

# Regulatory Analysis Form

(Completed by Promulgating Agency)



# IRRC

Independent Regulatory Review Commission

## SECTION I: PROFILE

(1) Agency: **Department of State, Bureau of Professional and Occupational Affairs, State Board of Social Workers, Marriage and Family Therapists and Professional Counselors**

(2) Agency Number: **16A**

Identification Number: **6916**

IRRC Number: **2831**

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(3) Short Title:  
**Hours of Supervised Clinical Experience; Licensure by Endorsement**

(4) PA Code Cite:  
**49 Pa. Code §§47.12c, 47.12d, 47.16, 48.17 and 49.18.**

(5) Agency Contacts (List Telephone Number, Address, Fax Number and Email Address):

Primary Contact: **Cynthia Montgomery, Regulatory Counsel, Department of State, 2601 North Third Street, Harrisburg, PA 17105; Phone Number: (717) 783-7200; Fax Number: (717) 787-0251; E-mail address: cymontgome@state.pa.us**

Secondary Contact: **Beth Michlovitz, Counsel, State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, Department of State, 2601 North Third Street, Harrisburg, PA 17105; Phone Number: (717) 783-7200; Fax Number: (717) 787-0251; E-mail address: bmichlovit@state.pa.us**

(6) Primary Contact for Public Comments (List Telephone Number, Address, Fax Number and Email Address) – Complete if different from #5

(All Comments will appear on IRRC'S website)

(7) Type of Rulemaking (check applicable box):

- Proposed Regulation
- Final Regulation
- Final Omitted Regulation
- Emergency Certification Regulation;
  - Certification by the Governor
  - Certification by the Attorney General

## Regulatory Analysis Form

(8) Briefly explain the regulation in clear and nontechnical language. (100 words or less)

**Annex A contains amendments to existing regulations necessary to implement the statutory requirements of the Act of July 9, 2008 (P.L. 929 No. 68) (Act 68). Act 68 added section 10.1 to the Social Workers, Marriage and Family Therapists and Professional Counselors Act (act), (63 P.S. § 1910.1) authorizing endorsement of out of state licensed clinical social workers, marriage and family therapists and professional counselors.**

**Act 68 also reduced the number of hours of supervised clinical experience required as a condition of licensure from 3,600 to 3,000 as a licensed clinical social worker. The amendments to the regulations are necessary to conform to the recent amendments to the act.**

(9) Include a schedule for review of the regulation including: (To be completed once a delivery date is determined.) **To be completed once a delivery date has been established.**

- A. The date by which the agency must receive public comments: **May 24, 2010**
- B. The date or dates on which public meetings or hearings will be held: **The Board considered the comments and developed the final rulemaking at its regularly scheduled meetings.**
- C. The expected date of promulgation of the proposed regulation as a final-form regulation: **Section 4 of Act 68 of 2008 requires the Board to promulgate regulations to implement licensure by endorsement within 3 years of its effective date (or by September 7, 2011), however, the Board's goal is to promulgate them as soon as possible.**
- D. The expected effective date of the final-form regulation: **Upon publication as final-form rulemaking.**
- E. The date by which compliance with the final-form regulation will be required: **Upon publication as final-form rulemaking.**
- F. The date by which required permits, licenses or other approvals must be obtained: **Not applicable.**

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

**Section 6(2) of the Act (63 P.S. §1906(2)) authorizes the Board to adopt, and from time to time, revise, such rules and regulations as may be necessary to carry into effect the provisions of the Act. The Board continually monitors the effectiveness of its regulations as required under Executive Order 1996-1.**

## Regulatory Analysis Form

### SECTION II: STATEMENT OF NEED

(11) State the statutory authority for the regulation. Include specific statutory citation.

**Act 68 added Section 10.1 to the Social Workers, Marriage and Family Therapists and Professional Counselors Act (act) (63 P.S. §1910.1) to authorize licensure by endorsement for clinical social workers, marriage and family therapists and professional counselors. Section 4 of Act 68 directs the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors (Board) to promulgate regulations to implement the addition of Section 10.1 to the Act within 3 years of the effective date of Act 68.**

**The effective date of Act 68 was September 7, 2008.**

**Act 68 also amended section 7(d) of the Act, 63 P.S. § 1907(d) to reduce the number of hours of supervised clinical experience required as a condition of licensure as a licensed clinical social worker from 3,600 to 3,000. This rulemaking is required to conform the existing regulations with this amendment to the Act.**

(12) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

**Yes, the regulation is mandated by state law. Section 4 of Act 68 directs the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors (Board) to promulgate regulations to implement the addition of Section 10.1 to the Act within 3 years of the effective date of Act 68.**

**Section 1.1 of Act 68 amended section 7(d) of the Act, 63 P.S. § 1907(d), to reduce the number of hours of supervised clinical experience required as a condition of licensure as a licensed clinical social worker from 3,600 to 3,000. This rulemaking is required to conform the existing regulations with this amendment to the Act.**

**Act 68 also added section 10.1 to the Social Workers, Marriage and Family Therapists and Professional Counselors Act (Act) (63 P.S. §§1910.1) to authorize licensure by endorsement of clinical social workers, marriage and family therapists and professional counselors licensed by other states.**

## Regulatory Analysis Form

(13) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

**The rulemaking is necessary to implement licensure by endorsement for clinical social workers, marriage and family therapists and professional counselors, as required by the General Assembly under Act 68. The regulation will provide notice to applicants of the requirements for licensure by endorsement.**

**Clinical social workers, marriage and family therapists and professional counselors licensed by other states and who are seeking Pennsylvania licensure by endorsement will benefit from the rulemaking which sets forth the specific requirements for licensure by endorsement.**

**Commonwealth residents seeking the services of clinical social workers, marriage and family therapists and professional counselors will benefit by having available a greater number of qualified licensees to provide services.**

**The Board has no way of being able to quantify the number of people in the general public that will benefit from the regulation; however, the Department anticipates that on an annual basis approximately 100 potential applicants will benefit by having this new form of licensure available to them.**

**The rulemaking is also necessary to amend existing regulations to conform with recent amendments to the Act reducing the hours of clinical social work required as a condition of licensure as a licensed clinical social worker.**

(14) If scientific data, studies, references are used to justify this regulation, please submit material with the regulatory package. Please provide full citation and/or links to internet source.

N/A

(15) Describe who and how many will be adversely affected by the regulation. How are they affected?

**It is not anticipated that anyone will be adversely affected by the regulation. Failure to amend promptly the existing regulations relating to reducing the hours of clinical social work required as a condition of licensure as a clinical social worker, however, may lead to confusion among the regulated community because the regulations do not comport with the Act.**

## Regulatory Analysis Form

(16) 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.

**Applicants seeking a license as a licensed clinical social worker will be required to complete the number of hours of supervised clinical experience as a condition of licensure. The Board estimates that it receives an average of 300 applications each year from applicants seeking licensure as licensed clinical social workers.**

**Applicants for licensure by endorsement will be required to comply with the regulation. The Board estimates that 100 applicants will seek licensure by endorsement as clinical social workers, marriage and family therapists and professional counselors each year after the regulations are published.**

### **SECTION III: COST AND IMPACT ANALYSIS**

(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. Explain how the dollar estimates were derived.

