

Regulatory Analysis Form

(Completed by Promulgating Agency)

INDEPENDENT REGULATORY REVIEW COMMISSION

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

(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: 6921

IRRC Number: 3037

(3) PA Code Cite: 49 Pa. Code §§ 47.12c, 48.13 and 49.13

(4) Short Title: **Qualifications for Licensure**

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

Primary Contact: **Cynthia K. Montgomery, Regulatory Counsel, Department of State, P.O. Box 2649, Harrisburg, PA 1105-2649 (phone 717-783-7200) (fax 787-0251) cymontgome@pa.gov.**

Secondary Contact: **Megan Castor, 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) mcastor@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 act of March 14, 2012 (P.L. 191, No. 17) (Act 17) amended the Social Workers, Marriage and Family Therapists and Professional Counselors Act (act) by revising some of the qualifications for licensure as a licensed clinical social worker, licensed marriage and family therapist and licensed professional counselor. This proposed rulemaking incorporates the changes made by Act 17 by amending §§ 47.12c, 48.13 and 49.13 (relating to licensed clinical social worker; licensed MFT; and licensed professional counselor).

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

Section 6(2) of the act (63 P.S. § 1906(2)) authorizes the Board to adopt and revise such rules and regulations as may be necessary to carry into effect the provisions of the act.

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(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 necessary to incorporate the changes made by Act 17 of 2012 into the regulations. The changes were, for the most part, implemented on the effective date of Act 17 (May 14, 2012), however the regulations need to be updated to eliminate any possible confusion caused by the statute and the regulations being inconsistent. In addition, the Board elected to publish as proposed rulemaking to obtain public comment on two changes that are not specifically called for by the Act 17 amendments – the requirement that “at least half” of the required hours of supervised clinical experience be supervised by a supervisor meeting specific requirements; and the adjustment to the minimum number of hours that may be completed in any 12-month period.

(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.

The amendments are necessary to incorporate the changes made by Act 17 of 2012 into the regulations relating to qualifications for licensure as a licensed clinical social worker, licensed marriage and family therapist and licensed professional counselor. Without these amendments, the regulations would be inconsistent with the statute and would cause confusion. When licensure of clinical social workers, marriage and family therapists and professional counselors was added to the act, the law provided that within 5 years of the promulgation of final regulations, an applicant could be licensed with a master's degree. Final regulations were promulgated on March 2, 2002, therefore, the deadline for licensure with a master's degree was March 2, 2007. After that, it was necessary to hold a master's degree of 48 semester hours or 72 quarter hours. However, there were, for whatever reason, many individuals who failed to meet the deadline who obtained something less than a 48 semester hour/72 quarter hour master's degree. The proposed amendments will benefit those individuals who now qualify for licensure without the required 48 semester hour/72 quarter hour master's degree. The Board has identified approximately 90 individuals who applied previously but were denied licensure because they did not obtain a 48 semester hour/72 quarter hour master's degree, who would now qualify under this provision having obtained their degrees by the June 30, 2009, deadline (but not by the previous March 2, 2007 deadline). The board has no way to estimate how many individuals may apply under this provision that did not apply previously. It will also benefit applicants for licensure as licensed marriage and family therapists and licensed professional counselors, who can become licensed sooner by not having to complete (and sometimes pay for) 600 additional hours of supervised clinical experience. In 2012, the Board processed 80 LMFT applications and 713 LPC applications. So the reduction from 3,600 to 3,000 hours of supervised clinical experience could impact about 800 applicants a year. It may also benefit applicants for licensure as a clinical social worker who hold an Academy of Certified Social Workers Certificate issued prior to January 1, 2001. One of the requirements of that certificate is to complete 2 years of supervised social work experience. Therefore, an applicant who holds an ACSW certificate issued prior to January 1, 2001, would not have to repeat the supervised clinical experience hours in order to obtain licensure.

(11) 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.

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

The vast majority of states requires a licensed clinical social worker, licensed marriage and family therapist or licensed professional counselor to complete a minimum of 2 years of supervised post graduate clinical experience, however the states define "2 years" differently. Most states define it to mean 3,000 hours. As for the contiguous states, Delaware requires 3,200 hours of supervised clinical experience to be completed in not less than 2 and not more than 3 years. Maryland defines 2 years as constituting 3,000 hours. New Jersey defines it based on 1,920 hours of direct client contact. Ohio defines 2 years as constituting 3,000 hours. West Virginia requires 2 full-time years of supervised clinical experience, or 3,000 hours part-time. New York requires 3 years of post graduate supervised clinical experience, however defines it as 2,000 hours of face to face client contact.

