

**CHAPTER 47. STATE BOARD OF SOCIAL WORKERS,
MARRIAGE AND FAMILY THERAPISTS
AND PROFESSIONAL COUNSELORS**

GENERAL PROVISIONS

- Sec.
47.1. Definitions.
47.1a. Qualifications for supervisors.
47.2. Applicability of general rules.
47.3. Meetings of the Board.
47.4. Licensure fees.

LICENSURE

- 47.11. Licensure examination.
47.12. Qualifications for licensure.
47.12a. Licensed social worker.
47.12b. Provisional license as a social worker.
47.12c. Licensed clinical social worker.
47.12d. Standards for supervisors.
47.13. [Reserved].
47.13b. Exemption from licensure examination—clinical social workers.
47.14. Application for licensure by reciprocity.
47.15. Biennial renewal; inactive status; failure to renew.
47.16. Licensure by endorsement.

PROFESSIONAL CORPORATIONS AND FICTITIOUS NAMES

- 47.21. Professional corporations.
47.22. Fictitious names.

CONTINUING EDUCATION

- 47.31. Definitions.
47.32. Requirement for biennial renewal.
47.33. Acceptable continuing education courses and programs.
47.34. Registration of continuing education providers who offer one course or program.
47.35. Standards for courses and programs.
47.36. Preapproved providers of continuing education courses and programs for social workers and clinical social workers.
47.36a. Other sources of continuing education.
47.37. Reporting by licensee of hours spent in continuing education; continuing education audit and enforcement.
47.38. Retention of records.
47.39. Exemption and waiver.
47.40. Continuing education requirement for biennial renewal of inactive and lapsed licenses.
47.41. Disciplinary action authorized.

CHILD ABUSE REPORTING REQUIREMENTS

- 47.51. Definitions relating to child abuse reporting requirements.
- 47.52. Suspected child abuse—mandated reporting requirements.
- 47.53. Photographs, medical tests and X-rays of child subject to report.
- 47.54. Suspected death as a result of child abuse—mandated reporting requirement.
- 47.55. Immunity from liability.
- 47.56. Confidentiality—waived.
- 47.57. Noncompliance.

SEXUAL MISCONDUCT

- 47.61. Prohibited conduct.
- 47.62. Former sexual partners as clients/patients.
- 47.63. Sexual intimacies with a former client/patient or an immediate family member of a former client/patient.
- 47.64. Disciplinary proceedings.
- 47.65. Impaired professional program.

CODE OF ETHICAL PRACTICE AND STANDARDS OF PROFESSIONAL CONDUCT

- 47.71. Codes of ethical practice and professional conduct.
- 47.72. Responsibilities to clients/patients.
- 47.73. Dual or multiple relationships affecting the licensee's judgment.
- 47.74. Sexual harassment.
- 47.75. Impaired practice.
- 47.76. Research and publication.
- 47.77. Payment for services.
- 47.78. Recordkeeping.
- 47.79. Mandatory reporting.
- 47.80. Advertising.

Authority

The provisions of this Chapter 47 issued under sections 6 and 18 of the Social Workers, Marriage and Family Therapist and Professional Counselors Act (63 P. S. §§ 1906 and 1918), unless otherwise noted.

Source

The provisions of this Chapter 47 adopted June 23, 1989, effective June 24, 1989, 19 Pa.B. 2662, unless otherwise noted.

Cross References

This chapter cited in 49 Pa. Code § 41.26 (relating to professional corporations).

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:

Accredited school—A graduate program in social work or social welfare accredited by the Council on Social Work Education.

Act—The Social Workers, Marriage and Family Therapists and Professional Counselors Act (63 P. S. §§ 1901—1922).

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

Client/patient—An individual, group or family for whom a 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 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 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 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 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.

Sexual intimacies—Romantic, sexually suggestive, sexually demeaning or erotic behavior. Examples of this behavior include the following:

- (i) Sexual intercourse, or any touching of the sexual or intimate parts of the person for the purpose of arousing or gratifying sexual desire in either person.
- (ii) Nontherapeutic verbal communication or inappropriate nonverbal communication of a sexual or romantic nature.
- (iii) Sexual invitations.

(iv) Soliciting or accepting a date from a client/patient.

(v) Masturbating in the presence of a client/patient or encouraging a client/patient to masturbate in the presence of the licensed social worker or licensed clinical social worker.

(vi) Indecent exposure, kissing, hugging, touching, physical contact or self-disclosure of a sexual or erotic nature.

Supervisee—An individual who is fulfilling the supervised experience requirement for licensure as a clinical social worker.

Supervision—The act of overseeing, directing or instructing the activity or course of action of another.

Supervisor—An individual providing supervision to a supervisee who meets the criteria in § 47.1a (relating to qualifications for supervisors).

Authority

The provisions of this § 47.1 amended under section 6(2) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act (63 P. S. § 1906(2)); and section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3(a)).

Source

The provisions of this § 47.1 adopted November 23, 1990, effective November 24, 1990, 20 Pa.B. 5838; amended March 1, 2002, effective March 2, 2002, 32 Pa.B. 1197; amended August 11, 2006, effective August 12, 2006, 36 Pa.B. 4469; amended January 25, 2008, effective January 26, 2008, 38 Pa.B. 484. Immediately preceding text appears at serial pages (325216) and (321989) to (321990).

Cross References

This section cited in 49 Pa. Code § 47.12c (relating to licensed clinical social worker).

§ 47.1a. Qualifications for supervisors.

To qualify as a supervisor, an individual shall meet one of the following criteria:

- (1) Hold a license as a clinical social worker and have 5 years of experience within the last 10 years as a clinical social worker.
- (2) Hold a license and a master's or doctoral degree in a related field, and have 5 years experience within the last 10 years in that field.
- (3) Until January 1, 2006, the following criteria:
 - (i) Practices as a clinical social worker.
 - (ii) Have 5 years experience within the last 10 years as a clinical social worker.
 - (iii) Hold a license to practice as a social worker in this Commonwealth.

Authority

The provisions of this § 47.1a issued under section 6(2) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act (63 P. S. § 1906(2)).

Source

The provisions of this § 47.1a adopted March 1, 2002, effective March 2, 2002, 32 Pa.B. 1197.

Cross References

This section cited in 49 Pa. Code § 47.1 (relating to definitions); and 49 Pa. Code § 47.12c (relating to licensed clinical social worker).

§ 47.2. Applicability of general rules.

Under 1 Pa. Code § 31.1 (relating to scope of part) 1 Pa. Code Part II (relating to general rules of administrative practice and procedure) is applicable to the activities of, and proceedings before the Board, unless they are inconsistent with the act.

Source

The provisions of this § 47.2 adopted November 23, 1990, effective November 24, 1990, 20 Pa.B. 5838.

Cross References

This section cited in 49 Pa. Code § 48.4 (relating to applicability of general provisions in Chapter 47); and 49 Pa. Code § 49.4 (relating to applicability of general provisions in Chapter 47).

§ 47.3. Meetings of the Board.

Minutes shall be kept for Board meetings, and upon approval by the Board, become the official minutes.

Source

The provisions of this § 47.3 adopted November 23, 1990, effective November 24, 1990, 20 Pa.B. 5838.

Cross References

This section cited in 49 Pa. Code § 48.4 (relating to applicability of general provisions in Chapter 47); and 49 Pa. Code § 49.4 (relating to applicability of general provisions in Chapter 47).

§ 47.4. Licensure fees.

(a) The fee schedule for licensure as a 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 social worker \$25
- (2) Biennial renewal for a licensed social worker, clinical social worker, marriage and family therapist or professional counselor. \$95
- (3) Application fee for provisional license and provisional license issuance \$25
- (4) Verification of licensure. \$15
- (5) Certification of license, scores or hours \$25

(6) Application fee for licensure and original license issuance as a clinical social worker, marriage and family therapist or professional counselor \$45

(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.

Authority

The provisions of this § 47.4 amended under sections 6(2) and 18(c) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act (63 P. S. §§ 1906(2) and 1918(c)).

Source

The provisions of this § 47.4 adopted June 23, 1989, effective June 24, 1989, 19 Pa.B. 2662; amended November 30, 1990, effective December 1, 1990, 20 Pa.B. 5937; amended June 16, 2000, effective June 17, 2000, 30 Pa.B. 3049; amended November 29, 2002, effective November 30, 2002, 32 Pa.B. 5885; corrected December 6, 2002, effective November 30, 2002, 32 Pa.B. 5957; amended August 15, 2008, effective August 16, 2008, 38 Pa.B. 4509; amended January 23, 2009, effective October 4, 2008, 39 Pa.B. 417; amended May 16, 2014, effective May 17, 2014, 44 Pa.B. 2863. Immediately preceding text appears at serial pages (358289) to (358290).

