

Regulatory Analysis Form

(Completed by Promulgating Agency)

INDEPENDENT REGULATORY
REVIEW COMMISSION

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(All Comments submitted on this regulation will appear on IRRC's website)

(1) Agency:

Department of State, Bureau of Professional and Occupational Affairs

(2) Agency Number: 16A

Identification Number: 6917

IRRC Number: 2972

(3) PA Code Cite: 49 Pa. Code §§ 43b.24

(4) Short Title: Schedule of Civil Penalties – Social Workers, Marriage and Family Therapists and Professional Counselors

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

Primary Contact: Cynthia Montgomery, Regulatory Counsel, Department of State, P.O. Box 2649, Harrisburg, PA 17105-2649; phone 717-783-7200; fax 787-0251; email: cymontgome@pa.gov.

Secondary Contact: Beth Michlovitz, Board Counsel, State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, P.O. Box 2649, Harrisburg, PA 17105-2649; phone: 717-783-7200; fax: 787-0251 email: bmichlovit@pa.gov.

(6) 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

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

The proposed rulemaking would add § 43b.24 (relating to schedule of civil penalties – social workers, marriage and family therapists and professional counselors) to add a schedule of civil penalties for three general categories of matters that routinely arise before the Board – cases involving unlicensed individuals holding out as licensed; lapsed license cases; and cases involving violations of the continuing education requirements.

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

Section 5(a) of the act of July 2, 1993 (P. L. 345, No. 48) (Act 48) (63 P. S. § 2205(a)) authorizes the Commissioner, after consultation with licensing boards and commissions in the Bureau of Professional and Occupational Affairs (the Bureau), to promulgate regulations setting forth a schedule of civil penalties, guidelines for their imposition, and procedures for appeal for: (1) operating without a current and valid license, registration, certificate or permit; and (2) violating an act or regulation of a licensing board or commission relating to the conduct or operation of a business or facility licensed by the board or commission.

(9) 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.

The regulation is not mandated by any federal or state law or court order or federal regulation.

(10) 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.

Act 48 authorizes agents of the Bureau to issue citations and impose civil penalties under schedules adopted by the Commissioner in consultation with the Bureau's boards and commissions. Act 48 citations streamline the disciplinary process by eliminating the need for formal orders to show cause, answers, adjudications and orders, and consent agreements. At the same time, licensees who receive an Act 48 citation retain their due process right of appeal prior to the imposition of discipline. Upon consultation with a representative of the Commissioner, the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors (Board) determined that it should utilize the Act 48 citation process to decrease costs to its licensees and more efficiently conduct its duties. An Act 48 schedule of civil penalties is desirable because it improves the effectiveness of BPOA's enforcement efforts by streamlining procedures and reducing paperwork while preserving the due process rights of respondents. Accordingly, BPOA, the Board and the regulated community all would directly benefit from the regulation.

(11) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

No scientific data, studies or references were used to justify the regulation.

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

The Commissioner has not identified any group that would be adversely affected by the regulation.

(13) 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.

The regulation would affect licensed social workers, licensed clinical social workers, licensed marriage and family therapists, and licensed professional counselors, as well as unlicensed individuals that use restricted designations or that make unauthorized representations. At present there are approximately 6,829 licensed social workers, 4,595 licensed clinical social workers, 440 licensed marriage and family therapists, and 4,457 licensed professional counselors. The number of unlicensed individuals and entities that might be subject to the regulation cannot be estimated.

(14) 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.

The regulation would not impose additional costs on the regulated community because civil penalties may be imposed in any disciplinary proceeding, whether initiated by an Act 48 citation or by the more formal order to show cause. The regulated community should realize some savings, in the form of less time spent on paperwork and reduced legal fees, from the streamlined Act 48 procedures. These estimated savings cannot be quantified.

The regulation would not impose new legal, accounting or consulting procedures.

(15) 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.

The regulation would not result in costs or savings to local government.

(16) 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 regulation would cause the Board and BPOA's Prosecution and Counsel Divisions to spend less time – and thus incur fewer costs – on enforcement actions involving violations of the Social Workers, Marriage and Family Therapists and Professional Counselors Act and the Board's regulations that are the subject of the schedule of civil penalties. These estimated savings cannot be quantified because it depends on variables such as how many citations are issued, how many respondents simply pay the citation without requesting a hearing, how many hearings are requested and conducted, and how many decisions are appealed to the board. When a respondent admits the violation and simply pays the citation, it costs the agency less than \$250 to process the citation from the opening of the matter to conclusion. A formal disciplinary action can cost the agency thousands of dollars.

