

# PROPOSED RULEMAKING

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

[ 49 PA. CODE CH. 47 ]

### Licensed Bachelor Social Worker; Fees

The State Board of Social Workers, Marriage and Family Therapists and Professional Counselors (Board) proposes to amend §§ 47.1, 47.4, 47.11, 47.15, 47.32—47.36a, 47.41, 47.61—47.65 and 47.71, delete § 47.12b (relating to provisional license as a social worker) and add § 47.12e (relating to licensed bachelor social worker) to read as set forth in Annex A.

#### *Effective Date*

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin*.

#### *Statutory Authority*

Section 6 of the Social Workers, Marriage and Family Therapists and Professional Counselors Act (act) (63 P.S. § 1906) authorizes the Board to: pass upon the qualifications and fitness of applicants for licenses; adopt and revise rules and regulations requiring applicants to pass examinations regarding their qualifications as a prerequisite to the issuance of a license; and adopt and revise rules and regulations as may be necessary to carry into effect the act. Section 18(c) of the act (63 P.S. § 1918(c)) provides that all fees required under the act shall be fixed by the Board by regulation. Section 9 of the act of October 22, 2014 (P.L. 2884, No. 179) (Act 179) directs the Board to promulgate regulations to carry out Act 179, which provided for the licensure of bachelor social workers.

#### *Background and Need for this Proposed Rulemaking*

Act 179 requires the Board to promulgate regulations for the licensure of bachelor social workers. At the Board's public meeting on December 9, 2014, the Board discussed Act 179 and began the work of drafting regulations. At its next meeting on February 10, 2015, the Board reviewed a draft of the proposal and directed that an exposure draft of the proposal be sent out to interested parties and stakeholders inviting them to comment and notifying them that the proposal and comments would be discussed at the Board's April 14, 2015, meeting. The only comment received was from the Pennsylvania Chapter of the National Association of Social Workers (NASW-PA), who commented on the proposed fees and proposed continuing education requirements for licensed bachelor social workers. NASW-PA objected to licensed bachelor social workers paying the same application and renewal fees as the master's level licensees because of the difference in the educational requirements and earning potential of licensed bachelor social workers. NASW-PA also objected to bachelor social workers being required to complete the same number of hours of continuing education as master's level trained licensees. Subsequently, NASW-PA submitted information to the Board on May 4, 2015, indicating that most of the 27 states that license bachelor level and master's level social workers require equal amounts of continuing education. Only 4 of the 27 states require less continuing education for bachelor level social work-

ers. For that reason, the Board elected to keep the continuing education requirements equal for all licensees. The Board believes that NASW-PA no longer objects to this continuing education requirement for licensed bachelor social workers.

As a result of the comments regarding fees, the Board undertook a comprehensive review of its fee structure. While the Board determined that the \$95 biennial renewal fee should remain the same for all licensees, the \$25 application fee for social workers and the \$45 application fee for clinical social workers, marriage and family therapists, and professional counselors and the \$45 fee for the approval of continuing education providers, programs and activities needed to be addressed. The application fee for social workers had not been increased since 2002, when it was increased from the original application fee of \$15 established in 1990 to \$25 at the same time the \$45 fee for applications for licensure as a clinical social worker, marriage and family therapist, and professional counselor was originally established. The \$45 fee for the approval of continuing education providers, programs and activities had not been updated since 2006. Representatives of the Revenue Office of the Bureau of Professional and Occupational Affairs (BPOA) met with Board staff to conduct a study of the costs associated with processing the various applications taking into consideration the complexity of the application, the time it takes to review the application and the classification of the employees tasked with review. Based on this study a revised proposal was presented to the Board at its meeting on July 14, 2015. The following proposed fees were presented to the Board for licensure applications: \$75 for licensed bachelor social workers and licensed social workers; \$90 for licensed clinical social workers; and \$100 for licensed marriage and family therapists, and licensed professional counselors. Revised fees for the approval of continuing education providers, programs and activities would be increased from \$45 to \$65.