Based on this information, the Board believes the amendments will not put Pennsylvania at a competitive disadvantage.

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

No.

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. ("Small business" is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

Because this rulemaking is, for the most part, merely incorporating statutory changes, there was no solicitation of input from the public or any groups representing stakeholders or small businesses in the development of the regulation. However, the rulemaking was discussed at public meetings of the Board on April 10, 2012, September 4, 2012, and March 11, 2014, which are routinely attended by representatives of the regulated community, including the National Association of Social Workers, Pennsylvania Chapter (NASW-PA).

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

At present there are approximately 7,835 licensed social workers, 5,299 licensed clinical social workers, 568 licensed marriage and family therapists, and 5,639 licensed professional counselors, for a total of 19,341 individuals licensed by the Board. This rulemaking will affect applicants for licensure as a licensed clinical social worker, licensed marriage and family therapist and licensed professional counselor. The Board receives an average of 1,250 – 1,500 applications a year for these professions.

According to the Pennsylvania Department of Labor and Industry in 2010 (the most recent year for which data is available), social workers, marriage and family therapists and professional counselors provide their services for a variety of private and public sector employers. Excluding those who work for local and state governments and in elementary and secondary schools, licensees are employed in the following private sector positions (listed in alphabetical order): child day care services, colleges and universities, community care facilities for the elderly, emergency and other relief services, general medical and surgical hospitals, home health care services, individual and family services, nursing care facilities, offices of other health care practitioners, other residential care facilities, outpatient care centers, psychiatric and substance abuse hospitals, residential mental health facilities, vocational rehabilitation services, while a small minority are self-employed.

Small businesses are defined in Section 3 of the Regulatory Review Act, (71 P.S. § 745.3) which provides that a small business is defined by the SBA's Small Business Size Regulations under 13 CFR Ch. 1 Part 121. These size standards have been established for types of businesses under the North American Industry Classification System (NAICS). In applying the NAICS standards to the types of businesses where licensees may work, a small business in Subsector 624 (Social Assistance), Subsector 623 (Nursing and Residential Care Facilities) or Subsector 621 (Ambulatory Health Care Services) is one that has \$7.0 million or less in average annual receipts. (These would include those that work for child and youth services, services for the elderly and persons with disabilities, other individual and family services, emergency and other relief services and child day care services, residential mental health and substance abuse facilities, homes for the elderly and other residential care facilities, offices of mental health practitioners and offices of all other miscellaneous health care practitioners. For those licensees who are employed in outpatient mental health and substance abuse centers (# 621420), the small business threshold is \$10.0 million or less in average annual receipts. Those licensees in home health care services (# 621610) and nursing care facilities (# 623110) have a small business threshold of \$13.5 million or less in average annual receipts. Finally, licensees employed in general medical and surgical hospitals (# 622110) or in psychiatric and substance abuse hospitals (# 622210) have a small business threshold of \$34.5 million or less in average annual receipts. Based on this variety of employers, the Board believes that most social workers and marriage and family therapists in Pennsylvania are employed in small businesses. The Board does not collect information on the size of the businesses where its licensees are employed.

However, according to the Small Business Administration (SBA), there are approximately 982,692 businesses in Pennsylvania; of which 978,831 are small businesses; and 3,861 are large businesses. Of the 978,831 small businesses, 236,775 are small employers (those with fewer than 500 employees) and the remaining 772,056 are non-employers. Thus, the vast majority of businesses

in Pennsylvania are considered small businesses. Therefore, for purposes of determining the economic impact on small businesses, the Board must assume that a large number of its licensees work for small businesses as that term is defined by the SBA and Pennsylvania's Regulatory Review Act.

Although many licensees probably work for "small businesses," whether these small businesses will be impacted by the regulations depends on whether the businesses provide supervised clinical experience to its employees seeking licensure. If so, the reduction in the number of hours for marriage and family therapists and professional counselors will provide a positive impact by reducing the number of hours required to be supervised by 600 hours.

For businesses that only hire licensees, it would have no impact on the business, only upon the applicant pool from which to hire, because more applicants would qualify for licensure (with a master's degree of less than 48 semester hours/72 quarter hours earned by June 30, 2009) and would qualify sooner (with only 3,000 as compared to 3,600 hours of supervised clinical experience).

(16) List the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply.