Cross References

This section cited in 49 Pa. Code § 47.12 (relating to qualifications for licensure); 49 Pa. Code § 47.15 (relating to biennial renewal; inactive status; failure to renew); 49 Pa. Code § 48.4 (relating to applicability of general provisions in Chapter 47); and 49 Pa. Code § 49.4 (relating to applicability of general provisions in Chapter 47).

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 social worker with a provisional license is the ASWB (formerly known as AASSWB) 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.

(d) The applicant shall apply to the testing organization for admission to the applicable licensure examination and shall pay the required fee at the direction of the testing organization.

(e) The passing grade for the examination will be determined by the Board.

(f) The applicant shall be responsible for directing that the testing organization send examination results and other information requested to the Board.

Authority

The provisions of this § 47.11 amended under section 6(2) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act (63 P. S. § 1906(2)); and section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3(a)).

Source

The provisions of this § 47.11 adopted November 23, 1990, effective November 24, 1990, 20 Pa.B. 5838; amended March 1, 2002, effective March 2, 2002, 32 Pa.B. 1197; amended January 25, 2008, effective January 26, 2008, 38 Pa.B. 484. Immediately preceding text appears at serial pages (294163) to (294164).

Cross References

This section cited in 49 Pa. Code § 47.12a (relating to licensed social worker); 49 Pa. Code § 47.12b (relating to provisional license as a social worker); and 49 Pa. Code § 47.12c (relating to licensed clinical social worker).

§ 47.12. Qualifications for licensure.

General qualifications and requirements for applicants for licensure are as follows:

- (1) The applicant is of good moral character.
- (2) The applicant has not been convicted of a felony, which shall include a judgment, an admission of guilt or a plea of nolo contendere, under The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. §§ 780-101—780-144), or of an offense under the laws of another jurisdiction, which, if committed in this Commonwealth, would be a felony under The Controlled Substance, Drug, Device and Cosmetic Act, unless the following apply:
 - (i) At least 10 years have elapsed from the date of conviction.
 - (ii) The applicant satisfactorily demonstrates to the Board that the applicant has made significant progress in personal rehabilitation since the conviction, so that licensure of the applicant would not be expected to create a substantial risk of harm to the health and safety of the applicant's clients or the public or a substantial risk of further criminal violations.
- (3) The applicant has submitted an application for licensure on forms furnished by the Board. The application for licensure may be obtained by contacting the Board by mail at: State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, Post Office Box 2649, Harrisburg, Pennsylvania 17105-2649, or by telephone at: (717) 783-1389 or e-mail at: socialwo@pados.dos.state.pa.us.
- (4) The applicant has submitted the application licensure fee required by § 47.4 (relating to licensure fees), by check or money order, payable to the "Commonwealth of Pennsylvania."
- (5) The applicant has submitted two Certificates of Recommendation on forms furnished by the Board.

(6) The applicant has submitted an affirmation signed by the applicant verifying the information on the application.

Authority

The provisions of this 47.12 amended under section 6(2) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act (63 P. S. § 1906(2)).

Source

The provisions of this § 47.12 adopted November 23, 1990, effective November 24, 1990, 20 Pa.B. 5838; amended March 1, 2002, effective March 2, 2002, 32 Pa.B. 1197. Immediately preceding text appears at serial pages (267622) and (258237) to (258238).

Cross References

This section cited in 49 Pa. Code § 47.12a (relating to licensed social worker); 49 Pa. Code § 47.12b (relating to provisional license as a social worker); and 49 Pa. Code § 47.12c (relating to licensed clinical social worker); 49 Pa. Code § 47.13b (relating to exemption from licensure examination—clinical social workers); 49 Pa. Code § 47.14 (relating to application for licensure by reciprocity); and 49 Pa. Code § 47.16 (relating to licensure by endorsement).

§ 47.12a. Licensed social worker.

(a) To be issued a license to hold oneself out as a licensed social worker, 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 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 a doctoral degree in social work.

(3) Passed the examination required by § 47.11 (relating to licensure examination).

(b) Students who graduate from social work or social welfare master's degree programs that are in candidacy for accreditation at the time of their graduation may apply for licensure when the program obtains accreditation.

(c) An applicant who is a graduate of a foreign school shall submit to the Board an evaluation of foreign credentials performed by the Council on Social Work Education, which assesses the foreign credentials to be the equivalent of the curriculum policy of an accredited graduate school during the same time period, to be considered as meeting the requirements of having earned a master's degree in social work or social welfare from an accredited school.

(d) If an applicant has a graduate or an equivalent degree or certificate in social work or social welfare, which was granted prior to July 1, 1952, the Board will review the complete application individually.

Authority

The provisions of this 47.12a issued under section 6(2) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act (63 P. S. § 1906(2)); amended under section 6(2) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act (63 P. S. § 1906(2)) and section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3(a)).

Source

The provisions of this § 47.12a adopted March 1, 2002, effective March 2, 2002, 32 Pa.B. 1197; amended January 25, 2008, effective January 26, 2008, 38 Pa.B. 484. Immediately preceding text appears at serial pages (294165) and (287441).

§ 47.12b. Provisional license as a social worker.

(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.

Authority

The provisions of this 47.12b issued under section 6(2) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act (63 P. S. § 1906(2)).

Source

The provisions of this § 47.12b adopted March 1, 2002, effective March 2, 2002, 32 Pa.B. 1197.

§ 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:

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

(2) Holds a master's degree in social work or social welfare or a doctoral degree in social work from a school accredited by the Council on Social Work Education. An applicant who is a graduate of a foreign school shall submit to the Board an evaluation of foreign credentials performed by the Council on Social Work Education, which assesses the foreign credentials to be the equivalent of the curriculum policy of an accredited graduate school during the same time period, to be considered as meeting the requirements of having earned a master's degree in social work or social welfare from an accredited school.

(3) Is licensed under the act as a social worker.

(4) Passed the examination required under § 47.11 (relating to licensure examination).

(5) Has completed at least 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. 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:

(1) At least 1/2 of the experience shall consist of providing services in one or more of the following areas:

(i) Assessment.

(ii) Psychotherapy.

(iii) Other psychosocial-therapeutic interventions.

(iv) Consultation.

(v) Family therapy.

(vi) Group therapy.

(2) Supervision for the clinical experience shall be provided by a supervisor as defined in §§ 47.1 and 47.1a. However, at least 1/2 of the required hours shall be supervised by a supervisor meeting the qualifications in § 47.1a(1) and (3).

(3) A supervisee shall disclose his status as a supervisee to each patient and obtain written permission to discuss the patient's case with the supervisor.

(4) The supervisor shall oversee, direct, recommend and instruct the clinical social work activities of the supervisee.

(i) A supervisor who is temporarily unable to provide supervision shall designate another supervisor as a substitute.

(ii) Although the supervisor shall continue to bear the ultimate responsibility for supervision, those to whom supervisory responsibilities are delegated shall be individually responsible for activities of the supervisee performed under their supervision.

(5) The supervisor, or one to whom supervisory responsibilities have been delegated, shall meet with the supervisee for a minimum of 2 hours for every 40 hours of supervised clinical experience. At least 1 of the 2 hours shall be with the supervisee individually and in person, and 1 of the 2 hours may be with the supervisee in a group setting and in person.

(6) A supervisor shall supervise no more than 6 supervisees at the same time. If this provision creates an undue hardship on a supervisee, the supervisor and supervisee may request an exception to this provision. The request shall state, in writing, the reasons why this provision creates a hardship on the supervisee and why the supervisee is not able to obtain a supervisor who meets the requirements of this provision. Before making a determination, the Board may require a personal appearance by the supervisee and supervisor.

(7) A supervisor who wishes to terminate supervision during the training period shall give the supervisee 2 weeks written notice to enable the supervisee to obtain another qualified supervisor. A supervisor may not terminate supervision when termination would result in abandonment of the supervisee's client/patient.

(8) Supervised work activity will be counted toward satisfying the experience requirement only if it takes place in a single setting for either, first, at least 30 hours per week but no more than 50 hours per week during at least a 3 month period or, second, at least 15 hours per week for a period of at least 6 months.

(9) The supervised clinical experience shall be completed in no less than 2 years and no more than 6 years, except that at least 500 hours and no more than 1,800 hours may be credited in any 12-month period.

Authority

The provisions of this § 47.12c issued and amended under section 6(2) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act (63 P. S. § 1906(2)).

Source

The provisions of this § 47.12c adopted March 1, 2002, effective March 2, 2002, 32 Pa.B. 1197; amended August 26, 2011, effective August 27, 2011, 41 Pa.B. 4627; amended October 10, 2014, effective October 11, 2014, 44 Pa.B. 6557. Immediately preceding text appears at serial pages (358294) to (358296).