Because the proposal had been expanded to address fees beyond those necessary to implement Act 179 pertaining to licensed bachelor social workers, the Board determined at its July 14, 2015, meeting to solicit additional input from the regulated community. An exposure draft of the revised proposal was again sent out to interested parties and stakeholders on August 27, 2015, requesting comment for the Board's consideration at its October 13, 2015, meeting. NASW-PA commented in opposition to the increased application fees for licensed bachelor social workers, licensed social workers and licensed clinical social workers, noting that other BPOA boards charge lower application fees to license professionals who have higher average salaries than social workers. In response, the Board notes that it is required by law to set its fees to cover its own costs of operations, without regard to what other boards may charge for licensing other professions. The Board believes a more relevant comparison would be with what social workers are required to pay to apply for licensure in other states. Therefore, the Board reviewed the relevant application fees for all three categories of social worker license (bachelor level or entry level licenses, master's level social workers and clinical social workers) established by other states, which range from \$40 to \$325, and finds the proposed fees to be reasonable. In addition, application fees are generally set at a level that is intended to cover the costs of processing the application for the applicant.

Without the increases that are being proposed, the general licensee population is essentially underwriting the excess costs for applicants that may or may not qualify for or ever obtain licensure.

NASW-PA also objected to the \$75 application fee for licensed bachelor social workers because of the negative impact the fee would have on the number of social workers applying for licensure. NASW-PA warned that the unintended consequence would be an increase in unprofessional, unethical and illegal behavior by unlicensed social workers who would fall outside of the Board's authority to discipline. In addition to the comments from NASW-PA, the Board received comments from social work educators from Shippensburg University and Kutztown University who objected to the \$75 application fee for licensed bachelor social workers on the grounds that it would be a deterrent to entry level social workers in applying for licensure. However, as noted previously, the Board has looked at the application fees for licensed bachelor social workers in the states that license entry level social workers which range from a low of \$40 (Michigan) to a high of \$250 (Arizona) with an average of approximately \$100 and finds the \$75 fee to be reasonable. Because it is comparable to the application fees in other states, the Board does not believe it would put Pennsylvania at a competitive disadvantage or otherwise dissuade graduates of social work and social welfare education programs and those individuals currently working as bachelor level social workers from applying for licensure. The Board also notes that some states require both an application fee and an initial licensure fee. For example, Arizona requires all applicants to pay a \$250 application fee, a license issuance fee of \$100 (for nonindependent level licenses, including licensed bachelor social workers) and \$250 for independent level licenses (such as licensed clinical social workers, licensed marriage and family therapists, and licensed professional counselors). Maryland requires applicants for a bachelor social worker license to pay an application fee of \$100 and an initial licensure fee of \$75. The Board does not require a separate fee for initial licensure, as it is included in the application fee. See § 47.4 (relating to licensure fees) which provide for the "application fee for licensure and original license issuance as a" social worker, marriage and family therapist or professional counselor. Therefore, the Board considers the proposed fees to be reasonable and the least burdensome alternative for licensees, given the operational costs of processing the applications. For that reason, no changes have been made to the proposed fees.

There were no comments regarding the increased fees for continuing education approval or any of the other substantive provisions in the proposal. Thereafter, at a regularly scheduled public meeting, the Board voted to proceed with the proposal as drafted.

#### *Description of Proposed Amendments*

The Board proposes to amend § 47.1 (relating to definitions) to add a definition of "licensed bachelor social worker" and delete the definition of "provisional licensed social worker" as that term was deleted by Act 179. The Board is also proposing amendments to the definition of "professional relationship" to include licensed bachelor social workers and to delete the reference to a "therapeutic" relationship because licensed bachelor social workers are not authorized to engage in therapy or clinical practice.