**Applicants for licensure by endorsement will pay an application fee required by Section 2 of Act 68. The application fee for licensure by endorsement will be \$45, the fee published in 49 Pa. Code § 47.4 (relating to licensure fees) for applicants seeking licensure as a licensed social worker, clinical social worker, marriage and family therapist or professional counselor. No other legal, accounting or consulting procedures are expected.**

(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. Explain how the dollar estimates were derived.

**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. Explain how the dollar estimates were derived.

**The proposed regulations will have no fiscal impact on the Commonwealth or its political subdivisions because the costs associated with processing applications for licensure by endorsement will be born by the applicants. The current application fee for licensed social workers, clinical social workers, marriage and family therapists and professional counselors is \$45.**

## 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						
<b>Total Savings</b>						
<b>COSTS:</b>						
Regulated Community	\$0	\$4,500	\$4,500	\$4,500	\$4,500	\$4,500
Local Government						
State Government						
<b>Total Costs</b>	\$0	\$4,500	\$4,500	\$4,500	\$4,500	\$4,500
<b>REVENUE LOSSES:</b>	N/A	N/A	N/A	N/A	N/A	N/A
Regulated Community						
Local Government						
State Government						
<b>Total Revenue Losses</b>						

(20a) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3 07-08	FY -2 08-09	FY -1 09-10	Current FY 10-11
State Board of Social Workers, Marriage and Family Therapists and Professional Counselors	\$634,832	\$745,052	\$777,000	\$800,000

(21) Explain how the benefits of the regulation outweigh any cost and adverse effects.

**The benefit of making licensure by endorsement available as a means of obtaining licensure outweighs the minimal costs of processing applications.**

## Regulatory Analysis Form

(22) Describe the communications with and input from the public and any advisory council/group in the development and drafting of the regulation. List the specific persons and/or groups who were involved.

**On July 30, 2008, representatives of the Board met with representatives of the National Association of Social Workers – PA Chapter to discuss plans for the implementation of Act 68. In addition, the Board discussed the rulemaking in open session at a meeting on September 22, 2008; February 10, 2009; March 10, 2009; July 13, 2010 and November 9, 2010 at which time members of various stakeholder groups and other interested parties were present.**

(23) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

**An early version of the proposed rulemaking did not provide for the “grace period” included in § 47.12c(c). The Board determined that it would be more equitable to continue to credit up to 1,800 hours for those applicants who were already pursuing their licensed clinical practice under existing regulations. Because applicants often have to pay for supervision, the revision was sought in order to permit them the “value” of those hours of supervision already paid for. Therefore, the Board believes the least burdensome acceptable alternative has been selected.**

**The proposed rulemaking would have decreased the amount of supervised clinical experience credited during 1 year from 1,800 hours to 1,500 hours. However, upon consideration of comments received from NASW-PA and IRRC, the Board amended the final rulemaking to continue to accept up to 1,800 hours per year. This change made the “grace period” superfluous, so it was deleted in its entirety.**

(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 regulations.

**There are no federal licensure standards.**

## Regulatory Analysis Form

(25) How does this regulation compare with those of other states? How will this affect Pennsylvania's ability to compete with other states?

**The regulation will not put Pennsylvania at a competitive disadvantage. A review of the law and regulations of the states surrounding Pennsylvania has indicated the following with regard to licensure by endorsement:**

**Delaware – Does not have licensure by endorsement, only by examination and by reciprocity.**

**Maryland – Provides for licensure by endorsement for those persons licensed in other jurisdictions who have passed the national examination.**

**New Jersey – Provides for licensure by endorsement for persons licensed in other jurisdictions who have passed a similar examination.**

**New York – Only allows for licensure by examination.**

**Ohio – Allows licensure by endorsement for those individuals who have passed a national examination.**

**West Virginia – Provides for licensure by examination only.**

**Virginia – Provides for licensure by endorsement for those individuals who have passed a national examination.**

(26) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

**No.**

(27) Submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

**The proposed rulemaking will require the Board to develop forms for licensure by endorsement; however, the proposed rulemaking will not change existing reporting recordkeeping or other paperwork requirements for the regulated community. The application form will be developed once the Board has drafted the final-form rulemaking.**

(28) 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 not identified any specific groups that need to be accommodated by special provisions.**



FACE SHEET  
FOR FILING DOCUMENTS  
WITH THE LEGISLATIVE REFERENCE BUREAU

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(Pursuant to Commonwealth Documents Law)

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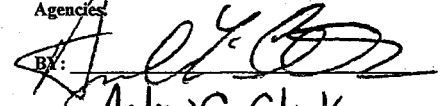
Copy below is hereby approved as to form and legality. Attorney General

Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by:

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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

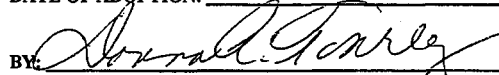
DOCUMENT/FISCAL NOTE NO. 16A-6916

JUN - 2 2011

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

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

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

BY:   
Donna A. Tonrey, LMFT

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, 48 AND 49  
§§ 47.12c, 47.12d, 47.16, 48.17 AND 49.18

LICENSURE BY ENDORSEMENT; HOURS OF SUPERVISED  
CLINICAL EXPERIENCE

The State Board of Social Workers, Marriage and Family Therapists and Professional Counselors (Board) hereby amends §§ 47.12c and 47.12d (relating to licensed clinical social worker; and standards for supervisors) and adopts §§ 47.16, 48.17 and 49.18 (relating to licensure by endorsement), to read as set forth in Annex A.

### **Statutory authority**

The act of July 9, 2008 (P.L. 929, No. 68) (Act 68) amended section 7(d) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act (act), 63 P.S. § 1907(d) to reduce the number of hours of supervised clinical experience required as a condition of licensure as a licensed clinical social worker from 3,600 to 3,000. Act 68 also added section 10.1 to the act, 63 P.S. § 1910.1, to establish licensure by endorsement for clinical social workers, marriage and family therapists and professional counselors. Section 4 of Act 68 directs the Board to promulgate regulations to implement the addition of section 10.1 of the act within 3 years of the effective date of the act. The effective date of the act was September 7, 2008. Section 6(2) of the act, 63 P.S. § 1906(2), authorizes the Board to adopt and, from time to time, revise such rules and regulations as may be necessary to carry into effect the provisions of the act.

### **Background and Purpose**

The amendments are required to implement licensure by endorsement for clinical social workers, marriage and family therapists and professional counselors as required by section 10.1 of the act and to amend existing regulations to conform to the recent amendments to the act reducing the number of hours of supervised clinical experience required as a condition of licensure as a licensed clinical social worker from 3,600 to 3,000.