Cross References

This section cited in 49 Pa. Code § 47.12d (relating to standards for supervisors).

§ 47.12d. Standards for supervisors.

Supervisors, and those to whom supervisory responsibilities are delegated, under § 47.12c(a)(5) (relating to licensed clinical social worker) shall comply with the standards in this section. Supervisors will be asked to attest to compliance on the verification of experience form which shall accompany the supervisee's application for licensure. The Board reserves the right to require a supervisor by documentation or otherwise to establish to the Board's satisfaction that compliance occurred.

- (1) The supervisor shall be qualified by training and experience to practice in the supervisee's areas of supervised practice.
- (2) The supervisor may not be a relative of the supervisee by blood or marriage, may not be involved in a dual relationship which obliges the supervisor to the supervisee and may not engage in treatment of the supervisee.
- (3) An individual whose license has been actively suspended or revoked by a licensing board will not qualify as a supervisor.
 - (i) If during the period of supervision, the supervisor's license is suspended or revoked, the supervisor shall immediately notify the supervisee and immediately cease supervision. Credit will be given for hours completed prior to the disciplinary action.
 - (ii) The supervisee shall obtain a new supervisor to complete the required experience.
- (4) The supervisor shall be responsible for ensuring that the requirements of § 47.12c(b) are met.
- (5) The supervisor shall be accessible to the supervisee for consultation.
- (6) The supervisor shall be empowered to recommend the interruption or termination of the supervisee's activities in providing services to a client/patient and, if necessary, to terminate the supervisory relationship. Any hours accumulated for activities not approved by the supervisor will not count toward satisfying the 3,000 hours of supervised experience.
- (7) The supervisor shall ensure that the supervisee's status as a supervisee is made known to the supervisee's patients, and also ensure that the supervisee has obtained written permission from each patient to discuss his case with the supervisor.
- (8) The supervisor shall establish objectives to be achieved by the supervisee during supervision.
- (9) The supervisor shall review issues of practice and ethics with the supervisee.
- (10) The supervisor shall maintain notes or records of scheduled supervisory sessions and provide these records to the Board upon request.

(11) The supervisor shall observe client/patient sessions of the supervisee or review recordings of these sessions.

(12) In supervisory meetings, the supervisor shall discuss the supervisee's level of work—for example, the supervisee's areas of competence and areas of needed improvement.

(13) The supervisor shall provide the supervisee with recommendations bearing on further professional development, professional study and skills necessary for independent practice.

(14) The supervisor shall prepare written evaluations or reports of progress which shall delineate the supervisee's strengths and weaknesses. These evaluations or reports shall be discussed with the supervisee on at least a quarterly basis.

(15) The supervisor shall encourage the supervisee to work with professionals in other disciplines as indicated by the needs of each client/patient and shall periodically observe these cooperative encounters.

(16) The supervisor shall encourage the supervisee to access multidisciplinary consultation, as necessary.

Authority

The provisions of this § 47.12d issued under section 6(2) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act (63 P. S. § 1906(2)).

Source

The provisions of this § 47.12d adopted March 1, 2002, effective March 2, 2002, 32 Pa.B. 1197; amended August 26, 2011, effective August 27, 2011, 41 Pa.B. 4627. Immediately preceding text appears at serial pages (332386) to (332387).

§ 47.13. [Reserved].

Source

The provisions of this § 47.13 adopted November 23, 1990, effective November 24, 1990, 20 Pa.B. 5838; reserved March 1, 2002, effective March 2, 2002, 32 Pa.B. 1197. Immediately preceding text appears at serial pages (258238) to (258239).

§ 47.13b. Exemption from licensure examination—clinical social workers.

A license will be issued without examination to an applicant who meets the following requirements. The applicant shall have:

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

(2) Submitted an application provided by the Board and accompanied by the required fee.

(3) Submitted an application by February 19, 2002. (*Editor's Note:* The act of February 13, 2002 (P. L. 83, No. 4) extended the deadline for the filing of an application by 1 year.)

(4) Demonstrated proof of practice of clinical social work for at least 5 of the 7 years immediately prior to the date of application for license and that the practice was conducted in this Commonwealth. (*Editor's Note:* The act of February 13, 2002 (P. L. 83, No. 4) deleted the requirement that clinical social workers have practice experience in the Commonwealth to be eligible for licensure without examination, formerly found at section 9 of the Social Workers, Marriage and Family Therapists and Professional Counselors Act (63 P. S. § 1909(a)(3).)

(5) Successfully met the educational requirements of section 9(a)(4) of the act (63 P. S. § 1909(a)(4)). Continuing education submitted by an applicant under section 9(a)(4)(iii) of the act shall meet the following requirements:

- (i) Master's level difficulty.
- (ii) Direct practice social work subject matter.
- (iii) Excludes courses in office management or practice building.

(6) Demonstrated holding the Board Certified Diplomat (BCD) certification issued by the American Board of Examiners in Clinical Social Work, or a Diplomat in Clinical Social Work (DCSW) Certification or Qualified Clinical Social Worker (QSCW) certification issued by the National Association of Social Workers.

Authority

The provisions of this § 47.13b issued under section 6(2) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act (63 P. S. § 1906(2)).

Source

The provisions of this § 47.13b adopted March 1, 2002, effective March 2, 2002, 32 Pa.B. 1197.

§ 47.14. Application for licensure by reciprocity.

(a) A license shall be issued based on reciprocity to an applicant who meets the following requirements. The applicant shall have:

- (1) Satisfied the general requirements for licensure of § 47.12(a) (relating to qualifications for licensure).
- (2) Provided a letter from other jurisdiction registration boards where the licensed or certified social worker is licensed, certified or practicing, certifying licensure and reporting any violations.
- (3) Demonstrated qualifications at least equal to the qualifications required by the act and this chapter.

(b) The Board will accept an applicant's examination grades taken in another jurisdiction, as furnished through the professional examination reporting service or from the jurisdiction which administered the examination, in lieu of taking the Commonwealth's required examination.

(1) The applicant shall show that the examination taken in the other jurisdiction is similar to the one offered by the Commonwealth and that the applicant passed the examination with a grade at least equal to the passing grade set by the Commonwealth.

(2) The other jurisdiction in which the applicant is licensed or certified must grant licenses by reciprocity to residents of this Commonwealth who possess a license as a social worker under the act and this chapter.

Source

The provisions of this § 47.14 adopted November 23, 1990, effective November 24, 1990, 20 Pa.B. 5838.

§ 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 social worker who fails to renew his license shall cease using the title licensed 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 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 social work and used or implied the licensee was a licensed 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 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 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) A licensee who is applying to return to active status after expiration of a license as a licensed 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 social worker in this Commonwealth.

Source

The provisions of this § 47.15 adopted November 23, 1990, effective November 24, 1990, 20 Pa.B. 5838.

§ 47.16. Licensure by endorsement.

To be issued a license by endorsement without examination as a licensed clinical social worker, 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) Holds a master's degree in social work or social welfare or a doctoral degree in social work from a school accredited by the Council on Social Work Education. An applicant who is a graduate of a foreign school shall submit to the Board an evaluation of foreign credentials performed by the Council on Social Work Education, which assesses the foreign credentials to be the equivalent of the curriculum policy of an accredited graduate school during the same time period, that is, as meeting the requirements of having earned a master's degree in social work or social welfare from an accredited school.

(3) Passed a clinical social work examination acceptable to the Board. The Board will accept an applicant's examination grades taken in another jurisdiction, as furnished through the professional examination reporting service or from the jurisdiction that administered the examination. The applicant shall demonstrate that the examination taken in the other jurisdiction is similar to the

one offered by the Commonwealth, and that the applicant passed the examination with a grade at least equal to the passing grade set by the Commonwealth.

(4) Holds a clinical social work license that is in good standing from another state. The applicant shall provide a letter from the other state's licensing authority where the clinical social worker is licensed certifying licensure and reporting any disciplinary history.

(5) Demonstrates to the Board's satisfaction that the applicant has completed a minimum of 3,000 hours of supervised clinical experience that conforms to the requirements of the state in which the applicant is currently licensed.

Source

The provisions of this § 47.16 adopted August 26, 2011, effective August 27, 2011, 41 Pa.B. 4627.

PROFESSIONAL CORPORATIONS AND FICTITIOUS NAMES

§ 47.21. Professional corporations.

(a) A social worker licensed by the Board may professionally incorporate with other licensed social workers or with licensed chiropractors, medical doctors, nurses, optometrists, doctors of osteopathy, pharmacists, podiatrists, veterinarians, dentists, nursing home administrators, physical therapists, psychologists, occupational therapists, audiologists, speech-language pathologists and teachers of the hearing impaired, if the incorporation is also authorized by Chapter 5, 16, 21, 23, 25, 27, 29, 31, 33, 39, 40, 41, 42 or 45.