The Board proposes to amend § 47.4 to establish the application fee (\$75) and biennial renewal fee (\$95) for licensed bachelor social workers. In addition, as previ-

ously discussed, the Board proposes to increase the application fee for licensed social workers from \$25 to \$75 to cover the actual costs of processing an application. This fee has not been increased since it was originally adopted in 1989. The Board also proposes to increase the application fee for licensure as a clinical social worker from \$45 to \$90 and the application fee for licensure as a marriage and family therapist or professional counselor from \$45 to \$100. These fees have not been increased since they were originally adopted in 2000. The Board is also proposing to delete the fees associated with provisional licenses because Act 179 eliminated that category of license. The Board is also proposing to delete subsection (b) as it applied to fees for licenses that were issued prior to June 24, 1989, and the deadline for payment of those fees has passed. Therefore, subsection (b) is outdated and obsolete.

The Board proposes to amend § 47.11 (relating to licensure examination) to clarify that the examination required as a prerequisite to licensure as a licensed bachelor social worker is the Association of Social Work Boards' (ASWB) bachelor's level examination. Act 179 deleted the provisional license which was previously granted to individuals who passed the ASWB bachelor's level examination. For that reason, the Board is also proposing to delete § 47.12b. In its place, the Board is proposing to add § 47.12e to set forth the requirements to be issued a license as a bachelor social worker.

The Board proposes to amend §§ 47.15, 47.32, 47.41, 47.61—47.65 and 47.71 to add licensed bachelor social workers to the provisions having to do with biennial renewal, continuing education, disciplinary proceedings, sexual misconduct, the impaired professional program, and the code of ethical practice and professional conduct. These proposed amendments serve to hold licensed bachelor social workers to the same standards as all other licensees of the Board.

The Board also proposes various amendments regarding continuing education. The Board proposes to amend § 47.33 (relating to acceptable continuing education courses and programs) to clarify that for renewal of a social worker's or clinical social worker's license, continuing education courses and programs must be appropriate for the master's level practitioner and pertain to the practice of social work or clinical social work. Section 47.33 is also proposed to be amended to state that for renewal of a bachelor social worker's license, continuing education courses and programs must pertain to the practice of bachelor social work (as defined in section 3 of the act (63 P.S. § 1903)) or contribute to the professional development of the licensed bachelor social worker. This last provision is proposed to be added to allow licensed bachelor social workers the ability to participate in more complex continuing education courses to prepare them for advancement toward a master's level license, if they choose to do so. The Board proposes to add a caveat that this should not be construed as expanding the scope of practice of a licensed bachelor social worker beyond that provided for in the act and this chapter.

The Board proposes to amend § 47.34 (relating to registration of continuing education providers who offer one course or program) to increase the application fee from \$45 to \$65 to cover the current costs of processing these applications. In addition, the Board proposes to amend § 47.35 (relating to standards for courses and programs) to only require providers offering courses targeted to licensed social workers and licensed clinical social workers to provide evidence that the course is

geared toward the master's level practitioner, which allows for bachelor level continuing education courses. The Board proposes to amend this section to permit continuing education courses of at least 1 clock hour, as opposed to the current 2-hour requirement. In addition, the Board proposes to make it clear that the Board will not approve partial credit for a course or program. These proposed amendments are consistent with amendments the Board is proposing in a separate rulemaking applicable to all of its licensees (including marriage and family therapists, and professional counselors).

The Board proposes to amend § 47.36 (relating to preapproved providers of continuing education courses and programs for licensed social workers, licensed clinical social workers and licensed bachelor social workers) to include provisions for bachelor social workers, and to set forth the \$65 fee for entities seeking preapproved provider status. This would allow an entity to offer an unlimited number of courses provided they demonstrate that their courses routinely meet the standards for courses and programs in § 47.35. The Board proposes to amend § 47.36a (relating to other sources of continuing education) to set forth the \$65 fee for licensees who wish to obtain continuing education clock hours on a case-by-case basis for other relevant professional development activities.