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

The Board published a notice of proposed rulemaking in the Pennsylvania Bulletin on April 24, 2010, for thirty days of public comment. See, 40 Pa.B. 2131. On April 26, 2010, the Board received public comment from the Pennsylvania Chapter of the National Association of Social Workers (NASW-PA). NASW-PA objected to the proposal in §47.12c(b)(2) (relating to licensed clinical social worker) to reduce the number of hours of supervised clinical experience an applicant may earn during a 12-month period from 1,800 to 1,500 hours. The Board had intended by this proposal to continue the existing regulatory scheme, whereby the required hours of supervised clinical experience must be completed in no less than 2 years, with half of the hours completed in one year and the remaining half completed in the second year. The Board recognized that many candidates for licensure are currently pursuing the required supervised clinical experience, and as such, proposed to amend subsection (c) to accept up to 1,800 hours in a given 12-month period that was completed prior to the effective date of these regulations so that no one would be adversely affected by the change mid-

stream. However, in response to the NASW-PA's comment, the Board agrees that the reduction in the maximum hours completed in any given 12-month period is not necessary to effectuate the overall statutory reduction to 3,000 total hours, and has amended the final rulemaking to continue to accept a maximum of 1,800 hours completed during a given year, with the understanding that the total of 3,000 hours must be completed in no less than 2 years in accordance with § 47.12c(b)(9).

The House Professional Licensure Committee (HPLC) submitted only one comment questioning the lack of consistency with reference to the use of "state" and "jurisdiction" in §§ 47.16, 48.17 and 49.18 (relating to licensure by endorsement). The HPLC also asked if the use of the word "state" includes a U.S. territory, possession or the District of Columbia. Section 1991 of the Statutory Construction Act (1 Pa.C.S.A. § 1991) provides that the word "state," "[w]hen used in reference to the different parts of the United States, includes the District of Columbia and the several territories of the United States." To address the inconsistency pointed out by the HPLC, the Board has amended all three sections to eliminate the use of the term "jurisdiction" in favor of "state" because that is the term used in Act 68, and defined in the Statutory Construction Act.

Finally, the Independent Regulatory Review Commission (IRRC) submitted three comments for the Board's consideration. First, IRRC pointed out that deleting the phrase "3 years or" from § 47.12c (a)(5) would be inconsistent with the statute. IRRC suggested that the Board retain this phrase, and provide in the regulation what is considered to be 3 years of experience acceptable to the Board to qualify the applicant for licensure. The Board's intent in eliminating the phrase "3 years or" was to avoid absurd interpretations by applicants who claim that they have completed 3 years of supervised clinical experience and therefore have met the statutory requirements for licensure, when the applicant could demonstrate significantly less than 3,600 hours over the 3-year period. Taken to its extreme, an applicant could argue that they did 1 hour of supervised clinical experience each year for 3 years and should, therefore, qualify for licensure under the statute. Standards for obtaining licensure should not be open to such absurd interpretations. Section 1922 of the Statutory Construction Act (1 Pa.C.S.A. § 1922) provides that "the General Assembly does not intend a result that is absurd...or unreasonable." In addition, it could not possibly have been the legislative intent to require similarly situated applicants to complete vastly differing amounts of supervised clinical experience. A majority of states that license clinical social workers requires at least 3,000 hours of supervised clinical experience as a prerequisite to licensure. That is why an applicant for licensure by endorsement is also required to have completed at least 3,000 hours of supervised clinical experience. For these reasons, the Board sought to clarify the legislative intent by eliminating from its regulations the phrase "3 years or" which has caused significant confusion for many years. However, in response to IRRC's comment, the Board has retained the phrase, and as suggested has added a sentence clarifying that "3 years of supervised clinical experience" means three 12-month periods during each of which the applicant has completed at least 1,000 hours of supervised clinical experience meeting the requirements of § 47.12c(b).

IRRC also asked for an explanation of the need to amend the limit on the number of hours that can be counted in a 12-month period from 1,800 to 1,500. As already discussed, the Board has reconsidered its position in response to the comments by NASW-PA and IRRC and has amended the final rulemaking to retain the 1,800 hour limit. Finally, like the HPLC, IRRC asked the Board to clarify its use of the word “state” and “jurisdiction” in the final rulemaking. As noted, the Board has amended the final rulemaking to eliminate the use of the term “jurisdiction” in favor of the statutory term, “state.”

### **Description of Amendments to the Final Rulemaking**

Section 47.12c(a) is being amended to retain the requirement that an applicant for licensure as a licensed clinical social worker complete at least “3 years or” 3,000 hours of supervised clinical experience. The Board has added a sentence defining what is meant by “3 years of supervised clinical experience” as three 12-month periods during each of which the applicant has completed at least 1,000 hours of supervised clinical experience meeting the requirements of subsection (b).

Section 47.12c(b)(9) is amended to retain the upper limit of 1,800 hours of supervised clinical experience that may be credited in any 12-month period. As a result, the proposed amendment to subsection (c) is unnecessary and subsection (c) is now being deleted in its entirety.

Sections 47.16(4), 48.17(3) and 49.18(3) (relating to licensure by endorsement) are being amended to eliminate the use of the term “jurisdiction” in favor of the statutory term “state,” which the Board interprets as defined in section 1991 of the Statutory Construction Act to include the District of Columbia and the U.S territories.

### **Fiscal impact and Paperwork Requirements**

The proposed regulation will require the Board to create new application forms for licensure by endorsement; however, the proposed regulation should not create additional paperwork for the private sector with the exception of those individuals who apply for licensure by endorsement. The proposal should not result in any additional legal, accounting or reporting requirements for the Commonwealth or the regulated community.

### **Sunset Date**

The Board continuously monitors the effectiveness of its regulations 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 April 8, 2010, the Board submitted a copy of the notice of proposed rulemaking, published at 40

Pa.B. 2131 (April 24, 2010), to the House Professional Licensure Committee (HPLC), the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) and the Independent Regulatory Review Commission (IRRC) for review and comment.

In compliance with 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 regulation, the Board has considered the comments received 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)), this final-form regulation was approved by the HPLC on \_\_\_\_\_, 201\_\_ and deemed approved by SCP/PLC on \_\_\_\_\_, 201\_\_. Under section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)), the final regulation was approved by IRRC on \_\_\_\_\_, 201\_\_.

### **Contact Person**

Further information may be obtained by contacting Beth Michlovitz, Counsel, State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, P.O. Box 2649, Harrisburg, PA 17105-2649.

### **Findings**

The State Board of Social Workers, Marriage and Family Therapists and Professional Counselors finds that:

(1) Public notice of proposed rulemaking was given under sections 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 the final form rulemaking do not enlarge the purpose of proposed rulemaking published at 40 Pa.B. 2131.

(4) This final-form rulemaking is necessary and appropriate for administering and enforcing the authorizing act identified this Preamble.

### **Order**

The State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, acting under its authorizing statutes, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapters 47, 48 and 49, are amended 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*.

Donna A. Tonrey, LMFT  
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

\* \* \* \* \*

LICENSURE

§ 47.12c. Licensed clinical social worker.

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

\* \* \* \* \*

(5) Completed at least {3 years or [3,600] 3,000 hours of supervised clinical experience meeting the criteria in subsection (b) after completion of the master's degree in social work. FOR PURPOSES OF THIS PARAGRAPH, "3 YEARS OF SUPERVISED CLINICAL EXPERIENCE" MEANS THREE 12-MONTH PERIODS DURING EACH OF WHICH THE APPLICANT HAS COMPLETED AT LEAST 1,000 HOURS OF SUPERVISED CLINICAL EXPERIENCE MEETING THE REQUIREMENTS OF SUBSECTION (B). Supervision for the clinical experience shall be provided by a supervisor as defined in §§ 47.1 and 47.1a (relating to definitions; and qualifications for supervisors).