(b) The articles of incorporation and registry statement of the proposed corporation shall be filed with the Board for review and approval prior to their submission to the Corporation Bureau. The filer shall identify all parties with an ownership interest in the business.

(c) The name of a professional corporation shall be approved by the Board prior to its use. Names which are false, misleading or deceptive will be disapproved.

(d) A licensed social worker who establishes multi-disciplinary practices with other professionals shall ensure that announcements of services to the public accurately represent the professions of service providers.

(e) A licensed social worker incorporating under the terms of this section shall notify the Board of changes in the name or ownership of the business and shall secure Board approval of these changes prior to practicing under a new name or ownership structure.

Source

The provisions of this § 47.21 adopted September 3, 1993, effective September 4, 1993, 23 Pa.B. 4227.

§ 47.22. Fictitious names.

(a) A licensed social worker practicing as a sole proprietor or in association with other social workers in a business form other than a professional corporation may do business under a fictitious name.

(b) A fictitious name registration shall be filed with the Board for review and approval prior to its submission to the Corporation Bureau.

(c) A fictitious name shall be approved by the Board prior to its use. Names which are false, misleading or deceptive will be disapproved.

(d) A licensed social worker practicing under the terms of this section shall notify the Board of changes in the name of the business and shall secure Board approval of these changes prior to practicing under a new name.

Source

The provisions of this § 47.22 adopted September 3, 1993, effective September 4, 1993, 23 Pa.B. 4227.

CONTINUING EDUCATION**§ 47.31. Definitions.**

The following words and terms, when used in §§ 47.32—47.41, have the following meanings, unless the context clearly indicates otherwise:

Biennium—The period from March 1 of an odd-numbered year to February 28 of the next odd-numbered year.

Certification—A statement signed by the licensee certifying that continuing education requirements have been met along with information and documentation relative to the course.

Clock hour—Fifty to sixty minutes of instruction or participation in an approved course or program.

Provider—An agency, organization, institution, association or center approved by the Board to offer an organized course or program.

§ 47.32. Requirement for biennial renewal.

(a) The Board requires, as a condition of biennial renewal of a 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 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.

Source

The provisions of this § 47.32 amended December 22, 2006, effective December 23, 2006, 36 Pa.B. 7841. Immediately preceding text appears at serial page (258242).

Cross References

This section cited in 49 Pa. Code § 47.31 (relating to definitions).

§ 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 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) The Board will not approve courses or programs in office management or in practice building.

(d) 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.

Source

The provisions of this § 47.33 amended December 22, 2006, effective December 23, 2006, 36 Pa.B. 7841. Immediately preceding text appears at serial pages (258242) and (294167).

Cross References

This section cited in 49 Pa. Code § 47.31 (relating to definitions).

§ 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, at least 90 days before the date the course or program commences.

(c) The application must include the following information:

- (1) The full name and address of the applicant.
- (2) The title of the course or program and core subjects covered.
- (3) The dates and location of the course or program.
- (4) The instructors' names, titles, affiliations and degrees.
- (5) The schedule of the course or program-syllabus, lecturer, time allocated and the like.
- (6) The total number of clock hours requested.
- (7) The method of certifying attendance.
- (8) The objectives.
- (9) The course or program coordinator.
- (10) The instruction and evaluation methods.
- (11) Evidence of meeting the standards in § 47.35 (relating to standards for courses and programs).

(d) Statements made in the application shall be sworn to be true and correct to the best of the applicant's information, knowledge and belief.

(e) Upon approval as a qualified provider of a course or program, a Board approval number will be assigned and must be listed on the certificate of attendance. Approval is limited to the biennial period in which the course is given.

(f) The Board reserves the right to reject a submitted course or program which is outside the scope of practice of social work or clinical social work or is otherwise unacceptable because of presentation, content or failure to meet the criteria in § 47.35.

(g) Disapproval of a course or program will include a statement setting forth reasons. Applicants may submit a revised application within 10 days after receipt of disapproval. Revised applications must document alterations made to meet Board requirements. Notification on revised applications will occur as soon as possible within the Board's capability.

(h) The Board may withdraw approval of a course or program for cause. The provider will be notified in writing of the reasons for withdrawal of approval. Withdrawal of approval will be made in accordance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

Authority

The provisions of this § 47.34 amended under section 6(2) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act (63 P. S. § 1906(2)).

Source

The provisions of this § 47.34 amended November 29, 2002, effective November 30, 2002, 32 Pa.B. 5885; corrected December 6, 2002, effective November 30, 2002, 32 Pa.B. 5957; amended December 22, 2006, effective December 23, 2006, 36 Pa.B. 7841. Immediately preceding text appears at serial pages (294167) to (294168).

Cross References

This section cited in 49 Pa. Code § 47.31 (relating to definitions); and 49 Pa. Code § 47.36 (relating to preapproved providers of continuing education courses and programs for social workers and clinical social workers).

§ 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 the following:

(1) Subject matter pertaining to the enhancement of the social worker's or 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) An established mechanism measuring the quality of the course or program being offered.

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

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

(5) A minimum total duration of at least 2 clock hours; however, the hours need not be contiguous.

(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.

Source

The provisions of this § 47.35 amended December 22, 2006, effective December 23, 2006, 36 Pa.B. 7841. Immediately preceding text appears at serial page (294168).

Cross References

This section cited in 49 Pa. Code § 47.31 (relating to definitions); 49 Pa. Code § 47.34 (relating to registration of continuing education providers, courses and programs); and 49 Pa. Code § 47.36 (relating to preapproved providers of continuing education courses and programs for social workers and clinical social workers).

§ 47.36. Preapproved providers of continuing education courses and programs for social workers and clinical social workers.

(a) In addition to providers approved under § 47.34 (relating to registration of continuing education providers who offer one course or program), the Board finds the following entities have currently met the standards in § 47.35 (relating to standards for courses and programs). Accordingly, the following are approved providers:

(1) Graduate and undergraduate programs accredited by the Council on Social Work Education.

(2) The Association of Social Work Boards.

(3) Accredited colleges and universities (graduate level and continuing education programs).

(4) Graduate and postgraduate training programs accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAM-FTE).

(5) Graduate programs accredited by the Council for Accreditation of Counseling and Related Educational Programs (CACREP).

(6) The following groups and the providers, courses or workshops approved by them:

(i) The National Association of Social Workers (NASW) and its state and local affiliates.

(ii) The Clinical Social Work Association (CSWA) and its state and local affiliates.

(iii) The National Board for Certified Counselors, Inc. (NBCC).

(iv) The Commission on Rehabilitation Counselor Certification (CRCC).

(v) The Certification Board for Music Therapists (CBMT).

(vi) The American Art Therapy Association (AATA).

(vii) The American Dance Therapy Association (ADTA).

(viii) The National Association for Drama Therapy (NADT).

(ix) The American Psychological Association (APA).

(x) The Approved Continuing Education (ACE) Program developed by the Association of Social Work Boards.

(xi) The American Nurses Credentialing Center (ANCC).

(7) The following groups and their regional, state and local affiliates:

(i) The Child Welfare League of America.

(ii) The National Association of Black Social Workers.

(iii) The Family Service Association of America.

(iv) The Clinical Social Work Association (CSWA).

(v) The American Association for Marriage and Family Therapy (AAMFT).

(vi) The American Family Therapy Association (AFTA).

(vii) The National Council on Family Relations (NCFR).

(viii) The Council of Nephrology Social Workers.

(ix) The American Association of Sex Educators, Counselors and Therapists (AASECT).

(x) The American Association of Pastoral Counselors (AAPC).

(xi) The American School Counselor Association (ASCA).

(xii) The American Counseling Association (ACA).

(xiii) The American Mental Health Counselors Association (AMHCA).

(xiv) The National Rehabilitation Counseling Association (NRCA).

(b) The Board will consider for approval, as preapproved providers, other organizations who offer multiple courses and programs for social workers and clinical social workers. The request for approval shall be submitted to the Board in writing along with a rationale as to why the organization should be included as a preapproved provider.

(c) The approval given to providers is subject to reevaluation; however, a rescission of approval will be made only in accordance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

(d) The Board may approve participation in other continuing education courses or programs for credit so long as the licensee submits, prior to attendance, an application for program approval and supporting documentation provided in § 47.35, and upon completion of the course or program submits verification of attendance.

Source

The provisions of this § 47.36 amended December 22, 2006, effective December 23, 2006, 36 Pa.B. 7841. Immediately preceding text appears at serial pages (294168) and (258245).