#### *Fiscal Impact*

This proposed rulemaking will have a fiscal impact on the regulated community of licensed bachelor social workers in that they would be required to pay a \$75 application fee and a \$95 biennial renewal fee. They would also incur costs associated with completion of 30 hours of continuing education each biennium. Because there are a large number of free and low cost options for meeting the continuing education requirements, the Board estimates an average cost of \$300 per biennium to comply with the continuing education requirements. This proposed rulemaking would also have an impact on applicants for licensure as licensed social workers, licensed clinical social workers, licensed marriage and family therapists, and licensed professional counselors due to the increased application fees. Applicants for licensure as a licensed social worker would incur a \$50 increase (from \$25 to \$75); applicants for licensure as a licensed clinical social worker would incur a \$45 increase (from \$45 to \$90); and applicants for licensure as a licensed marriage and family therapist or licensed professional counselor would incur a \$55 increase (from \$45 to \$100). Providers of continuing education courses and programs and, to a lesser extent, licensees would incur a \$20 increase in the application fee for approval of providers/courses/activities from \$45 to \$65.

#### *Paperwork Requirements*

Bachelor level social workers would need to file an application for licensure and keep documentation on file to demonstrate completion of continuing education credit hours. The Board has developed an application for licensure as a bachelor social worker and will need to revise some of its other applications to provide for the increased fees. There should be no other paperwork requirements for the Commonwealth or the regulated community.

#### *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 January 31, 2018, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee (HPLC) and the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC). A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) which have not been met. The Regulatory Review Act specifies detailed procedures for review prior to final publication of the rulemaking by the Board, the General Assembly and the Governor.

#### *Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Regulatory Counsel, State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, P.O. Box 69523, Harrisburg, PA 17106-5923, RA-STRegulatoryCounsel@pa.gov within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference 16A-6922—Licensed Bachelor Social Workers; Fees on submitted comments.

JAMES K. MATTA, Sr., Ed.D, NCC, LPC,  
*Chairperson*

**Fiscal Note:** 16A-6922. No fiscal impact; (8) recommends adoption.

#### **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**

#### **GENERAL PROVISIONS**

#### **§ 47.1. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

*Client/patient*—An individual, group or family for whom a licensed **bachelor social worker, licensed social worker** or licensed clinical social worker provides social work services or clinical social work services. In the case of an individual with a legal guardian, such as a minor or legally incapacitated adult, the individual is the client/patient.

*Immediate family member*—A parent/guardian, child, sibling, spouse or other family member with whom the client/patient resides.

*Licensed bachelor social worker*—**A person who is currently licensed as a licensed bachelor social worker under section 7 of the act (63 P.S. § 1907).**



*Licensed clinical social worker*—A person who is currently licensed as a licensed clinical social worker under section 7 of the act [ (63 P.S. § 1907) ].

*Licensed social worker*—A person who is currently licensed as a licensed social worker under section 7 of the act.

*Professional relationship*—A [ **therapeutic** ] relationship which is deemed to exist for the period of time beginning with the first professional contact or consultation between a **licensed bachelor social worker**, licensed social worker or licensed clinical social worker and a client/patient and continuing thereafter until the last date of a professional service. If a **licensed bachelor social worker**, licensed social worker or licensed clinical social worker sees a client/patient on an intermittent basis, the professional relationship is deemed to start anew on each date that the **licensed bachelor social worker**, licensed social worker or licensed clinical social worker provides a professional service to the client/patient.

[ *Provisional licensed social worker*—A person who is currently licensed as a provisional licensed social worker under section 7 of the act. ]

*Related field*—Includes the fields of psychiatry, psychology, marriage and family therapy, counseling, art therapy, dance/movement therapy, drama therapy, music therapy, human services and counseling education.

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§ 47.4. Licensure fees.