This rulemaking will affect applicants for licensure as a licensed clinical social worker, licensed marriage and family therapist and licensed professional counselor. The Board receives an average of 1,250 – 1,500 applications a year for these professions. The businesses that employ these applicants who provide the supervised clinical experience would be required to comply with the regulation.

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

There should be positive financial and economic impact from this regulation on applicants for licensure as a licensed clinical social worker, licensed marriage and family therapist and licensed professional counselor because some applicants that were previously unable to become licensed can now qualify with a master's degree of less than 48 semester hours/72 quarter hours earned prior to June 30, 2009 (as opposed to March 2, 2007). In addition, applicants to be licensed marriage and family therapists and professional counselors can now apply having completed only 3,000 hours of supervised clinical experience. For those applicants that must pay for their supervision, this would save them approximately 17% of the costs they would have incurred to obtain 3,600 hours of supervised clinical experience. Small businesses who provide supervised clinical experience to employees will also benefit from the reduction of hours and the increased applicant pool of individuals who did not previously qualify for licensure, but now will under Act 17.

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

In that there have been no costs or adverse effects identified relating to the rulemaking, the benefits of updating the regulations to comport to the statutory amendments made by Act 17 of 2012, and the savings to applicants would outweigh any perceived costs or adverse effects.

(19) 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.

There are potential savings to applicants in that a) applicants for licensure as a licensed clinical social worker can be licensed without repeating the required hours of supervised clinical experience if the applicant holds an Academy of Certified Social Workers certificate issued by the National Association of Social Workers prior to January 1, 2001; b) applicants for licensure as a licensed marriage and family therapist who completed something less than a 48 semester hour/72 quarter hour master's degree by June 30, 2009, could become licensed without having to go back to school to obtain the required degree; c) applicants for licensure as a licensed marriage and family therapist or professional counselor could become licensed after only completing 3,000 hours of supervised clinical experience, rather than 3,600 hours. However, these savings are entirely speculative and impossible to quantify because the Board has no way to know how many applicants are affected by these provisions.

(20) Provide a specific estimate of the costs and/or savings to the **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.

(21) Provide a specific estimate of the costs and/or savings to the **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.

There are no other costs or saving to state government associated with compliance with the proposed rulemaking.

(22) For each of the groups and entities identified in items (19)-(21) above, 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.

This proposed rulemaking would not require any additional recordkeeping or other paperwork.

(23) 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						
Local Government						
State Government						
Total Savings	N/A	N/A	N/A	N/A	N/A	N/A
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

(23a) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3 2010-2011	FY -2 2011-2012	FY -1 2012-2013	Current FY 2013-2014
State Board of Social Workers, Marriage and Family Therapists and Professional Counselors	\$709,516.54	\$706,326.85	\$779,454.10	\$797,000.00

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

- (a) An identification and estimate of the number of small businesses subject to the regulation.
- (b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.
- (c) A statement of probable effect on impacted small businesses.
- (d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

- (a) Assuming that the majority of applicants work for “small businesses” as that term is defined by the Regulatory Review Act and the SBA, and that those businesses provide the supervised clinical experience hours to their employees, there could be as many as 1,250 – 1500 businesses impacted by the regulation each year.
- (b) There are no projected reporting, or recordkeeping costs required for compliance. There are no additional administrative costs required for compliance. In fact, due to the decrease of 600 hours of supervised clinical experience for marriage and family therapists and professional counselors, the rulemaking would reduce the costs of recordkeeping. For those applicants who must pay for clinical supervision, it would also result in a savings.
- (c) The probable effect on impacted small businesses would be a positive one in that their employees would require 600 less hours of supervised clinical experience before obtaining a license as a LMFT or LPC.
- (d) Because the proposal is merely incorporating the statutory changes made by Act 17 of 2012, the Board did not consider any alternative regulatory provisions.

(25) List any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, the elderly, small businesses, and farmers.

No special provisions have been developed for any affected groups or persons.

(26) 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.

Because the proposal is merely incorporating the statutory changes made by Act 17 of 2012, the Board did not consider any alternative regulatory provisions.

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

- a) The establishment of less stringent compliance or reporting requirements for small businesses;
- b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- c) The consolidation or simplification of compliance or reporting requirements for small businesses;
- d) The establishment of performing standards for small businesses to replace design or operational standards required in the regulation; and
- e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

a) & b) The Board did not consider less stringent reporting requirements or deadlines for small businesses or for licensees that work for small businesses.

c) There are no compliance or reporting requirements that could be consolidated or simplified. The application process is the same whether a particular licensee is employed by a small business or a large business.

d) The regulations do not contain design or operational standards that need to be altered for small businesses.

e) To exclude any licensees from the requirements contained in the regulation based on the size of their employers would not be consistent with the statute.