(b) *Supervised clinical experience.* Experience acceptable to the Board means experience as a supervisee in a setting that is organized to prepare the applicant for the practice of clinical social work consistent with the applicant's education and training[.], and conforms to the following:

\* \* \* \* \*

(2) Supervision for the clinical experience shall be provided by a supervisor as defined in §§ 47.1 and 47.1a. However, [1,800] at least 1,500 hours shall be supervised by a supervisor meeting the qualifications in § 47.1a(1) and (3).

\* \* \* \* \*

(9) The supervised clinical experience shall be completed in no less than 2 years and no more than 6 years, except that [no less than 600] at least 500 hours and no more than [1,800] 1,500 hours may be credited in any 12-month period.

~~(e)~~—[ *Supervised clinical experience obtained within 5 years prior to March 2, 2002.*

(1) For hours of supervised clinical experience obtained within 5 years prior to March 2, 2002, the applicant shall present evidence of having acquired at least one-half of those hours under the supervision of a clinical social worker. The applicant shall also have acquired hours of supervision at a ratio of 2 hours of supervision per 40 hours of supervised clinical experience, one-half of which may be in group supervision and at least one-half of which shall be provided by a clinical social worker.

(2) Supervised clinical experience obtained under this subsection is not subject to § 47.12d (relating to standards for supervisors).] ~~Supervised clinical experience obtained within any 12-month period prior to \_\_\_\_\_~~ *(Editor's Note: The blank refers to effective date of adoption of this proposed rulemaking).* ~~An applicant having~~



~~completed more than 1,500 hours, but not more than 1,800 hours, of supervised clinical experience in a 12 month period prior to \_\_\_\_\_ (Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking), will be given credit for up to 1,800 hours of supervised clinical experience actually completed during that 12 month period.~~

\* \* \* \* \*

**§ 47.12d. Standards for supervisors.**

Supervisors, and those to whom supervisory responsibilities are delegated, under § 47.12c(a)(5) (relating to licensed clinical social worker) shall comply with the standards in this section. Supervisors will be asked to attest to compliance on the verification of experience form which shall accompany the supervisee's application for licensure. The Board reserves the right to require a supervisor by documentation or otherwise to establish to the Board's satisfaction that compliance occurred.

\* \* \* \* \*

(6) The supervisor shall be empowered to recommend the interruption or termination of the supervisee's activities in providing services to a client/patient and, if necessary, to terminate the supervisory relationship. Any hours accumulated for activities not approved by the supervisor will not count toward satisfying the [3,600] 3,000 hours of supervised experience.

\* \* \* \* \*

**§ 47.16. Licensure by endorsement.**

To be issued a license by endorsement without examination as a licensed clinical 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) Holds a master's degree in social work or social welfare or a doctoral degree in social work from a school accredited by the Council on Social Work Education. 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, that is, as meeting the requirements of having earned a master's degree in social work or social welfare from an accredited school.

(3) Passed a clinical social work examination acceptable to the Board. The Board will accept an applicant's examination grades taken in another jurisdiction, as furnished through the professional examination reporting service or from the jurisdiction that administered the examination. The applicant shall demonstrate that the examination taken in the other jurisdiction is similar to the one offered by the Commonwealth, and that the applicant passed the examination with a grade at least equal to the passing grade set by the Commonwealth.

(4) Holds a clinical social work license that is in good standing from another state. The applicant shall provide a letter from the other jurisdiction's STATE'S

licensing authority where the clinical social worker is licensed certifying licensure and reporting any disciplinary history.

(5) Demonstrates to the Board's satisfaction that the applicant has completed a minimum of 3,000 hours of supervised clinical experience that conforms to the requirements of the state in which the applicant is currently licensed.

\* \* \* \* \*

**CHAPTER 48. STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND  
FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS – LICENSURE  
OF MARRIAGE AND FAMILY THERAPISTS**

\* \* \* \* \*

**LICENSURE**

\* \* \* \* \*

**§ 48.17. Licensure by endorsement.**

To be issued a license by endorsement without examination as a marriage and family therapist, 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 § 48.12 (relating to general qualifications for licensure).

(2) Satisfied the educational requirements in section 7(e)(2) of the act (63 P.S. § 1907(e)(2)) and § 48.13(a)(3) (relating to licensed MFT).

(3)  Holds a marriage and family therapy license that is in good standing from another state. The applicant shall provide a letter from the other jurisdiction's STATE'S licensing authority where the marriage and family therapist is licensed certifying licensure and reporting any disciplinary history.

(4)  Demonstrates to the Board's satisfaction that the applicant has completed a minimum of 3,000 hours of supervised clinical experience that conforms to the licensure requirements of the state in which the applicant is currently licensed.

(5)  Demonstrates to the Board's satisfaction that the applicant has, at a minimum, been actively engaged in the practice of marriage and family therapy for 5 of the last 7 years immediately preceding the filing of the application for licensure by endorsement with the Board.

\* \* \* \* \*

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

\* \* \* \* \*

**LICENSE**

\* \* \* \* \*

**§ 49.18. Licensure by endorsement.**

To be issued a license by endorsement without examination as a professional counselor, 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 § 49.12 (relating to general qualifications for licensure).

(2) Satisfied the educational requirements in section 7(f)(2) of the act (63 P.S. § 1907(f)(2)) and § 49.13(a)(3) (relating to licensed professional counselor).

(3) Holds a professional counselor license that is in good standing from another state. The applicant shall provide a letter from the other jurisdiction's STATE'S licensing authority where the professional counselor is licensed certifying licensure and reporting any disciplinary history.

(4) Demonstrates to the Board's satisfaction that the applicant has completed a minimum of 3,000 hours of supervised clinical experience that conforms to the requirements of the state in which the applicant is currently licensed.

(5) Demonstrates to the Board's satisfaction that the applicant has, at a minimum, been actively engaged in the practice of professional counseling for 5 of the last 7 years immediately preceding the filing of the application for licensure by endorsement with the Board.

\* \* \* \* \*

necessary during delivery of the therapy, actual delivery of the laser therapy, and necessary setup of the laser therapy unit.

(vii) Performing other therapeutic modalities classifiable as adjunctive procedures to include provision of the supervision or constant attendance necessary during delivery of the therapy, actual application of the therapy when required, and necessary setup of the laser therapy unit.

(d) Performing the activities or duties identified in this subsection requires formal education or training in the practice of chiropractic or the knowledge and skill of a licensed chiropractor.

(1) A chiropractor may not delegate the following activities or duties to unlicensed supportive personnel:

- (i) Performing chiropractic adjustment or manipulation.
- (ii) Evaluating or managing a treatment plan.
- (iii) Discharging a patient.
- (iv) Ordering x-rays or other diagnostic tests.
- (v) Interpreting x-rays or other diagnostic tests.
- (vi) Referring a patient to another practitioner.
- (vii) Performing venipuncture.