[ (a) ] The fee schedule for licensure as a **licensed bachelor social worker**, licensed social worker, [ **provisional license**, ] licensed clinical social worker, licensed marriage and family therapist or licensed professional counselor shall be as follows:

(1) Application fee for licensure and original license issuance as a **licensed bachelor social worker** or licensed social worker ..... [ \$25 ] \$75

(2) Biennial renewal for a **licensed bachelor social worker**, licensed social worker, **licensed** clinical social worker, **licensed** marriage and family therapist or **licensed** professional counselor ..... \$95

[ (3) Application fee for provisional license and provisional license issuance ..... \$25

(4) [ (3) Verification of licensure. .... \$15

[ (5) ] (4) Certification of license, scores or hours.. \$25

[ (6) ] (5) Application fee for licensure and original license issuance as a **licensed** clinical social worker [ , marriage and family therapist or professional counselor ] ..... [ \$45 ] \$90

(6) Application fee for licensure and original license issuance as a **licensed marriage and family therapist** or **licensed professional counselor** ... \$100

[ (b) Applicants who were issued licenses prior to June 24, 1989, and who have not paid the appropriate fee in subsection (a) are required to remit the fee within 30 days of receipt of notice from the Board to maintain active licensure status. Failure to remit the required fee within that time will result in the license being placed on inactive status. A licensee holding oneself out as a “licensed social

worker” while the license is on an inactive status may be subject to disciplinary proceedings before the Board. ]

LICENSURE

§ 47.11. Licensure examination.

(a) The examination required as a prerequisite to original licensure as a licensed social worker is the Association of Social Work Boards’ (ASWB) [ (formerly known as the American Association of State Social Work Boards’ (AASSWB)) ] master’s level examination.

(b) The examination required as a prerequisite to being granted a license to hold oneself out as a **licensed bachelor** social worker [ with a provisional license is the ASWB (formerly known as AASSWB) ] is the **ASWB** bachelor’s level examination.

(c) The examination required as a prerequisite to being granted a license to hold oneself out as a licensed clinical social worker is the ASWB [ (formerly known as AASSWB) ] clinical level examination.

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§ 47.12b. [ Provisional license as a social worker. ] (Reserved).

[ (a) To be issued a license to hold oneself out as a social worker with a provisional license, an applicant shall provide proof satisfactory to the Board, that the applicant has met the following conditions:

(1) Satisfied the general requirements for licensure of § 47.12 (relating to qualifications for licensure).

(2) Received a bachelor’s degree in social work from a school of social work or social welfare accredited by the Council on Social Work Education and has 3 years full time cumulative experience, under the supervision of a social worker who has graduated with a master’s degree in social work or social welfare from a school which was an accredited school on the date the degree was awarded or who possesses a doctoral degree in social work.

(3) Offered proof of current enrollment in a master’s degree program at a school of social work or social welfare accredited by the Council on Social Work Education.

(4) Passed the provisional license examination requirement set forth in § 47.11 (relating to licensure examination).

(b) A provisional licensee while working as a social worker with a current provisional license, shall associate himself with a licensed social worker or other social worker who qualifies under the act and this chapter. The provisional licensee shall be under the supervision and direction of the licensed social worker or other social worker who qualifies under section 7(b)(2) of the act (63 P.S. § 1907(b)(2)).

(c) An applicant may not be issued more than three provisional licenses. A provisional license has a 2-year duration.

(d) If a provisional licensee discontinues his education to obtain a master’s degree in social work or social welfare from an accredited school, the provisional licensee shall notify the Board in writing of

**the licensee's discontinuance and return to the Board any provisional license. ]**

(*Editor's Note:* The following section is proposed to be added and printed in regular type to enhance readability.)

**§ 47.12e. Licensed bachelor social worker.**

To be issued a license to hold oneself out as a licensed bachelor social worker, an applicant shall provide proof satisfactory to the Board that the applicant has met all of the following conditions:

(1) Satisfied the general requirements for licensure in § 47.12 (relating to qualifications for licensure).

(2) Received a bachelor's degree from a program of social work or social welfare accredited by the Council on Social Work Education.

(3) Passed the bachelor's license examination requirement in § 47.11 (relating to licensure examination).

**§ 47.15. Biennial renewal; inactive status; failure to renew.**

(a) *Biennial renewal.*

(1) A license granted under the act expires on the last day of the renewal month of every biennial period unless renewed for the next biennium.

(2) A licensed **bachelor social worker, licensed social worker or licensed clinical** social worker who fails to renew his license shall cease using the title licensed **bachelor social worker, licensed social worker or licensed clinical** social worker.