Cross References

This section cited in 49 Pa. Code § 47.31 (relating to definitions); and 49 Pa. Code § 47.37 (relating to reporting by licensee of hours spent in continuing education; continuing education audit and enforcement).

§ 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 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 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 fee as provided by § 47.34(b).

Source

The provisions of this § 47.36a added December 22, 2006, effective December 23, 2006, 36 Pa.B. 7841.

Cross References

This section cited in 49 Pa. Code § 47.31 (relating to definitions).

§ 47.37. Reporting by licensee of hours spent in continuing education; continuing education audit and enforcement.

(a) Applicants for license renewal shall provide a signed statement certifying that the continuing education requirements have been met. The certification statement will be included on the application form for renewal of licensure.

(b) The Board will randomly audit licensees to ensure compliance with the continuing education requirements. A licensee selected for audit shall provide information to document the licensee's completion of required continuing education. The information must include the following:

- (1) The date attended.
- (2) The clock hours claimed.
- (3) The title of course or program and description of content.
- (4) The school, hospital, medical center or organization which sponsored the course or program.

- (5) The instructor.
- (6) The location of course or program.
- (7) The Board approval number assigned to the course or program unless the provider is preapproved under § 47.36(a) (relating to preapproved providers of continuing education courses and programs for social workers and clinical social workers).

(c) A licensee who, as a result of an audit, is determined to be deficient in continuing education hours is subject to formal disciplinary action under section 11(a)—(c) of the act (63 P. S. § 1911(a)—(c)) or the issuance of a citation under section 5(a) of the act of July 2, 1993 (P. L. 345, No. 48) (63 P. S. § 2205(a)) as provided in § 43b.24 (relating to schedule of civil penalties—social workers, marriage and family therapists and professional counselors).

(d) Notwithstanding other action taken as set forth in subsection (c), a licensee who is determined to be deficient in continuing education hours is required to make up deficient hours of continuing education and submit documentation containing the information in subsection (b) to the Board within 6 months from the issuance of a warning letter, the issuance of a citation or the imposition of discipline. Hours of continuing education submitted to the Board to make up for a deficiency may not be used by the licensee to satisfy the continuing education requirement for the current biennium.

(e) Failure to make up the deficiencies in subsection (d) will subject the licensee to additional disciplinary action under section 11(a)—(c) of the act.

Authority

The provisions of this § 47.37 amended under section 18(a) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act (63 P. S. § 1918(a)).

Source

The provisions of this § 47.37 amended December 22, 2006, effective December 23, 2006, 36 Pa.B. 7841; amended December 13, 2013, effective December 14, 2013, 43 Pa.B. 7282. Immediately preceding text appears at serial pages (332396) to (332397).

Cross References

This section cited in 49 Pa. Code § 47.31 (relating to definitions).

§ 47.38. Retention of records.

The licensee shall retain documentation of completion of the prescribed number of clock hours for 4 years following the certification which shall be produced upon demand by the Board or its auditing agents. The Board will utilize a random audit of renewals to determine compliance with the continuing education requirement.

Cross References

This section cited in 49 Pa. Code § 47.31 (relating to definitions).

§ 47.39. Exemption and waiver.

(a) An individual applying for licensure in this Commonwealth for the first time shall be exempted from the continuing education requirement for the biennial renewal period following initial licensure.

(b) The Board may waive or grant an extension of all or a portion of the continuing education requirement for biennial renewal upon request of a licensee. The request must be made in writing, with appropriate documentation, and shall include a description of circumstances sufficient to show why compliance is impossible. The request for waiver or extension will be evaluated by the Board

on a case-by-case basis. Requests for waivers and extensions may be granted for serious illness, military service or other demonstrated hardship. The Board will send written notification of its approval or denial of a waiver or extension request.

Source

The provisions of this § 47.39 amended December 22, 2006, effective December 23, 2006, 36 Pa.B. 7841. Immediately preceding text appears at serial page (258246).

Cross References

This section cited in 49 Pa. Code § 47.31 (relating to definitions).

§ 47.40. Continuing education requirement for biennial renewal of inactive and lapsed licenses.

A licensee seeking to reinstate an inactive or lapsed license shall show proof of compliance with the continuing education requirement for the preceding biennium.

Cross References

This section cited in 49 Pa. Code § 47.31 (relating to definitions).

§ 47.41. Disciplinary action authorized.

(a) A licensed social worker or 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.

Source

The provisions of this § 47.41 amended December 22, 2006, effective December 23, 2006, 36 Pa.B. 7841. Immediately preceding text appears at serial page (258246).

Cross References

This section cited in 49 Pa. Code § 47.31 (relating to definitions).

CHILD ABUSE REPORTING REQUIREMENTS

§ 47.51. Definitions relating to child abuse reporting requirements.

The following words and terms, when used in this section and §§ 47.52—47.57 (relating to child abuse reporting requirements), have the following meanings, unless the context clearly indicates otherwise:

Child abuse—A term meaning any of the following:

(i) A recent act or failure to act by a perpetrator which causes nonaccidental serious physical injury to a child under 18 years of age.

(ii) An act or failure to act by a perpetrator which causes nonaccidental serious mental injury to or sexual abuse or sexual exploitation of a child under 18 years of age.

(iii) A recent act, failure to act or series of acts or failures to act by a perpetrator which creates an imminent risk of serious physical injury to or sexual abuse or sexual exploitation of a child under 18 years of age.

(iv) Serious physical neglect by a perpetrator constituting prolonged or repeated lack of supervision or the failure to provide the essentials of life, including adequate medical care, which endangers a child's life or development or impairs the child's functioning.

ChildLine—An organizational unit of the Department of Public Welfare, which operates a 24-hour a day Statewide toll free telephone system for receiving reports of suspected child abuse, referring reports for investigation and maintaining the reports in the appropriate file.

Individual residing in the same home as the child—An individual who is 14 years of age or older and who resides in the same home as the child.

Perpetrator—A person who has committed child abuse and is a parent of the child, a person responsible for the welfare of a child, an individual residing in the same home as a child or a paramour of a child's parent.

Person responsible for the child's welfare—A person who provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, supervision and control. The

term does not include a person who is employed by or provides services or programs in a public or private school, intermediate unit or area vocational-technical school.

Recent acts or omissions—Acts or omissions committed within 2 years of the date of the report to the Department of Public Welfare or county agency.

Serious mental injury—A psychological condition, as diagnosed by a physician or licensed psychologist including the refusal of appropriate treatment, that does one or more of the following:

- (i) Renders a child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic or in reasonable fear that the child's life or safety is threatened.
- (ii) Seriously interferes with a child's ability to accomplish age-appropriate developmental and social tasks.

Serious physical injury—An injury that causes a child severe pain or significantly impairs a child's physical functioning, either temporarily or permanently.

Sexual abuse or exploitation—The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another person to engage in sexually explicit conduct or a simulation of sexually explicit conduct for the purpose of producing a visual depiction, including photographing, videotaping, computer depicting or filming, of sexually explicit conduct or the rape, sexual assault, involuntary deviate sexual intercourse, aggravated indecent assault, molestation, incest, indecent exposure, prostitution, statutory sexual assault or other form of sexual exploitation of children.

Authority

The provisions of this § 47.51 issued under the Child Protective Services Law, 23 Pa.C.S. § 6383(b)(2); and section 6 of the Social Workers' Practice Act (63 P. S. § 1906).

Source

The provisions of this § 47.51 adopted November 8, 1996, effective November 9, 1996, 26 Pa.B. 5435.

Cross References

This section cited in 49 Pa. Code § 47.79 (relating to mandatory reporting).

§ 47.52. Suspected child abuse—mandated reporting requirements.

(a) *General rule.* Under 23 Pa.C.S. § 6311 (relating to persons required to report suspected child abuse), licensed social workers who, in the course of their employment, occupation or practice of their profession, come into contact with children shall report or cause a report to be made to the Department of Public Welfare and to the appropriate county agency when they have reasonable cause

to suspect on the basis of their professional or other training or experience, that a child coming before them in their professional or official capacity is a victim of child abuse.

(b) *Staff members of public or private agencies, institutions and facilities.* Licensed social workers who are staff members of a medical or other public or private institution, school, facility or agency, and who, in the course of their employment, occupation or practice of their profession, come into contact with children shall immediately notify the person in charge of the institution, school, facility or agency or the designated agent of the person in charge when they have reasonable cause to suspect on the basis of their professional or other training or experience, that a child coming before them in their professional or official capacity is a victim of child abuse. Upon notification by the licensed social worker, the person in charge or the designated agent shall assume the responsibility and have the legal obligation to report or cause a report to be made in accordance with subsections (a), (c) and (d).

(c) *Reporting procedure.* Reports of suspected child abuse shall be made by telephone and by written report.