(2) A chiropractor may not delegate the following adjunctive procedure activities or duties to unlicensed supportive personnel: placing needle electrodes.

(e) Unlicensed supportive personnel may assist a licensed chiropractor by performing an activity or duty not identified in subsection (b) or (c) if the activity or duty does not require formal education or training in the practice of chiropractic or the knowledge and skill of a licensed chiropractor and the unlicensed supportive personnel act in accordance with the other requirements of this section. A chiropractor may not delegate to unlicensed supportive personnel any activity or duty not identified in subsection (b) or (c) if the activity or duty requires formal education or training in the practice of chiropractic or the knowledge and skill of a licensed chiropractor.

(f) An unlicensed supportive person may perform an activity or duty delegated by a chiropractor under this section only while the chiropractor supervising the unlicensed supportive person is physically present on the premises and able to intervene whenever necessary.

(g) A chiropractor may not permit an unlicensed supportive person to perform any activity that the supportive person is not qualified by training, education or experience to perform.

(h) The licensed chiropractor shall make the diagnosis and evaluation, specify the treatment regimen, and perform any aspects of the procedures that may not be delegated to unlicensed supportive personnel.

[Pa.B. Doc. No. 10-719. Filed for public inspection April 23, 2010, 9:00 a.m.]

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

[ 49 PA. CODE CHS. 47, 48 AND 49 ]

## Licensure by Endorsement; Hours of Supervised Clinical Experience

The State Board of Social Workers, Marriage and Family Therapists and Professional Counselors (Board) proposes to amend §§ 47.12c and 47.12d (relating to licensed clinical social worker; and standards for supervisors) and to adopt §§ 47.16, 48.17 and 49.18 (relating to licensure by endorsement), to read as set forth in Annex A.

### *Statutory authority*

The act of July 9, 2008 (P.L. 929, No. 68) (Act 68) amended section 7(d) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act (act), 63 P.S. § 1907(d) to reduce the number of hours of supervised clinical experience required as a condition of licensure as a licensed clinical social worker from 3,600 to 3,000. Act 68 also added section 10.1 to the act (63 P.S. § 1910.1), to establish licensure by endorsement for clinical social workers, marriage and family therapists and professional counselors. Section 4 of Act 68 directs the Board to promulgate regulations to implement the addition of section 10.1 of the act within 3 years of the effective date of the act. The effective date of the act was September 7, 2008. Section 6(2) of the act, (63 P.S. § 1906(2)), authorizes the Board to adopt and, from time to time, revise rules and regulations as may be necessary to carry into effect the provisions of the act.

### *Background and Purpose*

The amendments are required to implement licensure by endorsement for clinical social workers, marriage and family therapists and professional counselors as required under section 10.1 of the act and to amend existing regulations to conform to the recent amendments to the act relating to the number of hours of supervised clinical experience required as a condition of licensure as a licensed clinical social worker.

### *Description of the Amendments*

#### *Hours of Supervised Clinical Experience*

The Board proposes to amend § 47.12c(a) to reduce the number of hours of supervised clinical experience from 3,600 to 3,000 hours to conform to the recent amendment to the act. In addition, subsection (b)(2) is proposed to be amended to reduce the number of hours that must be supervised by a licensed clinical social worker or, if the supervision occurred prior to January 1, 2006, by a licensed social worker who practiced as a clinical social worker, from 1,800 hours to no less than 1,500 hours (half of the required hours). Subsection (b)(9) also proportionally reduces the number of hours so that no less than 500 hours and no more than 1,500 may be credited in any 12-month period. These amendments continue the current regulatory scheme, while implementing the reduction in the total number of hours of supervised clinical experience from 3,600 to 3,000 as mandated by the amendment

to the act. The Board also proposes to amend subsection (c) to provide for consideration of those applicants that have already completed more than 1,500 hours of supervised clinical experience within a 12-month period prior to the effective date of these regulations in final form. For those applicants, the Board will credit up to 1,800 hours. This will ensure there will be no adverse impact upon the applicant or loss of credit hours for those hours already completed in compliance with the existing regulations.

Section 47.12d was likewise amended to reflect the decrease from 3,600 to 3,000 of supervised experience.

#### *Licensure by Endorsement*

The Board proposes to adopt § 47.16 to set forth requirements for licensure by endorsement for clinical social workers. To qualify for licensure by endorsement, a clinical social worker shall: (1) satisfy the general requirements for licensure; (2) hold a master's degree in social work or social welfare or a doctoral degree in social work from an accredited school of social work; (3) have passed a clinical social work examination acceptable to the Board; (4) hold a clinical social work license that is in good standing from another state; and (5) have completed a minimum of 3,000 hours of supervised clinical experience that conforms to the requirements of the state in which the applicant is licensed.

Section 48.17 would set forth similar requirements for licensure by endorsement of marriage and family therapists. To qualify for licensure by endorsement, a marriage and family therapist shall: (1) satisfy the general requirements for licensure; (2) meet the educational requirements set forth in the act and regulations; (3) hold a marriage and family therapy license in good standing from another state; (4) have completed a minimum of 3,000 hours of supervised clinical experience that conforms to the requirements of the state in which the applicant is licensed; and (5) have been actively engaged in the practice of marriage and family therapy for 5 of the last 7 years immediately preceding the filing of the application for licensure by endorsement.

Finally, § 49.18 would set forth the requirements for licensure by endorsement for professional counselors. To qualify for licensure by endorsement, a professional counselor shall: (1) satisfy the general requirement for licensure; (2) meet the educational requirements set forth in the act and regulations; (3) hold a professional counselor license in good standing from another state; (4) have completed a minimum of 3,000 hours of supervised clinical experience that conforms to the requirements of the state in which the applicant is licensed; and (5) have been engaged in the practice of professional counseling for 5 of the last 7 years immediately preceding the filing of the application for licensure by endorsement.

#### *Fiscal impact and Paperwork Requirements*

The proposed amendments will require the Board to create new application forms for licensure by endorsement; however, the proposed amendments should not create additional paperwork for the private sector with the exception of those individuals who apply for licensure by endorsement. The proposed amendments should not result in any additional legal, accounting or reporting requirements for the Commonwealth or the regulated community.

#### *Sunset Date*

The Board continuously monitors the effectiveness of its regulations 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 April 8, 2010, the Board submitted a copy of these proposed amendments and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to 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. 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 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 these proposed amendments to Cynthia K. Montgomery, Regulatory 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*. Use reference No. 16A-6916, Licensure by Endorsement; House of Supervised Clinical Experience, when submitting comments.

DONNA A. TONREY, LMFT,  
*Chairperson*

**Fiscal Note:** 16A-6916. 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**

#### **LICENSURE**

#### **§ 47.12c. Licensed clinical social worker.**

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

\* \* \* \* \*

(5) Completed at least [ **3 years or 3,600** ] **3,000** hours of supervised clinical experience meeting the criteria in subsection (b) after completion of the master's degree in social work. Supervision for the clinical experience shall be provided by a supervisor as defined in §§ 47.1 and 47.1a (relating to definitions; and qualifications for supervisors).