(3) Biennial renewal forms, other forms and literature to be distributed by the Board will be forwarded to the last mailing address given to the Board by the licensee. Whenever the licensee changes his mailing address of record, the licensee shall notify the Board, in writing, within 10 days after making the address change.

(4) To retain the right to use the title licensed **bachelor social worker, licensed social worker or licensed clinical** social worker when engaging in practice, the licensee shall renew his license in the manner prescribed by the Board and pay the biennial renewal fee required by § 47.4 (relating to licensure fees), prior to the expiration of the current biennium.

(5) When a license is renewed after the expiration of the biennial period, a late fee required by § 47.4, as authorized by sections 224—227 of the Bureau of Professional and Occupational Affairs Fee Act (63 P.S. §§ 1401-224—1401-227), shall be applied for each month or part of a month that the licensee failed to renew the license or failed to notify the Board of the licensee's desire to be placed on inactive status. This late fee will be charged in addition to the biennial renewal fee.

(6) The licensee who fails to pay the biennial renewal fee or who notifies the Board that the licensee does not desire to renew his license, will not be sent biennial renewal forms for the following biennial renewal periods, unless the licensee notifies the Board in writing of the licensee's desire to reactivate the license.

(7) A licensee who practiced **bachelor social work, social work or clinical** social work and used or implied the licensee was a licensed **bachelor social worker, licensed social worker or licensed clinical** social worker during a period in which the licensee was not licensed is subject to prosecution under section 16 of the act (63 P.S. § 1916).

(b) *Inactive status.*

(1) A licensee who does not intend to use the title licensed **bachelor social worker, licensed social worker or licensed clinical** social worker in this Commonwealth and who does not desire to renew his license shall inform the Board in writing. Written confirmation of the Board's receipt of the licensee's letter and notice that the license has been classified as inactive will be forwarded to the licensee.

(2) A licensee applying for licensure renewal will not be assessed a late fee for preceding biennial periods in which the licensee was not engaging as a licensed **bachelor social worker, licensed social worker or licensed clinical** social worker in this Commonwealth, if the licensee properly notified the Board of the licensee's desire to be placed on inactive status.

(3) If the other conditions of the act and this chapter have been met, active status will be restored upon payment of fees as required under § 47.4.

(c) *Reactivation.* A licensee who is applying to return to active status after expiration of a license as a licensed **bachelor social worker, licensed social worker or licensed clinical** social worker shall:

(1) Pay fees which are due as required under the act, § 47.4 and sections 224—227 of the Bureau of Professional and Occupational Affairs Fee Act.

(2) Submit a sworn statement stating the period during which the licensee was not using the title or engaging as a licensed **bachelor social worker, licensed social worker or licensed clinical** social worker in this Commonwealth.

**CONTINUING EDUCATION**

**§ 47.32. Requirement for biennial renewal.**

[ (a) ] The Board requires, as a condition of biennial renewal of a **bachelor social worker's license, a social worker's license or a clinical** social worker's license, the completion during the preceding biennium of 30 clock hours of continuing education in acceptable courses and programs in social work offered by approved providers. Excess clock hours may not be carried over to the next biennium. [ **Effective with the 2009 renewals and thereafter, at** ] At least 3 of the required 30 clock hours must be related to ethical issues.

[ (b) The Board requires, as a condition of biennial renewal of a **clinical social worker's license, the completion during the preceding biennium of 30 clock hours of continuing education in acceptable courses and programs in social work offered by approved providers. Effective with the 2009 renewals and thereafter, at least 3 of the required 30 clock hours must be in ethical issues. Excess clock hours may not be carried over to the next biennium. ]**

**§ 47.33. Acceptable continuing education courses and programs.**

(a) Only courses or programs offered by Board approved providers will be accepted for continuing education credit, except as provided in § 47.36a (relating to other sources of continuing education).