(17) 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
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated Community	See (14)	See (14)	See (14)	See (14)	See (14)	See (14)
Local Government						
State Government	See (16)	See (16)	See (16)	See (16)	See (16)	See (16)
Total Savings						
COSTS:						
Regulated Community						
Local Government						
State Government						
Total Costs	N/A	N/A	N/A	N/A	N/A	N/A
REVENUE LOSSES:						
Regulated Community						
Local Government						
State Government						
Total Revenue Losses	N/A	N/A	N/A	N/A	N/A	N/A

(17a) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3 2008-2009	FY -2 2009-2010	FY -1 2010-2011	Current FY 2011-2012 (projected)
State Board of Social Workers, Marriage and Family Therapists and Professional Counselors	\$747,029.47	\$682,504.57	\$709,516.54	\$790,000.00

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

The regulation would provide a schedule of civil penalties at no cost to the public at large and with likely savings for BPOA, the Board and the regulated community.

(19) 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.

Because Act 48 specifically requires the Commissioner to consult with BPOA licensing boards in promulgating schedules of civil penalties, the Commissioner relied on the Board to draft the regulation, which relates to civil penalties for violations of the Social Workers, Marriage and Family Therapists and Professional Counselors Law and the Board's regulations. As a consequence, the Commissioner did not solicit pre-drafting input from the public or any other advisory council or group. However, the proposal was discussed at public meetings of the Board throughout 2011, which are routinely attended by professional associations who represent the regulated community and other organizations who have an interest in the regulatory agenda of the Board. In formulating the proposal, the Board considered input from the Executive Director of the National Association of Social Workers – Pennsylvania Chapter, and increased the civil penalties associated with the "title protection" provisions of the law as a result. In addition, the Commissioner has invited the major professional organizations that represent the regulated community to submit comments following publication of the notice of proposed rulemaking.

(20) 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.

The Commissioner and the Board considered a graduated schedule of civil penalties for violations of the "title protection" provisions of the law, similar to the proposed schedule for lapsed license violations. However, it was determined that such a schedule was not a sufficient deterrent and that each individual act of holding out as if licensed should constitute a separate offense. Therefore, the proposed civil penalty for these provisions was set at \$500 for first offenses with formal disciplinary action for subsequent offenses. Formal disciplinary action subjects the respondent to civil penalties up to \$10,000 per violation.

(21) 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 standards applicable to the subject matter of the regulation.

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

The regulation would not put Pennsylvania at a competitive disadvantage with other states. All states are empowered to impose disciplinary sanctions, including fines or civil penalties, against those who violate licensing statutes and regulations.

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

The regulation is referenced in the Board's proposed rulemaking relating to continuing education audit and enforcement (#16A-6918). The regulation would not affect existing or proposed regulations of any other state agency.

(24) 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 regulation would likely reduce the overall amount of paperwork associated with disciplinary proceedings relating to violations of the Social Workers, Marriage and Family Therapists and Professional Counselors Act and the Board's regulations. The regulation would not alter reporting requirements or legal, accounting and consulting procedures.

(25) 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 regulation would apply uniformly to all individuals and entities that commit violations for which Act 48 civil penalties are assessed. No special provisions have been developed for any affected groups or persons.

(26) Include a schedule for review of the regulation including:

A. The date by which the agency must receive public comments: **Within 30 days of publication as proposed.**

B. The date or dates on which public meetings or hearings will be held: **No public hearings are scheduled. The Board discusses its regulatory proposals at monthly meetings usually held on the second Tuesday of each month.**

C. The expected date of promulgation of the proposed regulation as a final-form regulation: **Spring of 2013.**

D. The expected effective date of the final-form regulation: **Upon publication as final.**

E. The date by which compliance with the final-form regulation will be required: **Upon publication as final.**

F. The date by which required permits, licenses or other approvals must be obtained: **N/A**

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

The Bureau and the Board continually reviews the efficacy of its regulations, as part of its annual review process under Executive Order 1996-1. The Board reviews its regulatory proposals at regularly scheduled public meetings, generally the second Tuesday of each month. More information can be found on the Department's website (www.dos.state.pa.us).

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FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU

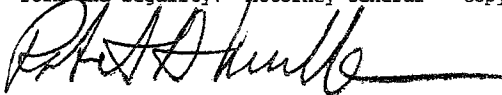
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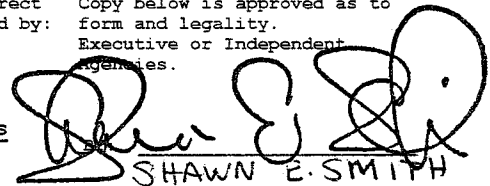
Copy below is hereby approved as to form and legality. Attorney General

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

Copy below is approved as to form and legality. Executive or Independent Agencies.