(1) *Oral reports.* Oral reports of suspected child abuse shall be made immediately by telephone to ChildLine, (800) 932-0313.

(2) *Written reports.* Written reports shall be made to the appropriate county agency within 48 hours after the oral report is made by telephone and must contain, at a minimum, the information required by the Department of Public Welfare in 55 Pa. Code § 3490.18 (relating to filing of a written report by a required reporter).

Authority

The provisions of this § 47.52 issued under the Child Protective Services Law, 23 Pa.C.S. § 6383(b)(2); and section 6 of the Social Workers' Practice Act (63 P. S. § 1906).

Source

The provisions of this § 47.52 adopted November 8, 1996, effective November 9, 1996, 26 Pa.B. 5435; amended November 17, 2006, effective November 18, 2006, 36 Pa.B. 7022. Immediately preceding text appears at serial pages (258248) to (258249).

Cross References

This section cited in 49 Pa. Code § 47.51 (relating to definitions relating to child abuse reporting requirements); 49 Pa. Code § 47.56 (relating to confidentiality—waived); 49 Pa. Code § 47.57 (relating to noncompliance); and 49 Pa. Code § 47.79 (relating to mandatory reporting).

§ 47.53. Photographs, medical tests and X-rays of child subject to report.

A licensed social worker may take or cause to be taken photographs of the child who is subject to a report and, if clinically indicated, cause to be performed

a radiological examination and other medical tests on the child. Medical summaries or reports of the photographs, X-rays and relevant medical tests taken shall be sent to the county children and youth social service agency at the time the written report is sent or as soon thereafter as possible. The county children and youth social service agency shall have access to actual photographs or duplicates and X-rays and may obtain them or duplicates of them upon request.

Authority

The provisions of this § 47.53 issued under the Child Protective Services Law, 23 Pa.C.S. § 6383(b)(2); and section 6 of the Social Workers' Practice Act (63 P. S. § 1906).

Source

The provisions of this § 47.53 adopted November 8, 1996, effective November 9, 1996, 26 Pa.B. 5435.

Cross References

This section cited in 49 Pa. Code § 47.51 (relating to definitions relating to child abuse reporting requirements); 49 Pa. Code § 47.56 (relating to confidentiality—waived); 49 Pa. Code § 47.57 (relating to noncompliance); and 49 Pa. Code § 47.79 (relating to mandatory reporting).

§ 47.54. Suspected death as a result of child abuse—mandated reporting requirement.

A licensed social worker who has reasonable cause to suspect that a child died as a result of child abuse shall report that suspicion to the coroner of the county where death occurred or, in the case where the child is transported to another county for medical treatment, to the coroner of the county where the injuries were sustained.

Authority

The provisions of this § 47.54 issued under the Child Protective Services Law, 23 Pa.C.S. § 6383(b)(2); and section 6 of the Social Workers' Practice Act (63 P. S. § 1906).

Source

The provisions of this § 47.54 adopted November 8, 1996, effective November 9, 1996, 26 Pa.B. 5435.

Cross References

This section cited in 49 Pa. Code § 47.51 (relating to definitions relating to child abuse reporting requirements); 49 Pa. Code § 47.56 (relating to confidentiality—waived); 49 Pa. Code § 47.57 (relating to noncompliance); and 49 Pa. Code § 47.79 (relating to mandatory reporting).

§ 47.55. Immunity from liability.

Under 23 Pa.C.S. § 6318 (relating to immunity from liability) a licensed social worker who participates in good faith in the making of a report, cooperating with an investigation, testifying in a proceeding arising out of an instance of suspected child abuse or the taking of photographs shall have immunity from civil and criminal liability that might result by reason of the licensed social worker's actions. For the purpose of any civil or criminal proceeding, the good faith of the licensed social worker shall be presumed. The Board will uphold the same good faith presumption in any disciplinary proceeding that might result by reason of a licensed social worker's actions in participating in good faith in the making of a report, cooperating with an investigation, testifying in a proceeding arising out of an instance of suspected child abuse or the taking of photographs.

Authority

The provisions of this § 47.55 issued under the Child Protective Services Law, 23 Pa.C.S. § 6383(b)(2); and section 6 of the Social Workers' Practice Act (63 P. S. § 1906).

Source

The provisions of this § 47.55 adopted November 8, 1996, effective November 9, 1996, 26 Pa.B. 5435.

Cross References

This section cited in 49 Pa. Code § 47.51 (relating to definitions relating to child abuse reporting requirements); and 49 Pa. Code § 47.79 (relating to mandatory reporting).

§ 47.56. Confidentiality—waived.

To protect children from abuse, the reporting requirements of §§ 47.52—47.54 (relating to suspected child abuse—mandated reporting requirements; photographs, medical tests and X-rays of child subject to report; and suspected death as a result of child abuse—mandated reporting requirement) take precedence over the provisions of any client confidentiality, ethical principle or professional standard that might otherwise apply.

Authority

The provisions of this § 47.56 issued under the Child Protective Services Law, 23 Pa.C.S. § 6383(b)(2); and section 6 of the Social Workers' Practice Act (63 P. S. § 1906).

Source

The provisions of this § 47.56 adopted November 8, 1996, effective November 9, 1996, 26 Pa.B. 5435.

Cross References

This section cited in 49 Pa. Code § 47.51 (relating to definitions relating to child abuse reporting requirements); and 49 Pa. Code § 47.79 (relating to mandatory reporting).

§ 47.57. Noncompliance.

(a) *Disciplinary action.* A licensed social worker who willfully fails to comply with the reporting requirements in §§ 47.52—47.54 (relating to suspected child abuse—mandated reporting requirements; photographs, medical tests and X-rays of child subject to report; and suspected death as a result of child abuse—mandated reporting requirement) will be subject to disciplinary action under section 11 of the act (63 P. S. § 1911).

(b) *Criminal penalties.* Under 23 Pa.C.S. § 6319 (relating to penalties for failure to report), a licensed social worker who is required to report a case of suspected child abuse who willfully fails to do so commits a summary offense for the first violation and a misdemeanor of the third degree for a second or subsequent violation.

Authority

The provisions of this § 47.57 issued under the Child Protective Services Law, 23 Pa.C.S. § 6383(b)(2); and section 6 of the Social Workers' Practice Act (63 P. S. § 1906).

Source

The provisions of this § 47.57 adopted November 8, 1996, effective November 9, 1996, 26 Pa.B. 5435.

Cross References

This section cited in 49 Pa. Code § 47.51 (relating to definitions relating to child abuse reporting requirements); and 49 Pa. Code § 47.79 (relating to mandatory reporting).

SEXUAL MISCONDUCT

§ 47.61. Prohibited conduct.

Sexual intimacies between a 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.

Source

The provisions of this § 47.61 adopted August 11, 2006, effective August 12, 2006, 36 Pa.B. 4469.

Cross References

This section cited in 49 Pa. Code § 47.64 (relating to disciplinary proceedings); and 49 Pa. Code § 47.65 (relating to impaired professional program).

§ 47.62. Former sexual partners as clients/patients.

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

Source

The provisions of this § 47.62 adopted August 11, 2006, effective August 12, 2006, 36 Pa.B. 4469.

Cross References

This section cited in 49 Pa. Code § 47.64 (relating to disciplinary proceedings); and 49 Pa. Code § 47.65 (relating to impaired professional program).

§ 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 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 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 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.
- (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 social worker or licensed clinical social worker during the course of therapy suggesting or inviting the possibility of a posttermination 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.

Source

The provisions of this § 47.63 adopted August 11, 2006, effective August 12, 2006, 36 Pa.B. 4469.

Cross References

This section cited in 49 Pa. Code § 47.64 (relating to disciplinary proceedings); and 49 Pa. Code § 47.65 (relating to impaired professional program).

§ 47.64. Disciplinary proceedings.

(a) A violation of §§ 47.61—47.63 (relating to prohibited conduct; former sexual partners as clients/patients; 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 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 social worker or licensed clinical social worker is not a defense in any disciplinary action brought under §§ 47.61—47.63.

(c) With the exception of information contained in a professional record, neither opinion evidence, reputation evidence nor specific instances of the past sexual conduct of a former client/patient, or immediate family member of a former client/patient may be admissible in a disciplinary action brought under §§ 47.61—47.63.

(d) In a disciplinary proceeding brought under § 47.63(b), the Board will consider whether there has been exploitation of the client/patient in light of all of the relevant factors enumerated under § 47.63(b)(1)—(7).

Source

The provisions of this § 47.64 adopted August 11, 2006, effective August 12, 2006, 36 Pa.B. 4469.

§ 47.65. Impaired professional program.

When the Board takes disciplinary or corrective action against a 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 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.