(b) *Supervised clinical experience.* Experience acceptable to the Board means experience as a supervisee in a setting that is organized to prepare the applicant for the

practice of clinical social work consistent with the applicant's education and training [ . ], and conforms to the following:

\* \* \* \* \*

(2) Supervision for the clinical experience shall be provided by a supervisor as defined in §§ 47.1 and 47.1a. However, [ 1,800 ] at least 1,500 hours shall be supervised by a supervisor meeting the qualifications in § 47.1a(1) and (3).

\* \* \* \* \*

(9) The supervised clinical experience shall be completed in no less than 2 years and no more than 6 years, except that [ no less than 600 ] at least 500 hours and no more than [ 1,800 ] 1,500 hours may be credited in any 12-month period.

(c) [ Supervised clinical experience obtained within 5 years prior to March 2, 2002.

(1) For hours of supervised clinical experience obtained within 5 years prior to March 2, 2002, the applicant shall present evidence of having acquired at least one-half of those hours under the supervision of a clinical social worker. The applicant shall also have acquired hours of supervision at a ratio of 2 hours of supervision per 40 hours of supervised clinical experience, one-half of which may be in group supervision and at least one-half of which shall be provided by a clinical social worker.

(2) Supervised clinical experience obtained under this subsection is not subject to § 47.12d (relating to standards for supervisors). ] Supervised clinical experience obtained within any 12-month period prior to \_\_\_\_\_ (Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.). An applicant having completed more than 1,500 hours, but not more than 1,800 hours, of supervised clinical experience in a 12-month period prior to \_\_\_\_\_ (Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.), will be given credit for up to 1,800 hours of supervised clinical experience actually completed during that 12-month period.

§ 47.12d. Standards for supervisors.

Supervisors, and those to whom supervisory responsibilities are delegated, under § 47.12c(a)(5) (relating to licensed clinical social worker) shall comply with the standards in this section. Supervisors will be asked to attest to compliance on the verification of experience form which shall accompany the supervisee's application for licensure. The Board reserves the right to require a supervisor by documentation or otherwise to establish to the Board's satisfaction that compliance occurred.

\* \* \* \* \*

(6) The supervisor shall be empowered to recommend the interruption or termination of the supervisee's activities in providing services to a client/patient and, if necessary, to terminate the supervisory relationship. Any hours accumulated for activities not approved by the supervisor will not count toward satisfying the [ 3,600 ] 3,000 hours of supervised experience.

\* \* \* \* \*

(Editor's Note: The following text is new and has been printed in regular print to enhance readability.)

§ 47.16. Licensure by endorsement.

To be issued a license by endorsement without examination as a licensed clinical 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) Holds a master's degree in social work or social welfare or a doctoral degree in social work from a school accredited by the Council on Social Work Education. 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, that is, as meeting the requirements of having earned a master's degree in social work or social welfare from an accredited school.

(3) Passed a clinical social work examination acceptable to the Board. The Board will accept an applicant's examination grades taken in another jurisdiction, as furnished through the professional examination reporting service or from the jurisdiction that administered the examination. The applicant shall demonstrate that the examination taken in the other jurisdiction is similar to the one offered by the Commonwealth, and that the applicant passed the examination with a grade at least equal to the passing grade set by the Commonwealth.

(4) Holds a clinical social work license that is in good standing from another state. The applicant shall provide a letter from the other jurisdiction's licensing authority where the clinical social worker is licensed certifying licensure and reporting any disciplinary history.

(5) Demonstrates to the Board's satisfaction that the applicant has completed a minimum of 3,000 hours of supervised clinical experience that conforms to the requirements of the state in which the applicant is currently licensed.

CHAPTER 48. STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS—LICENSURE OF MARRIAGE AND FAMILY THERAPISTS

LICENSURE

§ 48.17. Licensure by endorsement.

To be issued a license by endorsement without examination as a marriage and family therapist, 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 § 48.12 (relating to general qualifications for licensure).

(2) Satisfied the educational requirements in section 7(e)(2) of the act (63 P. S. § 1907(e)(2)) and § 48.13(a)(3) (relating to licensed MFT).

(3) Holds a marriage and family therapy license that is in good standing from another state. The applicant shall provide a letter from the other jurisdiction's licensing authority where the marriage and family therapist is licensed certifying licensure and reporting any disciplinary history.

(4) Demonstrates to the Board's satisfaction that the applicant has completed a minimum of 3,000 hours of supervised clinical experience that conforms to the licensure requirements of the state in which the applicant is currently licensed.



(5) Demonstrates to the Board's satisfaction that the applicant has, at a minimum, been actively engaged in the practice of marriage and family therapy for 5 of the last 7 years immediately preceding the filing of the application for licensure by endorsement with the Board.

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

**LICENSE**

**§ 49.18. Licensure by endorsement.**

To be issued a license by endorsement without examination as a professional counselor, 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 § 49.12 (relating to general qualifications for licensure).

(2) Satisfied the educational requirements in section 7(f)(2) of the act (63 P. S. § 1907(f)(2)) and § 49.13(a)(3) (relating to licensed professional counselor).

(3) Holds a professional counselor license that is in good standing from another state. The applicant shall provide a letter from the other jurisdiction's licensing authority where the professional counselor is licensed certifying licensure and reporting any disciplinary history.

(4) Demonstrates to the Board's satisfaction that the applicant has completed a minimum of 3,000 hours of supervised clinical experience that conforms to the requirements of the state in which the applicant is currently licensed.

(5) Demonstrates to the Board's satisfaction that the applicant has, at a minimum, been actively engaged in the practice of professional counseling for 5 of the last 7 years immediately preceding the filing of the application for licensure by endorsement with the Board.

[Pa.B. Doc. No. 10-720. Filed for public inspection April 23, 2010, 9:00 a.m.]

SENATE AMENDED  
PRIOR PRINTER'S NOS. 2320, 2665

PRINTER'S NO. 3393

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1693 Session of 2007

INTRODUCED BY GERGELY, CALTAGIRONE, CAPPELLI, FRANKEL, GOODMAN,  
JOSEPHS, KORTZ, KULA, LONGIETTI, MAHONEY, MCGEEHAN, READSHAW,  
SHIMKUS, SOLOBAY, YOUNGBLOOD, SIPTROTH AND SEIP,  
JULY 13, 2007

SENATOR TOMLINSON, CONSUMER PROTECTION AND PROFESSIONAL  
LICENSURE, IN SENATE, AS AMENDED, MARCH 11, 2008  
AN ACT

1 Amending the act of July 9, 1987 (P.L.220, No.39), entitled "An  
2 act licensing and regulating the practice of social work;  
3 providing penalties; and making an appropriation," further  
4 defining "practice of social work"; defining "social worker";  
5 FURTHER PROVIDING FOR QUALIFICATIONS FOR LICENSE; providing <--  
6 for endorsement of out-of-State licenses; and further  
7 proscribing unlawful practice.