Department of State, Bureau of Professional and Occupational Affairs



BY: _____
(DEPUTY ATTORNEY GENERAL)

(AGENCY)

SHAWN E. SMITH

AUG 23 2012

DOCUMENT/FISCAL NOTE NO. 16A-6917

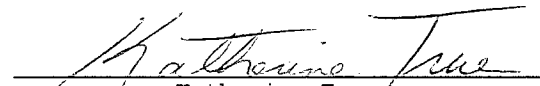
AUG 01 2012

DATE OF APPROVAL

DATE OF APPROVAL

DATE OF ADOPTION:

(Deputy General Counsel
~~Chief Counsel~~
~~Independent Agency~~
(Strike inapplicable title)

BY: 
Katherine True

[] Check if applicable
Copy not approved.
Objections attached.

TITLE: Commissioner
(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

[] Check if applicable.
No Attorney General approval
or objection within 30 day
after submission.

PROPOSED RULEMAKING

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

49 Pa. Code § 43b.24

SCHEDULE OF CIVIL PENALTIES - SOCIAL WORKERS, MARRIAGE AND FAMILY
THERAPISTS AND PROFESSIONAL COUNSELORS

The Commissioner of Professional and Occupational Affairs (Commissioner) proposes to amend Chapter 43b (relating to Commissioner of Professional and Occupational Affairs) by adding § 43b.24 (relating to schedule of civil penalties – social workers, marriage and family therapists and professional counselors) to read as set forth in Annex A.

Effective date

The proposed civil penalties will be effective on publication of the final rulemaking in the *Pennsylvania Bulletin* and will apply to violations that occur on or after the effective date.

Statutory authority

Section 5(a) of the act of July 2, 1993 (P. L. 345, No. 48) (Act 48) (63 P. S. § 2205(a)) authorizes the Commissioner, after consultation with licensing boards and commissions in the Bureau of Professional and Occupational Affairs (the Bureau), to promulgate regulations setting forth a schedule of civil penalties, guidelines for their imposition, and procedures for appeal for: (1) operating without a current and valid license, registration, certificate or permit; and (2) violating an act or regulation of a licensing board or commission relating to the conduct or operation of a business or facility licensed by the board or commission.

Background and purpose

Act 48 authorizes agents of the Bureau to issue citations and impose civil penalties under schedules adopted by the Commissioner in consultation with the Bureau's boards and commissions. Act 48 citations streamline the disciplinary process by eliminating the need for formal orders to show cause, answers, adjudications and orders, and consent agreements. At the same time, licensees who receive an Act 48 citation retain their due process right of appeal prior to the imposition of discipline. The use of Act 48 citations has increased steadily since 1996, when the program was first implemented, and they have become an important part of the Bureau's enforcement efforts.

Upon consultation with a representative of the Commissioner, the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors (Board) determined that it should utilize the Act 48 citation process to decrease costs to its licensees and more efficiently conduct its duties.

Description of the proposed amendments

The proposed rulemaking would add § 43b.24 (relating to schedule of civil penalties – social workers, marriage and family therapists and professional counselors) to add a schedule of civil penalties for three general categories of matters that routinely arise before the Board – cases involving unlicensed individuals holding out as licensed; lapsed license cases; and cases involving violations of the continuing education requirements.

First, the Commissioner proposes to establish a schedule of civil penalties for unlicensed individuals who hold themselves out as licensed, or who use letters, words or symbols indicating or tending to indicate licensure, without first having obtained a license from the Board. For such an offense, the Commissioner is proposing a civil penalty of \$500 for first offenses. For second and subsequent offenses, formal administrative action would be required.

Additionally, section 20(a.1) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act, 63 P.S. §1920(a.1) makes it unlawful for an individual to hold oneself out as a social worker, use the title “social worker,” or use the abbreviation “S.W.” unless the individual either holds a current license or has received a bachelor’s, master’s or doctoral degree from an accredited school or program of social work or social welfare. Accordingly, the Commissioner is proposing a similar schedule of civil penalties for individuals who violate this section of the act. For first offenses the penalty would be \$500. Second and subsequent offenses would be subject to formal administrative action.