(b) [ **Continuing** ] For renewal of a **social worker's license or a clinical social worker's license, continuing** education courses and programs must be appropriate for the master's level practitioner and pertain

to the practice of social work or clinical social work as defined in section 3 of the act (63 P.S. § 1903).

**(c) For renewal of a bachelor social worker's license, continuing education courses and programs must pertain to the practice of bachelor social work as defined in section 3 of the act or contribute to the professional development of the licensed bachelor social worker. Nothing in this subsection should be construed as expanding the scope of practice of a licensed bachelor social worker.**

[ (c) ] (d) The Board will not approve courses or programs in office management or in practice building.

[ (d) ] (e) A licensee may accrue up to 20 of the required clock hours in home study courses offered by approved providers if the home study course has specific learning objectives which the provider evaluates to assure that learning has taken place. Home study courses must be indicated as such on the certificates of attendance.

**§ 47.34. Registration of continuing education providers who offer one course or program.**

(a) An agency, organization, institution, association, center or individual seeking to offer one organized course or program may apply to the Board as a provider.

(b) An applicant for Board approval as a provider of a course or program shall submit an application, along with a fee of [ \$45 ] \$65, at least 90 days before the date the course or program commences.

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**§ 47.35. Standards for courses and programs.**

(a) A provider or licensee seeking Board approval of a course or program shall present evidence that the course or program [ is geared toward the master's level practitioner and ] has all of the following:

(1) Subject matter pertaining to the enhancement of the licensed bachelor social worker's, licensed social worker's or licensed clinical social worker's knowledge and practice skills related to helping people achieve adequate and productive personal, interpersonal and social adjustments in their individual lives, in their families and in their community.

**(2) For courses targeted to licensed social workers and licensed clinical social workers, evidence that the course or program is geared toward the master's level practitioner.**

[ (2) ] (3) An established mechanism measuring the quality of the course or program being offered.

[ (3) ] (4) Established criteria for selecting and evaluating faculty or source material.

[ (4) ] (5) Established criteria for the evaluation of each course or program upon completion.

[ (5) ] (6) A minimum total duration of at least [ 2 clock hours; however, the hours need not be contiguous ] 1 clock hour. **The Board will not approve partial credit for a course or program.**

(b) Providers shall comply with relevant Federal, State and local laws related to serving people with disabilities and shall provide adequate facilities and appropriate instructional materials to carry out the continuing education course or program.

(c) Providers shall insure that instructors have suitable qualifications and are of good reputation and character.

§ 47.36. Preapproved providers of continuing education courses and programs for licensed social workers [ and ], licensed clinical social workers and licensed bachelor social workers.

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(b) The Board will consider for approval, as preapproved providers, other organizations who offer multiple courses and programs for licensed bachelor social workers, licensed social workers and licensed clinical social workers. The request for approval shall be submitted to the Board in writing **and accompanied by a \$65 fee,** along with a rationale as to why the organization should be included as a preapproved provider **with specific reference to the standards in § 47.35.**

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**§ 47.36a. Other sources of continuing education.**

(a) Clock hours may be granted on a case-by-case basis for the following:

(1) Participation in clinical conferences, clinical rounds or training under a preceptor provided through hospitals, medical centers, schools and universities.

(2) First-time experience as a teacher.

(3) Publications of articles, books and research relating to the practice of **bachelor social work,** social work or clinical social work.

(4) Services as a preceptor, lecturer or speaker.

(b) A licensee who wishes to obtain clock hours for credit under subsection (a)(1), (2) or (4) shall submit, prior to participating in the event, an application for approval along with a **\$65** fee as provided by § 47.34(b) (relating to registration of continuing education providers who offer one course or program). A licensee seeking to obtain clock hours for a publication under subsection (a)(3)[ , ] shall submit, after the publication of the article, book or research, an application for approval along with a **\$65** fee as provided by § 47.34(b).

**§ 47.41. Disciplinary action authorized.**

(a) A licensed bachelor social worker, licensed social worker or licensed clinical social worker who submits fraudulent clock hour reports will be subject to disciplinary action under section 11(a)(5) of the act (63 P.S. § 1911(a)(5)).

