

RULES AND REGULATIONS

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

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

[49 PA. CODE CHS. 47—49]

Qualifications for Licensure

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

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 (63 P. S. § 1907), regarding 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 manner 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 proposed rulemaking at 43 Pa.B. 6382 (October 26, 2013) with a 30-day public comment period. During the public comment period, the Board received one public comment. The Board did not receive comments from the House Professional Licensure Committee (HPLC) or the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC). On December 24, 2013, the Board received a letter from the Independent Regulatory Review Commission (IRRC) indicating that it did not have objections, comments or recommendations to offer on the proposed rulemaking.

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 the applicants 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. The commentator reported that this is an important distinction because applicants, like the commentator, 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 the commentator's situation, the act is clear that to qualify for a license as either a licensed marriage and family therapist or a licensed professional counselor, an individual 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 section 7(e)(3)(i) or (f)(3)(i) of the act and the Board finds it reasonable to interpret this omission as intending to place 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 a 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 did not make revisions to the final-form rulemaking.

Fiscal Impact

The final-form rulemaking benefits 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 final-form rulemaking is not expected to have other fiscal impact on the regulated community, the private sector, the general public or political subdivisions of this Commonwealth.

Paperwork Requirements

The final-form rulemaking will require the Board to alter some of its application forms to reflect the revised qualifications for licensure. However, the final-form rulemaking will not create additional paperwork for the regulated community or the private sector.

Sunset Date

The Board continuously monitors the effectiveness of its regulations on a fiscal year and biennial basis. Therefore, a sunset date has not 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, to IRRC and the Chairpersons of the HPLC and the SCP/PLC for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC, the HPLC and the SCP/PLC were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Board has considered all comments from IRRC, the HPLC, the SCP/PLC and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on September 3, 2014, the final-form rulemaking was deemed approved by the HPLC and the SCP/PLC. Under section 5(g) of the Regulatory Review Act, the final-form rulemaking was deemed approved by IRRC effective September 3, 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 Board 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 the comments were considered.

(3) This final-form rulemaking is necessary and appropriate for administering and enforcing the authorizing act identified in this preamble.

Order

The Board, acting under its authorizing statute, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapters 47—49, are amended by amending §§ 47.12c, 48.13 and 49.13 to read as set forth at 43 Pa.B. 6382.

(b) The Board shall submit this order and 43 Pa.B. 6382 to the Office of General Counsel and the Office of Attorney General as required by law.

(c) The Board shall certify this order and 43 Pa.B. 6382 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, LSW,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 44 Pa.B. 6051 (September 20, 2014).)

Fiscal Note: Fiscal Note 16A-6921 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 14-2092. Filed for public inspection October 10, 2014, 9:00 a.m.]