With regard to lapsed licenses, the Commissioner proposes a civil penalty of \$100 per month, up to the maximum \$1,000, for licensees who continue to hold themselves out as licensed social workers, licensed clinical social workers, licensed marriage and family therapists, or licensed professional counselors, without a valid, unexpired license for 12 months or less. Second and subsequent offenses, or offenses continuing for over 12 months, would be subject to formal administrative action.

Finally, the Commissioner is proposing a schedule of civil penalties for violations of the Board’s continuing education regulations. Failure of a licensed social worker, licensed clinical social worker, licensed marriage and family therapist, or licensed professional counselor to complete 30 clock hours of continuing education in acceptable courses offered by approved providers during the preceding biennium, including at least 3 clock hours in ethical issues would subject the licensee to a warning letter for less than 3 hours deficient, and a civil penalty of \$100 for each hour up to the maximum \$1,000, for 3 to 10 hours deficient. Deficiencies of more than 10 hours, and second and subsequent offenses would result in formal administrative action. Notwithstanding any disciplinary action taken for a continuing education violation, whether resulting in the issuance of a warning letter, issuance of a citation, or the imposition of formal discipline, licensees will be required, through a companion rulemaking of the Board, to make up all deficiencies within 6 months.

Fiscal Impact and Paperwork Requirements

The proposed rulemaking would have no adverse fiscal impact on the Commonwealth or its political subdivisions, and would reduce the paperwork requirements of both the Commonwealth and the regulated community by eliminating the need for orders to show cause, answers, consent agreements and adjudications/orders for those violations subject to the Act 48 citation process.

Sunset Date

Professional licensure statutes require each board and commission to be self-supporting; therefore, boards and commissions continually monitor the cost effectiveness of regulations affecting their operations. As a result, no sunset date has been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on August, 28, 2012, the Commissioner submitted a copy of this proposed regulation 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 Commissioner, 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 Cynthia K. Montgomery, Regulatory Counsel, Department of State, Bureau of Professional and Occupational Affairs, 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-6917, Schedule of Civil Penalties – Social Workers, Marriage and Family Therapists and Professional Counselors, when submitting comments.

Katherine True,
Commissioner of Professional and
Occupational Affairs

ANNEX A

**CHAPTER 43b. COMMISSIONER OF PROFESSIONAL AND
OCCUPATIONAL AFFAIRS**

**SCHEDULE OF CIVIL PENALTIES, GUIDELINES FOR IMPOSITION OF CIVIL
PENALTIES AND PROCEDURES FOR APPEAL**

* * * * *

**§ 43b.24. Schedule of civil penalties – social workers, marriage and family therapists and
professional counselors.**

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

<u>Violation under</u>	<u>Title/Description</u>	<u>Penalties</u>
<u>63 P.S.</u>		
<u>§§ 1904 and 1916</u>	<u>Holding oneself out as a licensed social worker, using the letters L.S.W. in connection with one's name, or using any words or symbols indicating or tending to indicate that one is a licensed social worker without first having obtained a license from the Board.</u>	<u>1st offense – \$500;</u> <u>2nd and subsequent offenses – formal action</u>
<u>§§ 1904 and 1916.1</u>	<u>Holding oneself out as a licensed clinical social worker, using the letters L.C.S.W. in connection with one's name, or using</u>	<u>1st offense – \$500;</u> <u>2nd and subsequent offenses – formal action</u>

any words or symbols indicating or
tending to indicate that one is a licensed
clinical social worker without first having
obtained a license from the Board.

§§ 1904 and 1916.2 Holding oneself out as a licensed marriage 1st offense – \$500;
and family therapist, using the letters 2nd and subsequent offenses –
L.M.F.T. in connection with one’s name, formal action
or using any words or symbols indicating
or tending to indicate that one is a licensed
marriage and family therapist without first
having obtained a license from the Board.

§§ 1904 and 1916.3 Holding oneself out as a licensed 1st offense – \$500;
professional counselor, using the letters 2nd and subsequent offenses –
L.P.C. in connection with one’s name, formal action
or using any words or symbols indicating
or tending to indicate that one is a licensed
professional counselor without first having
obtained a license from the Board.