(28) 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 data, studies or references were used to justify the regulation.

(29) 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.

C. The expected date of promulgation of the proposed regulation as a final-form regulation: **Spring of 2014**

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**

(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

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. The Board will meet on the following remaining dates in 2014: April 8, May 13, June 10, July 8, September 9, October 14, November 4, December 9. More information can be found on the Department's website (www.dos.state.pa.us).

Commentator's List

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

16A-6921 – Qualifications for Licensure

Donna E. Mengle
206 Oxford Lane
Exton, PA 19341
DonnaE@Mengle.net

**FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU**

(Pursuant to Commonwealth Documents Law)

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Copy below is hereby approved as to
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BY: _____
(DEPUTY ATTORNEY GENERAL)

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

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

(AGENCY)

DOCUMENT/FISCAL NOTE NO. 16A-6921

DATE OF ADOPTION: _____

BY: _____

Laura L. Hinds, L.S.W.

TITLE: Chairperson

(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

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to form and legality.
Executive or Independent
Agencies.

BY: _____

JUL 03 2014

DATE OF APPROVAL

(Executive Deputy General Counsel
Strike inapplicable title)

- [] 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, CHAPTER 47, 48 and 49
§§ 47.12c, 48.13 and 49.13

QUALIFICATIONS FOR LICENSURE

The State Board of Social Workers, Marriage and Family Therapists and Professional Counselors (Board) hereby amends §§ 47.12c, 48.13 and 49.13 (relating to licensed clinical social worker; licensed MFT; and licensed professional counselor) to read as set forth in Annex A.

Statutory Authority

Section 6(2) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act (act) (63 P.S. § 1906(2)) authorizes the Board to adopt and revise rules and regulations as may be necessary to carry into effect the provisions of the act.

Background and Need for Amendment

The act of March 14, 2012 (P.L. 191, No. 17) (Act 17) amended the act by revising some of the qualifications for licensure as a licensed clinical social worker, licensed marriage and family therapist and licensed professional counselor. Act 17 amended section 7(d) of the act pertaining to the qualifications for a clinical social work license to provide an alternative to the completion of 3,000 hours of supervised clinical experience for those applicants who hold an Academy of Certified Social Workers certificate issued prior to January 2, 2001, by the National Association of Social Workers, or otherwise meets the supervision expectation in a fashion acceptable to the Board. With regard to qualifications for licensure as a marriage and family therapist and for licensure as a professional counselor, Act 17 amended section 7(e) and (f) of the act to permit an applicant with a master's degree of less than 48 semester hours or 72 quarter hours, granted on or before June 30, 2009, to qualify for licensure. It would also eliminate confusing language regarding the length of the required supervised clinical experience to clarify that 3,000 hours, acceptable to the Board as determined by regulation, are required as a condition of licensure. This final-form rulemaking implements Act 17.

Summary of Comments and the Board's Response

The Board published a notice of proposed rulemaking in the Pennsylvania Bulletin on October 26, 2013, for thirty days of public comment. See, 43 Pa.B. 6382. During the public comment period, the Board received one public comment. The Board did not receive comments from the House Professional Licensure Committee or the Senate Consumer Protection and Professional Licensure Committee. On December 24, 2013, the Board received a letter from the Independent Regulatory Review Commission indicating that it had no objections, comments or recommendations to offer on this regulation.

On November 22, 2013, the Board received a public comment from an individual who suggested that the legislative intent was to permit applicants who have completed a qualifying master's degree on or before June 30, 2009, regardless of the number of credits in the master's

degree program, to qualify for licensure if they obtained the requisite supervised clinical experience at any time after the completion of the qualifying master's degree, rather than "after the completion of 48 semester hours or 72 quarter hours of graduate coursework" as set forth in section 7(e)(3)(i) and (f)(3)(i) of the act. She reports that this is an important distinction because applicants, like herself, who obtained a 45-semester-hour master's degree prior to 2009, and completed supervised clinical experience in the years soon after obtaining the master's degree, could qualify for licensure, without having to repeat the supervised clinical experience after having completed "48 semester hours" of graduate coursework.

