

## Comments of the Independent Regulatory Review Commission



### State Board of Social Workers, Marriage and Family Therapists and Professional Counselors Regulation #16A-6919 (IRRC #3281)

#### Child Abuse Reporting Requirements

March 3, 2021

We submit for your consideration the following comments on the proposed rulemaking published in the January 2, 2021 *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 and Family Therapists and Professional Counselors (Board) to respond to all comments received from us or any other source.

#### **1. Section 47.58. Child abuse recognition and reporting – mandatory training requirement. – Implementation procedures.**

##### *Subsection (a)*

Subsection (a) requires an individual applying for licensure as a bachelor social worker, social worker or clinical social worker to complete at least three hours of training in child abuse recognition and reporting requirements. This subsection does not address documentation and reporting of completion of training as required under 23 Pa.C.S. § 6383(b)(3)(i) (relating to education and training). We ask the Board to revise this subsection to include the implementation procedures for submitting proof of training.

This comment also applies to Sections 48.58(a) and 49.58(a), regarding training requirements for applicants for marriage and family therapist licenses, and professional counselor licenses, respectively.

##### *Subsection (c)*

Under subsection (c)(3), an applicant or licensee may apply for an exemption from subsection (a) or (b) by submitting documentation demonstrating that the individual “should not be subject to the training or continuing education requirement.” A request for exemption is “considered on a case-by-case basis.” The standards for documentation and evaluation are vague. We ask the Board to explain the standards for sufficient documentation and the evaluation process for reviewing a request for exemption.

This comment also applies to Sections 48.58(c)(3) and 49.58(c)(3), regarding exemption requests from marriage and family therapist applicants and licenses, and professional counselor applicants licenses, respectively.

**2. Section 48.58. Child abuse recognition and reporting – mandatory training requirement. – Implementation procedures.**

Subsection (b) requires a licensed marriage and family therapist to complete at least two hours of continuing education in child abuse recognition and reporting as a condition of biennial renewal. The Preamble of the proposed regulation explains that these hours are “a portion of the total continuing education required for biennial renewal, and not an additional requirement, as provided in” 23 Pa.C.S. § 6383(b)(3)(ii). This language is not in the regulation. We ask the Board to specify in the final-form regulation that two hours of continuing education in child abuse recognition and reporting are a portion of the total hours of continuing education.

**3. Section 49.51. Definitions relating to child abuse reporting requirements. – Clarity and lack of ambiguity.**

The definition of “mandated reporter” cross-references Section 49.52 (relating to suspected child abuse – mandated reporting requirements). However, the definition of this term in Sections 47.51 and 48.51 cross-references 23 Pa.C.S. § 6311 (relating to persons required to report suspected child abuse). For clarity and consistency, we ask the Board to revise this definition to cross-reference the statute.

**4. Implementation procedures.**

Under 23 Pa.C.S. § 6311(a)(12), an individual supervised or managed by a Board licensee who has direct contact with children in the course of employment is a mandated reporter. In the Preamble of the proposed regulation, the Board “reminds its licensees that individuals they supervise or manage . . . should be aware of the reporting requirements under” 23 Pa.C.S. Chapter 63 (relating to Child Protective Services Law). We ask the Board to explain if it will use additional methods to communicate with its licensees that supervised and managed employees are mandated reporters. If appropriate, the Board should consider requiring licensees to advise unlicensed employees of their mandated reporter status.