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INDEPENDENT REGULATORY REVIEW COMMISSION

333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

June 23, 2010

Donna A. Tonrey, Chair
State Board of Social Workers, Marriage/Family Therapists and Professional Counselors
2601 North Third Street
Harrisburg, PA 17110

Re: Regulation #16A-6916 (IRRC #2831)
State Board of Social Workers, Marriage/Family Therapists and Professional Counselors
Licensed by Endorsement; Hours of Supervised Clinical Experience

Dear Ms. Tonrey:

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. If you would like to discuss them, please contact me.

Sincerely,

Kim Kaufman
Executive Director
wbg
Enclosure

cc: Honorable Robert M. Tomlinson, Majority Chairman, Senate Consumer Protection and Professional Licensure Committee
Honorable Lisa M. Boscola, Minority Chairman, Senate Consumer Protection and Professional Licensure Committee
Honorable Michael P. McGeehan, Majority Chairman, House Professional Licensure Committee
Honorable Julie Harhart, Minority Chairman, House Professional Licensure Committee
Honorable Basil L. Merenda, Acting Secretary, Department of State
Robert A. Mulle, Esq., Office of Attorney General
Andrew Clark, Esq., Office of General Counsel

Comments of the Independent Regulatory Review Commission



State Board of Social Workers, Marriage/Family Therapists and Professional Counselors Regulation #16A-6916 (IRRC #2831)

Licensed by Endorsement; Hours of Supervised Clinical Experience

June 23, 2010

We submit for your consideration the following comments on the proposed rulemaking published in the April 24, 2010 *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/Family Therapists and Professional Counselors (Board) to respond to all comments received from us or any other source.

1. Section 47.12c. Licensed clinical social worker. – Consistency with statute; Need; Reasonableness; Economic Impact.

Consistency with statute

Under 63 P.S. § 1908(b), the Board is required to issue licenses as follows:

Issuance of license. - The Board shall issue to each person **who meets the licensure requirements of this act** a certificate setting forth that such person is licensed to hold himself or herself out as a ...licensed clinical social worker.... (Emphasis added.)

Act 68 of 2008 (Act 68) amended 63 P.S. § 1907(d)(3) to state one of the qualifications for licensure as follows:

The applicant has completed at least three years **or** 3,000 hours of supervised clinical experience acceptable to the board as determined by regulation after the completion of the master's degree in social work. (Emphasis added.)

Paragraph (a)(5) would delete the phrase “3 years or,” which is in the statute, and accept only the hourly clinical experience. We recommend that the Board retain this phrase, and provide in regulation what is considered to be three years of experience acceptable to the Board to qualify the candidate. If the Board does not retain this language, it should explain how Paragraph (a)(5) is consistent with the statute.

Paragraph (b)(9)

The Board proposes to reduce the existing 1,800 hours to 1,500 hours of clinical experience. The Board states in the Preamble that this is a proportionate reduction related to the amendment to total hours by Act 68 from 3,600 hours to 3,000 hours. As amended, Paragraph (b)(9) would state:

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

The National Association of Social Workers (NASW) commented with strong concern relating to the amended limitation of hours that can be counted for a 12-month period. NASW observes that a person working 40 hours per week for 50 weeks a year would work for 2,000 hours. NASW believes it would be more appropriate to leave the cap at 1,800 hours per year rather than reduce it to 1,500 hours per year. NASW also believes the reduction in hours creates a financial burden to social workers. NASW concludes that the 1,500-hour limitation is harmful to candidates and serves no logical purpose.

We have two concerns. First, we request an explanation of the need to amend the limit on the number of hours that can be counted in a 12-month period. Using NASW’s example, a person working 40 hours per week could only get credit for working 45 weeks of the year under existing regulation, and that credit would be reduced to 37.5 weeks under the proposed amendment. We did not find any similar limitation in the statute. Why is it reasonable and necessary for the Board to exclude as much as three months of experience in a 12-month period?

Second, we question the efficacy of amending the number of hours in the 12-month limit. For a person working a 40-hour week without any limitation, it would take 75 weeks, or about 19 months to meet the 3,000 hours specified in Act 68. The proposed limitation to 1,500 hours in a 12-month period would only extend the time period to a little over 21 months. We request an explanation of the need to amend the number of hours in a 12-month period which only has a minimal practical effect.

2. Use of the terms “state” and “jurisdiction.” - Clarity

The House Professional Licensure Committee (House Committee) questioned the lack of consistency in Sections 48.17(3) and (4) and 48.18(3) and (4) with reference to the terms “state” and “jurisdiction.” We note that Sections 47.16(4) and (5) also use these terms. The House Committee also questioned whether the word “state” includes a U.S. territory, possession or the District of Columbia. The Board should clarify this terminology in the final-form regulation.

/ JUN-23-2010 WED 09:00 AM

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Facsimile Cover Sheet

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

To: Tom Blackburn
Cynthia Montgomery
Agency: Department of State
Licensing Boards and Commissions
Phone: 3-7200
3-3394 (Cynthia Montgomery)
Fax: 7-0251
Date: June 23, 2010
Pages: 5

Comments: We are submitting the Independent Regulatory Review Commission's comments on the State Board of Social Workers, marriage/Family Therapist and professional Counselors' regulation #16A-6916 (IRRC #2831). Upon receipt, please sign below and return to me immediately at our fax number 783-2664. We have sent the original through interdepartmental mail. You should expect delivery in a few days. Thank you.

Accepted by:

Date:

6/23/10