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:  
10 Section 1. The definition of "practice of social work" in  
11 section 3 of the act of July 9, 1987 (P.L.220, No.39), known as  
12 the Social Workers, Marriage and Family Therapists and  
13 Professional Counselors Act, amended December 21, 1998  
14 (P.L.1017, No.136), is amended and the section is amended by  
15 adding a definition to read:  
16 Section 3. Definitions.  
17 The following words and phrases when used in this act shall  
18 have the meanings given to them in this section unless the

1 context clearly indicates otherwise:  
2 \* \* \*  
3 "Practice of social work." [Holding oneself out to the  
4 public by any title or description of services incorporating the  
5 term "licensed social worker," or using any words or symbols  
6 indicating or tending to indicate that he or she is a licensed  
7 social worker and, under such description, offering] Offering to  
8 render or rendering a service in which a special knowledge of  
9 social resources, human personality and capabilities and  
10 therapeutic techniques is directed at helping people to achieve  
11 adequate and productive personal, interpersonal and social  
12 adjustments in their individual lives, in their families and in  
13 their community[.] or holding oneself out to the public by any  
14 title or description of services incorporating the term "social  
15 worker" or using any words or symbols indicating or tending to  
16 indicate that one is a social worker, except as otherwise  
17 provided by this act.

18 \* \* \*

19 "Social worker." A person who holds a current license under  
 20 this act or has received a bachelors, masters or doctoral degree  
 21 from an accredited school or program of social work or social  
 22 welfare.

23 SECTION 1.1. SECTION 7(D) OF THE ACT, AMENDED DECEMBER 21, <--  
 24 1998 (P.L.1017, NO.136), IS AMENDED TO READ:

25 SECTION 7. QUALIFICATIONS FOR LICENSE.

26 \* \* \*

27 (D) CLINICAL SOCIAL WORK LICENSE.--AN APPLICANT SHALL BE  
 28 QUALIFIED FOR A LICENSE TO HOLD ONESELF OUT AS A LICENSED  
 29 CLINICAL SOCIAL WORKER IF THE APPLICANT SUBMITS PROOF  
 30 SATISFACTORY TO THE BOARD THAT ALL OF THE FOLLOWING APPLY:

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- 2 -

1 (1) THE APPLICANT IS OF GOOD MORAL CHARACTER.

2 (2) THE APPLICANT HAS SUCCESSFULLY MET BOTH OF THE  
 3 FOLLOWING REQUIREMENTS:

4 (I) HOLDS A MASTER'S DEGREE IN SOCIAL WORK OR SOCIAL  
 5 WELFARE OR A DOCTORAL DEGREE IN SOCIAL WORK FROM AN  
 6 ACCREDITED SCHOOL OF SOCIAL WORK AS RECOGNIZED BY THE  
 7 BOARD.

8 (II) IS LICENSED UNDER THIS ACT AS A SOCIAL WORKER.

9 (3) THE APPLICANT HAS COMPLETED AT LEAST THREE YEARS OR  
 10 [3,600] 3,000 HOURS OF SUPERVISED CLINICAL EXPERIENCE  
 11 ACCEPTABLE TO THE BOARD AS DETERMINED BY REGULATION AFTER  
 12 COMPLETION OF THE MASTER'S DEGREE IN SOCIAL WORK.

13 (4) THE APPLICANT HAS PASSED A CLINICAL SOCIAL WORK  
 14 EXAMINATION ADOPTED BY THE BOARD.

15 (5) THE APPLICANT HAS SUBMITTED AN APPLICATION  
 16 ACCOMPANIED BY THE APPLICATION FEE.

17 (6) THE APPLICANT HAS NOT BEEN CONVICTED OF A FELONY  
 18 UNDER THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT  
 19 OR OF AN OFFENSE UNDER THE LAWS OF ANOTHER JURISDICTION WHICH  
 20 IF COMMITTED IN THIS COMMONWEALTH WOULD BE A FELONY UNDER THE  
 21 CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT UNLESS:

22 (I) AT LEAST TEN YEARS HAVE ELAPSED FROM THE DATE OF  
 23 CONVICTION;

24 (II) THE APPLICANT SATISFACTORILY DEMONSTRATED TO  
 25 THE BOARD THAT THE APPLICANT HAS MADE SIGNIFICANT  
 26 PROGRESS IN PERSONAL REHABILITATION SINCE THE CONVICTION  
 27 SUCH THAT LICENSURE OF THE APPLICANT SHOULD NOT BE  
 28 EXPECTED TO CREATE A SUBSTANTIAL RISK OF HARM TO THE  
 29 HEALTH AND SAFETY OF CLIENTS OR THE PUBLIC OR A  
 30 SUBSTANTIAL RISK OF FURTHER CRIMINAL VIOLATIONS; AND

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- 3 -

1 (III) THE APPLICANT OTHERWISE SATISFIES THE  
 2 QUALIFICATIONS CONTAINED IN OR AUTHORIZED BY THIS ACT.  
 3 AS USED IN THIS PARAGRAPH, THE TERM "CONVICTED" INCLUDES A  
 4 JUDGMENT, AN ADMISSION OF GUILT OR A PLEA OF NOLO CONTENDERE.

5 \* \* \*

6 Section 2. The act is amended by adding a section to read:

7 Section 10.1. Endorsement of out-of-State licenses.

8 (a) Clinical social work license.--The board may issue a  
 9 clinical social work license without examination to an applicant  
 10 holding a clinical social work license in another state who  
 11 submits proof satisfactory to the board of all of the following:

12 (1) The applicant is of good moral character.

13 (2) The applicant holds a master's degree in social work  
 14 or social welfare or a doctoral degree in social work from an  
 15 accredited school of social work as recognized by the board  
 16 and has passed a clinical social work examination acceptable  
 17 to the board.

18 (3) The applicant holds a clinical social work license  
 19 that is in good standing from another state.