Source

The provisions of this § 47.65 adopted August 11, 2006, effective August 12, 2006, 36 Pa.B. 4469.

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 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.

Source

The provisions of this § 47.71 adopted September 17, 2010, effective September 18, 2010, 40 Pa.B. 5320.

Cross References

This section cited in 49 Pa. Code § 47.76 (relating to research and publication).

§ 47.72. Responsibilities to clients/patients.**(a) Competency.**

(1) In all communications with, or regarding, specific existing or prospective clients/patients, licensees may not misrepresent directly, indirectly or by implication their professional qualifications such as education, specialized training, experience or areas of competence.

(2) Licensees may practice only within the competency areas for which they are qualified by education, training and experience.

(3) Licensees shall maintain appropriate standards of care. The appropriate standard of care is defined as what an ordinary, reasonable licensee would have done in a similar circumstance. In areas in which recognized standards do not yet exist, licensees shall take whatever precautions are necessary to protect the welfare of their clients/patients.

(4) Licensees shall maintain knowledge of current scientific and professional information related to the services they render.

(5) Licensees shall refer a client/patient to another professional and take steps to facilitate an orderly transfer of responsibility when the client's/patient's needs exceed the licensee's competence level. Licensees shall notify client/patient promptly of the need to refer and seek the referral and transfer of services in relation to the client's/patient's needs and preferences.

(b) Informed consent.

(1) Licensees shall inform clients/patients in writing of:

(i) The purpose of the services being provided.

(ii) Risks and limits related to the services that are known to the licensee.

(iii) Reasonable alternatives to the services being provided.

(iv) Relevant costs, billing and overdue collection policies and their potential effect on the continuation of the professional relationship.

(v) The clients'/patients' right to refuse or withdraw consent, and the time frame covered by the consent.

(vi) Other information the licensees reasonably might expect to affect the clients'/patients' decisions to enter into or continue the professional relationship.

(2) Licensees shall use clear and understandable language when providing the information in paragraph (1) to clients/patients.

(3) Licensees shall provide services to clients/patients only in the context of a professional relationship based on valid informed consent.

(4) In instances when the client/patient is unable to read or understand the informed consent document or has trouble understanding the primary language contained in the informed consent document, licensees shall take steps to ensure the client's/patient's comprehension including providing a detailed verbal explanation or arranging for a qualified interpreter or translator, as needed. If a client/patient is not competent to provide informed consent because of age or mental condition, the licensee shall obtain consent from the client's/patient's parent, guardian, court-appointed representative or the holder of the client's/patient's power of attorney.

(5) When a client/patient is receiving legally-mandated services, licensees shall provide information about the nature and extent of the services and about the client's/patient's rights to the client/patient or the client's/patient's parent, guardian, court-appointed representative or the holder of the client's/patient's power of attorney, as applicable.

(6) Licensees who provide services by means of electronic means shall inform the client/patient of the reasonably foreseeable limitations and risks associated with those services.

(c) *Delegation.* A licensee may not delegate professional responsibilities to another person when the licensee delegating the responsibilities knows or has reason to know that the other person is not qualified by training, experience or licensure to perform those responsibilities.

(d) *Confidentiality and privacy.*

(1) Licensees shall have a primary obligation to protect the client's/patient's right to confidentiality and privacy as established by law and professional standards of practice. Confidential and private information shall only be revealed to others when the client/patient, or the client's/patient's parent, guardian, court-appointed representative or the holder of the client's/patient's power of attorney, has given informed consent, except in those circumstances in which failure to do so would violate a court order or specific Federal or State privacy statutes or regulations, or result in clear and present danger to the client/patient or others. Unless specifically contraindicated by these situations, a client/patient shall be informed and written consent shall be obtained before the confidential and private information is revealed.

(2) Licensees shall discuss with clients/patients and the client's/patient's parent, guardian, court-appointed representative or the holder of the client's/patient's power of attorney, the nature of confidentiality and the limitation of the clients'/patients' right to confidentiality. Licensees shall review with clients/patients circumstances when confidential information may be requested and when disclosure of confidential information is legally required. This discussion shall occur as soon as possible in the professional relationship and as needed throughout the course of the relationship.

(3) When licensees provide services to families, couples or groups, licensees shall seek agreement among the parties involved concerning each individual's right to confidentiality and obligations to preserve the confidentiality of information shared by others. Licensees shall inform participants in family, group or couples counseling that the licensee cannot guarantee that all participants will honor the agreements. In the context of couple, family or group treatment, the licensee may not reveal any individual's confidences to others in the client unit without the prior written permission of that individual.

(4) Licensees shall take reasonable steps to protect the confidentiality of information transmitted to other parties through the use of computers, electronic mail, facsimile machines, telephones and telephone answering machines, and other electronic or computer technology.

(e) *Termination of services.*

(1) Licensees may terminate services only after giving careful consideration to factors affecting the professional relationship and making an effort to minimize possible adverse effects. If an interruption or termination of services is anticipated, notification and referral for continued services shall be provided to the client/patient.

(2) Licensees may terminate services to a client/patient who has not paid an overdue fee balance if the following conditions are met:

(i) The financial contractual arrangements have been made clear to the client/patient.

(ii) The client/patient does not pose an imminent danger to self or others.

(iii) The clinical and other consequences of the current nonpayment have been addressed and discussed with the client/patient.

(f) *Discrimination.* Licensees shall comply with existing Federal and State antidiscrimination laws and may not practice, condone, facilitate or collaborate with any form of discrimination prohibited by those laws.

(g) *Conduct with clients/patients.*

(1) Licensees may not physically or verbally abuse or threaten clients/patients or family members of clients/patients.

(2) Licensees may not use derogatory language in their written or verbal communications to or about clients/patients. Licensees shall use accurate and respectful language in communications to and about clients/patients.

Source

The provisions of this § 47.72 adopted September 17, 2010, effective September 18, 2010, 40 Pa.B. 5320.

§ 47.73. Dual or multiple relationships affecting the licensee's judgment.

(a) *Dual or multiple relationships defined.* Dual or multiple relationships occur when the licensee engages in multiple or ongoing interactions with clients/

patients, the clients'/patients' romantic partners or immediate family members of clients/patients in more than one context, whether professional, social or business. Dual or multiple relationships can occur simultaneously or consecutively.

(b) *Dual or multiple relationships prohibited.*

(1) A licensee shall avoid dual or multiple relationships and conflicts of interest with any client/patient, which could impair the licensee's professional judgment or increases the risk of client/patient exploitation.

(2) A licensee may not undertake or continue a professional relationship with a client/patient, supervisee or student when the objectivity or competency of the licensee is, or could reasonably be expected to be, impaired or when the relationship with the client/patient, supervisee or student is exploitative.

(3) A licensee shall carefully consider familial, social, emotional, financial, supervisory, political, administrative and legal relationships with a client/patient or a person related to or associated with the client/patient to assure that impaired judgment or exploitation does not occur within the professional relationship.

(4) Licensees shall always carefully consider the potentially harmful effects of dual or multiple relationships on their practice and on their clients/patients. A licensee shall refrain from entering into, or promising another to enter into, professional, social or business relationships with another person if it appears reasonably likely that the relationship might impair the licensee's objectivity or otherwise interfere with the licensee's effectiveness or might harm or exploit the client/patient.

(5) When a dual or multiple relationship cannot be avoided, a licensee shall take reasonable professional precautions, such as informed consent, consultation, supervision and documentation, to ensure that judgment is not impaired and that no exploitation occurs.

(6) If a licensee finds that, due to unforeseen factors, a potentially harmful dual or multiple relationship has arisen with a client/patient, the licensee shall attempt to resolve it with due regard for the best interests of the client/patient and maximum compliance with the act and this chapter.

(c) *Conflicts of interest.* When a licensee provides services to two or more people who have a relationship with each other, such as couples or family members, the licensee shall clarify with all parties which individuals will be considered clients/patients and the nature of the licensee's professional obligation to the various individuals who are receiving services. A licensee who anticipates or should reasonably anticipate a conflict of interest among the individuals receiving services, or who anticipates or should reasonably anticipate having to perform in potentially conflicting roles, such as a licensee who is asked or ordered to testify in a child custody dispute or divorce proceeding involving clients/patients, shall clarify the roles with the parties involved and take reasonable action to minimize any conflict of interest.

Source

The provisions of this § 47.73 adopted September 17, 2010, effective September 18, 2010, 40 Pa.B. 5320.

§ 47.74. Sexual harassment.

(a) Licensees may not sexually harass supervisees, students, trainees, employees, research subjects or colleagues.

(b) Sexual harassment includes unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when any one of the following occurs:

(1) Submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic association with a licensee.

(2) Submission to or rejection of the conduct by an individual is used as the basis for employment-related decisions affecting the individual or academic decisions affecting the individual.