The Board considered the comment at its meeting on March 11, 2014, and while the Board sympathizes with this individual's situation, the statute is clear that to qualify for a license as either a licensed marriage and family therapist or a licensed professional counselor, one must complete a planned program of 60 semester hours or 90 quarter hours of graduate course work, to include a 48-semester hour or 72-quarter hour master's degree; unless the master's degree was earned on or before June 30, 2009 (in which case the master's degree could be less than 48 semester hours or 72 quarter hours) AND complete at least 3,000 hours of supervised clinical experience "obtained after the completion of 48 semester hours or 72 quarter hours of graduate coursework." The General Assembly did not amend sections 7(e)(3)(i) or (f)(3)(i) and the Board finds it reasonable to interpret this omission as intending to place all applicants in a similar position, regardless of how many credit hours their master's degree program contained, or when it was completed. That is, every applicant must complete 60 semester hours of graduate coursework, including a qualifying master's degree, and must complete their supervised clinical experience after having completed 48 semester hours (of the total 60 hours) in graduate level coursework. For these reasons, and to remain consistent with section 7(e)(3)(i) and (f)(3)(i) of the act, the Board made no amendments to the final-form regulation.

Fiscal Impact

The regulations benefit those individuals who now qualify for licensure without the required 48 semester hour master's degree in that they will not have to return to school to obtain a 48-semester-hour/72-quarter-hour master's degree. It will also benefit applicants for licensure as licensed marriage and family therapists and licensed professional counselors who can become licensed sooner by not having to complete (and sometimes pay for) 600 additional hours of supervised clinical experience. The proposed amendments are not expected to have any other fiscal impact on the regulated community, the private sector, the general public or political subdivisions of the Commonwealth.

Paperwork Requirements

The proposed rulemaking will require the Board to alter some of its application forms to reflect the revised qualifications for licensure; however, the amendment will not create additional

paperwork for the regulated community or for the private sector.

Sunset Date

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 October 16, 2013, the Board submitted a copy of the notice of proposed rulemaking, published at 43 Pa.B. 6382 (October 26, 2013), 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 _____, 2014, and deemed approved by SCP/PLC on _____, 2014. Under section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)), the final regulation was approved by IRRC on _____, 2014.

Contact Person

Further information may be obtained by contacting Megan Castor, 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 43 Pa.B. 6382.

(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 at 49 Pa. Code §§ 47.12c, 48.13 and 49.13 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*.

Laura L. Hinds, L.S.W.
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] Has completed at least [3 years or] 3,000 hours of supervised clinical experience meeting the criteria in subsection (b) after completion of the master's degree in social work or holds an Academy of Certified Social Workers Certificate issued by the National Association of Social Workers prior to January 1, 2001. [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 in 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, at least [1,500] 1/2 of the required hours shall be supervised by a supervisor meeting the qualifications in § 47.1a(1) and (3).

* * * * *

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

LICENSURE

§ 48.13. Licensed MFT.

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

* * * * *

(3) Successfully met one of the following educational requirements:

(i) [By March 2, 2007, has] Has completed a planned program of 60 semester hours or 90 quarter hours of graduate coursework which is closely related to marriage and family therapy as defined in § 48.1 (relating to definitions), including one of the following:

(A) A master's degree granted on or before June 30, 2009 in marriage and family therapy from an accredited educational institution.

(B) A master's degree granted on or before June 30, 2009 in a field closely related to the practice of marriage and family therapy as defined in § 48.1 from an accredited educational institution, with graduate level coursework in marriage and family therapy as defined in § 48.1 and § 48.2 (relating to educational requirements) from an accredited educational institution or from a program recognized by a National accrediting agency as defined in § 48.1.

* * * * *

(4) Has met the following experience requirements:

(i) Individuals who meet the education requirements of paragraph (3)(i) or (ii), shall have completed at least [3 years or 3,600] 3,000 hours of supervised clinical experience meeting the criteria in subsection (b), obtained after the completion of 48 semester hours or 72 quarter hours of graduate coursework. Supervision for the supervised clinical experience shall be provided by a supervisor as defined in § 48.1.

(ii) Individuals who meet the education requirements of paragraph (3)(iii) or (iv) shall have completed at least [2 years or] 2,400 hours of supervised clinical experience which meets the criteria in subsection (b), [1 year or] 1,200 hours of which was obtained subsequent to the granting of the doctoral degree. Supervision for the supervised clinical experience shall be provided by a supervisor as defined in § 48.1.

* * * * *

(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 marriage and family therapy consistent with the applicant's education and training.

