comprehensive as possible.

Thank you for the consideration given to this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jenna Mehnert', written in a cursive style.

Jenna Mehnert, MSW, ACSW

cc: Cynthia Montgomery
Fran Cleaver
Stephen DeFrank
Wayne Crawford
Marlene Tremmel
Scott Schalles, IRRC
Brendan Harris, DPW