(3) The conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile or offensive working or academic environment.

Source

The provisions of this § 47.74 adopted September 17, 2010, effective September 18, 2010, 40 Pa.B. 5320.

§ 47.75. Impaired practice.

A licensee may not undertake or continue a professional relationship with a client/patient, supervisee or student when the objectivity or competency of the licensee is, or could reasonably be expected to be, impaired due to mental, emotional, physiological, pharmacological or substance abuse conditions. If such a condition develops after a professional relationship has been initiated, the licensee shall terminate the professional relationship in an appropriate manner and shall, either himself or through an appropriate designee, notify the client/patient of the termination in writing and assist the client/patient in obtaining services from another professional.

Source

The provisions of this § 47.75 adopted September 17, 2010, effective September 18, 2010, 40 Pa.B. 5320.

§ 47.76. Research and publication.

(a) *Protection of human subjects.*

(1) A licensee shall plan, design, conduct and report research in a manner consistent with this chapter, the codes of ethics in § 47.71 (relating to codes of

ethical practice and professional conduct), Federal and State laws, host institutional rules and scientific standards governing research with human subjects.

(2) A licensee shall obtain informed consent from participants by using language that the licensee believes would be understandable to the research participants and that:

- (i) Accurately explains the purpose and procedures to be followed.
- (ii) Identifies any procedures that are experimental or relatively untried.
- (iii) Describes the attendant discomforts and risks that are most likely to occur, which are known to the licensee.
- (iv) Describes the benefits or changes in individuals or organizations that might be reasonably expected.
- (v) Discloses appropriate alternative procedures that may be advantageous for the subject.
- (vi) Offers to answer inquiries concerning the procedures.
- (vii) Instructs that subjects are free to withdraw their consent and discontinue participation in the research project at any time.

(3) When a participant is not capable of giving informed consent, licensees shall provide an appropriate explanation, obtain agreement for participation and obtain informed consent from a participant's parent, guardian, court-appointed representative or the holder of the participant's power of attorney.

(4) Information obtained about research participants during the course of the research is confidential. The licensee shall explain to the participant whether the possibility exists that others may obtain access to the information, and also explain the plans for protecting the participant's confidentiality as part of the procedure for obtaining informed consent.

(b) *Reporting and publication of results.*

(1) Licensees may not engage in fraudulent research, distort data, misrepresent data or deliberately bias their results.

(2) Licensees shall plan, conduct, report and publish accurately and in a manner that minimizes the possibility that results will be misleading.

(c) *Other ethical obligations.* In addition to the provisions of this section, a licensee's ethical obligations with regard to research and publication are governed by this chapter and those codes of ethics and standards of practice to which the Board subscribes in § 47.71.

Source

The provisions of this § 47.76 adopted September 17, 2010, effective September 18, 2010, 40 Pa.B. 5320.

§ 47.77. Payment for services.

(a) When setting fees, licensees shall ensure that the fees are fair, reasonable and commensurate with the services performed.

(b) Licensees may not accept goods or services as payment for professional services.

(c) Licensees shall make financial arrangements with clients/patients, third-party payors and supervisees that are reasonably understandable and conform to accepted professional practices.

(d) Prior to entering into the therapeutic or supervisory relationship, a licensee shall clearly disclose and explain to clients/patients and supervisees the following:

(1) Financial arrangements and fees related to professional services, including charges for canceled or missed appointments.

(2) The use of collection agencies or legal measures for nonpayment.

(3) The procedure for obtaining payment from the client/patient, to the extent allowed by law, if payment is denied by the third-party payor.

(e) Once services have begun, licensees shall provide reasonable notice of changes in fees or other charges.

(f) Licensees shall give reasonable notice to clients with unpaid balances of their intent to seek collection by agency or legal recourse. When this action is taken, licensees may not disclose clinical information.

(g) Licensees shall represent facts truthfully to clients, third-party payors and supervisees regarding services rendered.

(h) Licensees may not withhold records under their immediate control that are requested and needed for a client's/patient's treatment solely because payment has not been received for past services.

Source

The provisions of this § 47.77 adopted September 17, 2010, effective September 18, 2010, 40 Pa.B. 5320.

§ 47.78. Recordkeeping.

(a) For each client/patient, a licensee shall keep records of the dates of social work services, types of social work services, details of the services provided, termination of the professional relationship, and billing information.

(b) Records kept by the licensee shall be retained for at least 5 years from the date of the last entry. Records held or owned by government agencies or educational institutions are not subject to this requirement.

(c) Licensees shall take reasonable steps to ensure that documentation in records is accurate, legible and reflects the services provided.

(d) Licensees shall include sufficient and timely documentation in records to facilitate the delivery of services and to ensure continuity of services provided to the client/patient in the future.

(e) Licensees' documentation shall protect clients'/patients' privacy to the extent that it is consistent with applicable Federal and State laws and regulations and should include information that is directly relevant to the delivery of services.

(f) Licensees shall store records following termination of services to ensure reasonable future access. Records shall be retained and stored as required by applicable Federal and State law and regulations.

(g) Licensees shall provide a client/patient with reasonable access to records concerning the client/patient. Licensees who are concerned that clients'/patients' access to their records could cause serious harm to the client/patient or another person shall provide assistance in interpreting the records and consultation with the client/patient regarding the records. Licensees may limit clients'/patients' access to their records, or portions of their records, only in exceptional circumstances when there is compelling evidence that the access would cause serious harm to the client/patient or another person. Both the clients'/patients' requests and the rationale for withholding some or all of the records shall be documented in the clients'/patients' files. When providing clients'/patients' with access to their records, licensees shall take steps to protect the confidentiality of other individuals identified or discussed in the records.

(h) In the event of the licensee moving from the area or closing the licensee's practice, a licensee shall arrange for the storage, transfer or disposal of client/patient records in ways that maintain confidentiality and safeguard the welfare of clients/patients.

Source

The provisions of this § 47.78 adopted September 17, 2010, effective September 18, 2010, 40 Pa.B. 5320.

§ 47.79. Mandatory reporting.

(a) Licensees, supervisors and trainees have a responsibility to report alleged violations of the act or this chapter to the Board. If a licensee has knowledge or reason to suspect that a colleague or other licensee is incompetent, impaired or unethical, the licensee shall report that practitioner to the Board. Licensees shall make these reports in a manner that does not violate a client's/patient's right to confidentiality.

(b) Licensees shall comply with the mandatory reporting requirements in this chapter, including §§ 47.51—47.57 (relating to child abuse reporting requirements).

(c) Licensees shall notify the Board within 30 days of changes of name or mailing information to ensure that the Board has the licensee's current name and mailing address.

Source

The provisions of this § 47.79 adopted September 17, 2010, effective September 18, 2010, 40 Pa.B. 5320.

§ 47.80. Advertising.

(a) *Definition.* Advertising is defined as the engagement in general informational activities, including those that enable the public, referral sources or others to choose professional services on an informed basis.

(b) *Engagement in advertising.*

(1) Licensees may engage in advertising that accurately represents their competencies, education, training and experience relevant to their professional practice. Licensees may not advertise their services and credentials in a manner that is false, misleading, deceptive or fraudulent.

(2) Licensees shall ensure that advertisements and publications in any media, such as directories, announcements, business cards, newspapers, radio, television, internet and facsimiles, convey information that is necessary for the public to make an appropriate selection of professional services. This information may include the following:

(i) Office information, such as name, address, telephone number and credit card acceptability.

(ii) Earned degrees and State or provincial licensures or certifications.

(iii) Professional association member status.

(iv) Description of practice.

(3) Licensees may not use names that could mislead the public concerning the identity, responsibility, source or status of those practicing under that name, and may not hold themselves out as being partners or associates of a firm if they are not partners or associates of the firm.

(4) Licensees may not use any professional identification, such as a business card, office sign, letterhead, internet, or telephone or association directory listing, if it includes a statement or claim that is false, fraudulent, misleading or deceptive.

(5) In representing their educational qualifications, licensees shall list and claim only those earned degrees from institutions accredited by regional accreditation sources recognized by the United States Department of Education, from institutions recognized by states or provinces that license or certify the licensee, or from equivalent foreign institutions.

(6) A licensee shall correct, whenever possible, false, misleading or inaccurate information and representations made by others concerning the licensee's qualifications, services or products.

(7) Licensees shall make certain that the qualifications of their employees or supervisees are represented in a manner that is not false, misleading or deceptive.

(8) Licensees may not represent themselves as providing specialized services unless they have the required education, training or supervised experience.

Source

The provisions of this § 47.80 adopted September 17, 2010, effective September 18, 2010, 40 Pa.B. 5320.

[Next page is 48-1.]