§ 1920(a) Holding oneself out as a licensed social 1st offense – 0 – 12 months –
social worker, licensed clinical social \$100 per month up to \$1,000;
worker, licensed marriage and family over 12 months – formal
therapist or licensed professional counselor action

	<u>on a lapsed or expired license.</u>	<u>2nd and subsequent offenses – formal action</u>
<u>§ 1920(a.1)</u>	<u>Holding oneself out as a social worker, using the title of “social worker” or using the abbreviation of “S.W.” without meeting the definition of “social worker” set forth in section 3 of the act, 63 P.S. §1903.</u>	<u>1st offense – \$500; 2nd and subsequent offenses – formal action</u>
<u>Violation under</u>	<u>Title/Description</u>	<u>Penalties</u>
<u>49 Pa. Code</u>		
<u>§ 47.32(a)</u>	<u>Failure of a licensed social worker to complete 30 clock hours of continuing education in acceptable courses and programs in social work offered by approved providers during the preceding biennium as a condition of renewal, including at least 3 clock hours in ethical issues.</u>	<u>1st offense – less than 3 hours deficient – warning; 3 – 10 hours deficient – \$100 per hour; over 10 hours deficient - formal action; 2nd and subsequent offenses – formal action</u>
<u>§ 47.32(b)</u>	<u>Failure of a licensed clinical social worker to complete 30 clock hours of continuing education in acceptable courses</u>	<u>1st offense – less than 3 hours deficient – warning; 3 – 10 hours deficient –</u>

	<u>and programs in social work offered by</u>	<u>\$100 per hour;</u>
	<u>approved providers during the preceding</u>	<u>over 10 hours deficient –</u>
	<u>biennium as a condition of renewal,</u>	<u>formal action;</u>
	<u>including at least 3 clock hours in ethical</u>	<u>2nd and subsequent offenses –</u>
	<u>issues.</u>	<u>formal action</u>
§ 48.32	<u>Failure of a licensed marriage and family</u>	<u>1st offense – less than 3 hours</u>
	<u>therapist to complete 30 clock hours of</u>	<u>deficient – warning;</u>
	<u>continuing education in acceptable courses</u>	<u>3 – 10 hours deficient –</u>
	<u>and programs offered by approved</u>	<u>\$100 per hour;</u>
	<u>providers during the preceding biennium</u>	<u>over 10 hours deficient –</u>
	<u>as a condition of renewal, including at</u>	<u>formal action</u>
	<u>least 3 clock hours in ethical issues.</u>	<u>2nd and subsequent offenses –</u>
		<u>formal action</u>
§ 49.32	<u>Failure of a licensed professional counselor</u>	<u>1st offense – less than 3 hours</u>
	<u>to complete 30 clock hours of continuing</u>	<u>deficient – warning;</u>
	<u>education in acceptable courses and</u>	<u>3 – 10 hours deficient –</u>
	<u>programs offered by approved providers</u>	<u>\$100 per hour;</u>
	<u>during the preceding biennium as a</u>	<u>over 10 hours deficient –</u>
	<u>condition of renewal, including at least</u>	<u>formal action</u>
	<u>3 clock hours in ethical issues.</u>	<u>2nd and subsequent offenses –</u>
		<u>formal action</u>



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
Post Office Box 2649
Harrisburg, Pennsylvania 17105-2649
(717) 783-7200

August 28, 2012

The Honorable Silvan B. Lutkewitte, III, Chairman
INDEPENDENT REGULATORY REVIEW COMMISSION
14th Floor, Harrisstown 2, 333 Market Street
Harrisburg, Pennsylvania 17101

Re: Proposed Regulation
Bureau of Professional and Occupational Affairs
16A-6917

Dear Chairman Lutkewitte:

Enclosed is a copy of a proposed rulemaking package of the Commissioner of Bureau of Professional and Occupational Affairs pertaining to the schedule of civil penalties-social workers, marriage and family therapists and professional counselors.

The Commissioner 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 that reads "Katherine True".

Katherine True
Commissioner
Bureau of Professional and Occupational Affairs

KT/BSM:rs

Enclosure

cc: Katie True, 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 & Family Therapists and Professional Counselors
State Board of Social Workers, Marriage & Family Therapists and Professional Counselors

TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT

I.D. NUMBER: 16A-6917
SUBJECT: SCHEDULE OF CIVIL PENALTIES
AGENCY: DEPARTMENT OF STATE (STATE BOARD OF SOCIAL WORKERS,
MARRIAGE & FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS)
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

TYPE OF REGULATION

- X Proposed Regulation
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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FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
		HOUSE COMMITTEE ON PROFESSIONAL LICENSURE
8/28/12	Michelle Warren	MAJORITY CHAIR Julie Harhart
8/28/12	Mary Walman	SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE
		MAJORITY CHAIR Robt. M. Tomlinson
8/28/12	K Cooper	INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL (for Final Omitted only)
8/28/12	Samuel H. H. H.	LEGISLATIVE REFERENCE BUREAU (for Proposed only)