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May 6, 2011

Michael F. Consedine,
Insurance Commissioner
Pennsylvania Department of Insurance
1326 Strawberry Square
Harrisburg, PA 17120

Dear Commissioner Consedine,

The purpose of this correspondence is to share the significant concerns held by the National Association of Social Workers (NASW-PA) with proposed regulations 16A-4929 to create a license for behavior specialists. Final form regulations have been released and a public hearing is scheduled on May 19, 2011. Given that this license will profoundly alter the way that the Commonwealth provides autism related services, NASW-PA encourages the issuance of a policy clarification outlining how these regulations will be interpreted and implemented before the regulation is finalized.

Act 62 of 2008 created the need for the certification/licensure of behavior specialists so that private insurance reimbursement can be awarded. We support licensure as a standard for payment. But, given that social workers, psychologists, and other clinical professionals are able to obtain professional licensure, there is no need to for these professionals to obtain a secondary license for reimbursement purposes. These licensed professionals are already qualified to serve autistic children as the services they would deliver to ASD children are already included in their scopes of practice. It appears clear that the intent of the bill as written would support the statement that already licensed master's level mental health and social service professionals are not required to hold this license to be reimbursed. The law defines an "autism service provider" as "a person, entity or group providing treatment of autism spectrum disorders, pursuant to a treatment plan, that is licensed or certified in this Commonwealth."

Further, providing services to children living with autism spectrum disorders is well within the scope of practice for licensed, master's level social workers (LSWs or LCSWs). Given that social workers hold a number of functions and practice in a variety of fields, the definition of the "practice of social work" is broadly defined, but clearly inclusive of the functions of a behavior specialists when stating, "rendering services in which a special knowledge of social resources, human personality and capabilities and therapeutic techniques is directed at helping people to achieve adequate and productive personal, interpersonal and social adjustments in their individual lives, their families and in their community." More specifically, the defined practice of clinical social work states that these professionals render services in which "a special knowledge of social resources, human personality and capabilities and therapeutic techniques is directed at helping people to achieve adequate and productive personal, interpersonal and social adjustments in their individual lives, in their families and in their community. The term includes person and environment perspectives, systems theory and cognitive/behavioral

theory, to the assessment and treatment of psychosocial disability and impairment, including mental and emotional disorders, **developmental disabilities** and substance abuse.” In comparison the proposed definition for a behavior specialist is based on knowledge of applied behavioral analysis, which falls under the purview of a “cognitive/behavioral theory” that many social workers apply on a daily basis.

Given that many LSWs and LCSWs, as well as licensed psychologists and licensed professional counselors, are currently working with children living with autism, there should be no mandate that these professionals obtain a second license to continue practice. This requirement will delay the treatment process as well as serve to deter the most educated and trained professionals from working with these populations. The intent of Act 62 was to create a mechanism so that those who are unable to obtain a professional license are able to secure licensure. However, Pennsylvania cannot afford to expand the field of autism service providers by creating an unnecessary barrier for educated, licensed professionals.

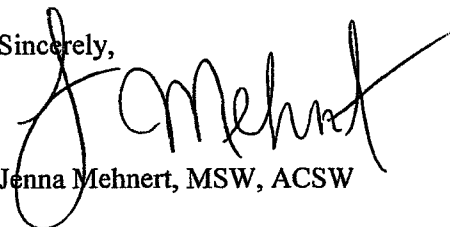
The Department of State Board of Medicine has clarified that there is no need for a duplication of licensure in the preamble provided, but that section is not an official part of the regulation. The regulation is written to state that anyone who is an “autism service provider” must maintain a license. The intent to include appropriate members of already license professions if further evidenced in the final rulemaking preamble through the statement “licensees such as psychologists and social workers remain authorized to continue to practice within the scope of their respective professions.”

The reality among respected professions is that you obtain a license in the field of your respective graduate study. Those who study medicine become licensed medical doctors, while those who study law become licensed attorneys. The BS license was created to offer a licensed for individuals who are otherwise not licensable. Their educational achievements do not qualify them to be a licensed human service provider in the Commonwealth, so a new license was created for them. It should not be the expectation that members of human and mental health professionals, where professional licensure has a higher standard of an appropriate educational degree, passage of a national competency exams and CE requirements, should be required to earn this lesser license to work with one specific population- autistic children. The precedent that such a notion establishes is destructive to all professions. Individuals are licensed to perform professional tasks, not to work with one specific group of clients.

NASW-PA fully recognizes the need to elevate workforce standards within the field of autism service delivery. However, the regulations as written, without interpretation guidelines may have several unintended consequences on working professionals and this client population of children. There is a clear and critical need to clarify the concerns raised here before any regulation is set forth. NASW-PA feels strongly that members of a licensable profession should clearly be required to hold their respective license, but not required to hold a B.S. license. If you have any questions, concerns, or comments, please feel free to contact me at 717-232-4125 or by e-mail at exec@nasw-pa.org.

Thank you for the consideration given to this request.

Sincerely,



Jenna Mehnert, MSW, ACSW

cc: IRRC
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