20 ~~(4) The applicant has, at a minimum, been actively~~

<--

21 ~~engaged in the practice of clinical social work for five of~~  
 22 ~~the last seven years immediately preceding the filing of the~~  
 23 ~~application for licensure by endorsement with the board.~~  
 24 ~~(5)~~ (4) The applicant has completed a minimum of 3,000 <--  
 25 hours of supervised clinical experience acceptable to the  
 26 board.  
 27 ~~(6)~~ (5) The applicant has submitted an application <--  
 28 accompanied by the application fee.  
 29 ~~(7)~~ (6) The applicant has not been convicted of a felony <--  
 30 under the act of April 14, 1972 (P.L.233, No.64), known as  
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1 The Controlled Substance, Drug, Device and Cosmetic Act, or  
 2 an offense under the laws of another jurisdiction, which, if  
 3 committed in this Commonwealth, would be a felony under The  
 4 Controlled Substance, Drug, Device and Cosmetic Act, unless:  
 5 (i) at least ten years have elapsed from the date of  
 6 conviction;  
 7 (ii) the applicant satisfactorily demonstrates to  
 8 the board that the applicant has made significant  
 9 progress in personal rehabilitation since the conviction  
 10 such that licensure of the applicant should not be  
 11 expected to create a substantial risk of harm to the  
 12 health and safety of the applicant's clients or the  
 13 public or a substantial risk of further criminal  
 14 violation; and  
 15 (iii) the applicant otherwise satisfies the  
 16 qualifications contained in or authorized by this act.  
 17 As used in this paragraph, the term "convicted" includes a  
 18 judgment, an admission of guilt or a plea of nolo contendere.  
 19 (b) Marriage and family therapist license.--The board may  
 20 issue a marriage and family therapist license without  
 21 examination to an applicant holding a marriage and family  
 22 therapist license in another state who submits proof  
 23 satisfactory to the board of all of the following:  
 24 (1) The applicant is of good moral character.  
 25 (2) The applicant meets the educational requirements as  
 26 specified in section 7(e)(2).  
 27 (3) The applicant has completed a minimum of 3,000 hours  
 28 of supervised clinical experience acceptable to the board.  
 29 (4) The applicant holds a marriage and family therapy  
 30 license that is in good standing from another state.  
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1 (5) The applicant has, at a minimum, been actively  
 2 engaged in the practice of marriage and family therapy for  
 3 five of the last seven years immediately preceding the filing  
 4 of the application for licensure by endorsement with the  
 5 board.  
 6 (6) The applicant has submitted an application  
 7 accompanied by the application fee.  
 8 (7) The applicant has not been convicted of a felony  
 9 under The Controlled Substance, Drug, Device and Cosmetic  
 10 Act, or of an offense under the laws of another jurisdiction,  
 11 which, if committed in this Commonwealth, would be a felony  
 12 under The Controlled Substance, Drug, Device and Cosmetic  
 13 Act, unless:  
 14 (i) at least ten years have elapsed from the date of  
 15 conviction;  
 16 (ii) the applicant satisfactorily demonstrates to  
 17 the board that the applicant has made significant  
 18 progress in personal rehabilitation since the conviction,  
 19 such that licensure of the applicant should not be  
 20 expected to create a substantial risk of harm to the  
 21 health and safety of the applicant's clients or the  
 22 public or a substantial risk of further criminal  
 23 violation; and

24 (iii) the applicant otherwise satisfies the  
 25 qualifications contained in or authorized by this act.  
 26 As used in this paragraph, the term "convicted" shall include  
 27 a judgment, admission of guilt or a plea of nolo contendere.

28 (c) Professional counselor license.--The board may issue a  
 29 professional counselor license without examination to an  
 30 applicant holding a professional counselor license in another

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1 state who submits proof satisfactory to the board of all of the  
 2 following:

- 3 (1) The applicant is of good moral character.
- 4 (2) The applicant meets the educational requirements as  
 5 specified in section 7(f)(2).
- 6 (3) The applicant has completed a minimum of 3,000 hours  
 7 of supervised clinical experience acceptable to the board.
- 8 (4) The applicant holds a professional counselor license  
 9 that is in good standing from another state.
- 10 (5) The applicant has, at a minimum, been actively  
 11 engaged in the practice of professional counselor work for  
 12 five of the last seven years immediately preceding the filing  
 13 of the application for licensure by endorsement with the  
 14 board.
- 15 (6) The applicant has submitted an application  
 16 accompanied by the application fee.
- 17 (7) The applicant has not been convicted of a felony  
 18 under The Controlled Substance, Drug, Device and Cosmetic  
 19 Act, or of an offense under the laws of another jurisdiction,  
 20 which, if committed in this Commonwealth, would be a felony  
 21 under The Controlled Substance, Drug, Device and Cosmetic  
 22 Act, unless:

23 (i) at least ten years have elapsed from the date of  
 24 conviction;

25 (ii) the applicant satisfactorily demonstrates to  
 26 the board that the applicant has made significant  
 27 progress in personal rehabilitation since the conviction,  
 28 such that licensure of the applicant should not be  
 29 expected to create a substantial risk of harm to the  
 30 health and safety of the applicant's clients or the

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1 public or a substantial risk of further criminal  
 2 violations; and

3 (iii) the applicant otherwise satisfies the  
 4 qualifications contained in or authorized by this act.  
 5 As used in this paragraph, the term "convicted" shall include  
 6 a judgment, admission of guilt or a plea of nolo contendere.

7 Section 3. Section 20 of the act is amended by adding a  
 8 subsection to read:  
 9 Section 20. Unlawful practice.

10 \* \* \*

11 (a.1) Title.--It shall be unlawful for an individual to hold  
 12 oneself out as a social worker, use the title of "social worker"  
 13 or use the abbreviation of "S.W." without meeting the definition  
 14 of "social worker." This subsection includes advertising as a  
 15 social worker and adopting or using any title or description, ~~or~~ <--  
 16 ~~a derivative thereof~~ OF SERVICES INCORPORATING THE TERM "SOCIAL <--  
 17 WORKER" and their related abbreviations, which implies directly  
 18 or indirectly that the individual is a social worker. THIS <--  
 19 SUBSECTION SHALL NOT APPLY TO THE FOLLOWING INDIVIDUALS:

20 (1) AN INDIVIDUAL EMPLOYED BY THE COMMONWEALTH IN A  
 21 SOCIAL WORK POSITION ON THE EFFECTIVE DATE OF THIS  
 22 SUBSECTION, DURING THE TIME OF EMPLOYMENT BY THE  
 23 COMMONWEALTH.

24 (2) AN INDIVIDUAL EMPLOYED AS A SCHOOL SOCIAL WORKER IN  
 25 A PUBLIC OR PRIVATE SCHOOL IN THIS COMMONWEALTH ON OR BEFORE  
 26 THE EFFECTIVE DATE OF THIS SUBSECTION, DURING THE TIME OF



**COMMENTATORS LIST**  
**REGULATION 16A-6916**

Jenna Mehnert, MSW, ACSW  
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National Association of Social Workers, PA Chapter  
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Suite 401  
Camp Hill, PA 17011-2223  
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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 15, 2011

The Honorable Silvan B. Lutkewitte, III, 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-6916: LICENSURE BY ENDORSEMENT; HOURS OF SUPERVISED  
CLINICAL EXPERIENCE

Dear Chairman Lutkewitte:

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 Licensure by Endorsement; Hours of Supervised Clinical Experience.

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 "Donna A. Tonrey".

Donna A. Tonrey, LMFT, Chairperson  
State Board of Social Workers, Marriage and Family  
Therapists and Professional Counselors

CKM/BSM:rs

Enclosure

cc: Katie True, Acting Commissioner  
Bureau of Professional and Occupational Affairs  
Rebecca Oyler, Director of Policy, Department of State  
Steven V. Turner, Chief Counsel  
Department of State  
Cynthia Montgomery, Regulatory Counsel  
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-6916

SUBJECT: LICENSURE BY ENDORSEMENT; HOURS OF SUPERVISED CLINICAL EXPERIENCE

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

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IRRC  
2011 JUN 15 A 10:05

**FILING OF REGULATION**

DATE	SIGNATURE	DESIGNATION
6/15/11	<i>Michele Warren</i>	HOUSE COMMITTEE ON PROFESSIONAL LICENSURE MAJORITY CHAIRMAN <u>Julie Harhart</u>
6/15/11	<i>Mary Walmer</i>	SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE MAJORITY CHAIRMAN <u>Robert M. Tomlinson</u>
6/15/11	<i>K Cooper</i>	INDEPENDENT REGULATORY REVIEW COMMISSION  ATTORNEY GENERAL (for Final Omitted only)  LEGISLATIVE REFERENCE BUREAU (for Proposed only)