(b) The falsification of a clock hour report by a program provider will result in revocation of approval by the Board for further program offerings of that provider.

**SEXUAL MISCONDUCT**

**§ 47.61. Prohibited conduct.**

Sexual intimacies between a licensed bachelor social worker, licensed social worker or licensed clinical social worker and a current client/patient, or an immediate family member of a current client/patient, are prohibited.

**§ 47.62. Former sexual partners as clients/patients.**

Licensed bachelor social workers, licensed social workers and licensed clinical social workers may not accept as client/patients individuals with whom they have engaged in sexual intimacies.

**§ 47.63. Sexual intimacies with a former client/patient or an immediate family member of a former client/patient.**

(a) Sexual intimacies between a licensed bachelor social worker, licensed social worker or licensed clinical social worker and a former client/patient, or an



immediate family member of a former client/patient are prohibited for 7 years following the termination of the professional relationship.

(b) Following the passage of the 7-year period, **licensed bachelor social workers**, licensed social workers and licensed clinical social workers may engage in sexual conduct with a former client/patient, or an immediate family member of a former client/patient which is not exploitive. In determining whether the conduct is exploitive, the **licensed bachelor social worker**, licensed social worker or licensed clinical social worker shall consider all of the following:

(1) The amount of time that has passed since the professional relationship terminated.

(2) The nature and duration of the [ **therapy** ] **professional relationship**.

(3) The circumstances of termination.

(4) The client/patient's personal history—for example, unique vulnerabilities.

(5) The client/patient's current mental status.

(6) Statements or actions made by the **licensed bachelor social worker**, licensed social worker or licensed clinical social worker during the course of [ **therapy** ] **professional relationship** suggesting or inviting the possibility of a [ **posttermination** ] **post-termination** sexual or romantic relationship with the client/patient.

(7) The likelihood of adverse impact on the client/patient and immediate family members of the client/patient.

#### § 47.64. Disciplinary proceedings.

(a) A violation of §§ 47.61—47.63 (relating to prohibited conduct; former sexual partners as clients/patients; **and** sexual intimacies with a former client/patient or an immediate family member of a former client/patient) will be deemed unprofessional conduct and will subject the **licensed bachelor social worker**, licensed social worker or licensed clinical social worker to discipline under section 11(a)(2) of the act (63 P.S. § 1911(a)(2)).

(b) The consent of a former client/patient or immediate family member of a former client/patient to engage in sexual intimacies with the **licensed bachelor social worker**, licensed social worker or licensed clinical social worker is not a defense in any disciplinary action brought under §§ 47.61—47.63.

\* \* \* \* \*

#### § 47.65. Impaired professional program.

When the Board takes disciplinary or corrective action against a **licensed bachelor social worker**, licensed social worker or licensed clinical social worker under section 11(a) of the act (63 P.S. § 1911(a)), for conduct prohibited by §§ 47.61—47.63 (relating to prohibited conduct; former sexual partners as clients/patients; and sexual intimacies with a former client/patient[ , ] or an immediate family member of a former client/patient), the **licensed bachelor social worker**, licensed social worker or licensed clinical social worker will not be eligible for placement into an impaired professional program in lieu of disciplinary or corrective action.

#### CODE OF ETHICAL PRACTICE AND STANDARDS OF PROFESSIONAL CONDUCT

#### § 47.71. Codes of ethical practice and professional conduct.

The Board subscribes to the codes of ethics and practice standards promulgated by the National Association of Social Workers (NASW), the Pennsylvania Society for Clinical Social Work and the Model Social Work Practice Act of the Association of State Social Work Boards. Licensed **bachelor social workers**, **licensed** social workers and licensed clinical social workers (licensees) shall adhere to these codes and standards, except when they conflict with this chapter. The Board will use these codes and standards in resolving ambiguities which may arise in the interpretation of this chapter, except that whenever any conflict exists between this chapter and the professional associations' codes and standards, this chapter shall prevail.

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