* * * * *

(2) Supervision for the clinical experience shall be provided by a supervisor as defined in § 48.1 and § 48.3 (relating to qualifications for supervisors). However, [1,800] at least 1/2 of the required hours shall be supervised by a supervisor meeting the qualifications in § 48.3(1) or (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] 500 hours and no more than 1,800 hours may be credited in any 12-month period.

* * * * *

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

LICENSE

§ 49.13. Licensed professional counselor.

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

* * * * *

(3) Successfully met one of the following education requirements:

(i) [By March 2, 2007, has] Has successfully completed a planned program of 60 semester hours or 90 quarter hours of graduate coursework in counseling or a field closely related to the practice of professional counseling as defined in § 49.1 (relating to definitions) including one of the following:

(A) A master's degree granted on or before June 30, 2009 in professional counseling from an accredited education institution.

(B) A master's degree granted on or before June 30, 2009 in a field closely related to the practice of professional counseling as defined in § 49.1 from an accredited educational institution.

* * * * *

(4) Has met the following experience requirements:

(i) Individuals who met the educational requirements of paragraph (3)(i) or (ii), shall have completed at least [3 years or 3,600] 3,000 hours of supervised clinical experience meeting the criteria in subsection (b), obtained after the completion of 48 semester hours or 72 quarter hours of graduate coursework. Supervision for the supervised clinical experience shall be provided by a supervisor as defined in § 49.1 and § 49.3 (relating to qualifications for supervisors).

(ii) Individuals who meet the educational requirements of paragraph (3)(iii) or (iv) shall have completed at least [2 years or] 2,400 hours of supervised clinical experience meeting the criteria in subsection (b), [1 year or] 1,200 hours of which was obtained subsequent to the granting of the doctoral degree. Supervision for the supervised clinical experience shall be provided by a supervisor as defined in §§ 49.1 and 49.3.

(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 counseling consistent with the applicant's education and training.

(2) Supervision for the clinical experience shall be provided by a supervisor as defined in

§ 49.1. [Eighteen hundred] At least 1/2 of the required hours shall be supervised by a supervisor meeting the qualifications in § 49.3(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] 500 hours and no more than 1,800 hours may be credited in any 12 month period.

* * * * *



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
**STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY
THERAPISTS AND PROFESSIONAL COUNSELORS**

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July 11, 2014

The Honorable John F. Mizner, Esq., Chairman
INDEPENDENT REGULATORY REVIEW COMMISSION
14th Floor, Harristown 2, 333 Market Street
Harrisburg, Pennsylvania 17101

2014 JUL 11 AM 10:18

RECEIVED
IRRC

Re: Final Regulation
State Board of Social Workers, Marriage and Family Therapists and Professional Counselors
16A-6921: QUALIFICATIONS FOR LICENSURE

Dear Chairman Mizner:

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 Qualifications for Licensure.

The Board will be pleased to provide whatever information the Commission may require during the course of its review of the rulemaking.

Sincerely,

Laura Hinds, MSW, LSW, Chairperson
State Board of Social Workers, Marriage and Family
Therapists and Professional Counselors

LH/CKM:rs

Enclosure

cc: Travis N. Gery, Esq., Commissioner
Professional and Occupational Affairs
Patricia Allan, Director of Policy, Department of State
Kevin Schmidt, Chief Counsel
Department of State
Cynthia Montgomery, Regulatory Counsel
Department of State
Megan E. Castor, 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-6921

SUBJECT: Qualifications for Licensure

AGENCY: DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
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



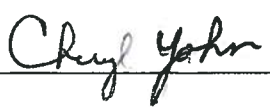
Delivery of Tolled Regulation

a. With Revisions b. Without Revisions

2014 JUL 11 AM 10:18

RECEIVED
HRC

FILING OF REGULATION

<u>DATE</u>	<u>SIGNATURE</u>	<u>DESIGNATION</u>
<i>HOUSE COMMITTEE ON PROFESSIONAL LICENSURE</i>		
7/11/14		MAJORITY CHAIR <u>Julie Harhart</u> ✓
		MINORITY CHAIR _____
<i>SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE</i>		
7-11-14		MAJORITY CHAIR <u>Robt. M. Tomlinson</u> ✓
		MINORITY CHAIR _____
7/11/14		<i>INDEPENDENT REGULATORY REVIEW COMMISSION</i>
		<i>ATTORNEY GENERAL (for Final Omitted only)</i>
		<i>LEGISLATIVE REFERENCE BUREAU (for Proposed only)</i>

July 3, 2014