

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

F I N A L M I N U T E S

MEETING OF:

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

TIME: 10:09 A.M.

January 11, 2022

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

State Board of Social Workers,
Marriage and Family Therapists,
and Professional Counselors
January 11, 2022

BOARD MEMBERS:

- Joy E. Corby, Ph.D., LMFT, Chair
- K. Kalonji Johnson, Commissioner, Bureau of Professional and Occupational Affairs - Absent
- Michelle Santiago, Psy.D., LPC, Vice Chair
- Erika Evans, Ph.D., LMFT
- Christian Jordal, Ph.D., LMFT
- Linda A. Martin, LCSW, RN
- Marilyn L. Painter, Public Member - Absent

BUREAU PERSONNEL:

- Jaime D. Black, Esquire, Board/Regulatory Counsel
- Sarah McNeill, Board Administrator
- Christina Townley, Board Administrator

ALSO PRESENT:

- Johanna Byrd, ACSW, IOM, CAE, Executive Director, National Association of Social Workers, Pennsylvania Chapter
- Kathryn Witherow

1 ***

2 State Board of Social Workers,
3 Marriage and Family Therapists
4 and Professional Counselors

5 January 11, 2022

6 ***

7 The State Board of Social Workers, Marriage and
8 Family Therapists, and Professional Counselors
9 Regulatory Meeting was held on Tuesday, January 11,
10 2022. Joy E. Corby, Ph.D., LMFT, Chair, called the
11 meeting to order at 10:09 a.m.

12 ***

13 Introduction of Board Members and Attendees
14 [Chair Corby requested Board members and attendees
15 introduce themselves.

16 Chair Corby reminded everyone that the meeting
17 was being recorded, and those who continued to
18 participate were giving their consent to being
19 recorded.]

20 ***

21 Regulatory Discussion

22 [Jaime D. Black, Esquire, Board Counsel, stated the
23 only item on the agenda is the proposed annex for the
24 General Revisions that the Board has been working on
25 for some time. She mentioned the Board addressed some

1 COVID concerns with policy statements that were built
2 into the General Revisions. She requested input from
3 the Board as to whether any other substantive changes
4 were necessary. She noticed, upon review, a
5 particular section under continuing education (CE)
6 that did not list CE amounts.

7 Ms. Black stated the packet has all three
8 regulatory sections regarding social workers, marriage
9 and family therapists, and professional counselors
10 designated in Chapters 47, 48, and 49. She suggested
11 review of Chapter 47 for additions or revisions that
12 she could then apply to the corresponding chapters to
13 be consistent.

14 Ms. Black referred to § 47.1, noting she added
15 direct client contact.

16 ***
17 [Christian Jordal, Ph.D., LMFT, re-entered the meeting
18 at 10:15 a.m.]

19 ***
20 Ms. Black referred to electronic supervision,
21 noting it was already part of the general revisions
22 packet, and the definition was added to the general
23 revisions packet, where supervisee was modified to
24 remove "as clinical social worker" and then a
25 definition for "year" was also added.

1 Ms. Black mentioned that she did not parse out
2 "in person" as a separate definition like she did for
3 "direct client contact" because she did not see that
4 phrase in the regulations, thus requiring a
5 definition.

6 Ms. Black explained that the information in the
7 policy statement for "in person" is captured under the
8 electronic supervision section in the regulations and
9 did not think they needed a definition for "in person"
10 because the proposed regulations address that.

11 Ms. Black further explained that the policy
12 statement was created because there is nothing in the
13 current regulations that addresses an electronic
14 platform, and the policy statement was necessary to
15 express to the public the interpretation of "in
16 person." She noted the packet will have a section
17 specifically on electronic supervision and this is why
18 it is not necessary to interpret the meaning of "in
19 person."

20 Ms. Black referred to § 47.1a regarding
21 qualifications for supervisors, where all the
22 individuals pursuing a clinical social work license was
23 added to the title. She noted changing "current
24 active" license to "active license" for clarity.

25 Dr. Santiago referred to the language, "have 5

1 years of postmaster's experience within the last 10
2 years as a clinical social worker" and asked whether
3 counting the 5 years of postmaster's experience starts
4 from the second someone receives their degree to be
5 correct.

6 Chair Corby noted Dr. Santiago to be correct.

7 Chair Corby mentioned continuing education units
8 (CEUs) were added in the qualifications section.

9 Ms. Black explained that CEUs were already part
10 of the revisions and asked whether any changes were
11 necessary.

12 ***

13 [Linda A. Martin, LCSW, RN, entered the meeting at
14 10:22 a.m.]

15 Chair Corby noted being fine with 6 CEUs but
16 commented that someone who has not been acting as a
17 supervisor would need to complete 6 CEUs before they
18 could begin unless they had a graduate level course in
19 supervision. She noted that it did not require it to
20 be done each biennial period, but requiring 6 CEUs to
21 begin.

22 Chair Corby further explained that in order to
23 begin, someone would need 6 CEUs; someone already
24 supervising would need 6 by the renewal; but then once
25 that is done, they do not have to get 6 CEUs each

1 biennial period. She commented that it was not
2 requiring that, and Ms. Black agreed.

3 Ms. Black stated the Board would need to look at
4 rephrasing that if there is a general sense of
5 confusion by individuals reading that wording if
6 comments are received from either the Independent
7 Regulatory Review Commission (IRRC) or the House that
8 the language isn't clear.

9 Chair Corby addressed individuals who took the 24
10 credits for approved clinical supervisor (ACS) and
11 received a certification as a supervisor, which is not
12 accepted as a graduate course, and suggested adding
13 "and have completed an organized training program in
14 clinical supervision."

15 Ms. Martin expressed concern with the spent time
16 going over what had already been discussed.

17 Chair Corby noted it to be the first time she saw
18 it in writing and was thinking of those who already
19 have the certification of supervision.

20 Ms. Black stated this may not be the final
21 version that goes into the regulation because it still
22 has to be promulgated through the regulatory process.
23 She also noted the importance of discussing any
24 revisions the Board feels are necessary to be able to
25 move forward to next step of the process.

1 Chair Corby asked whether the Board wanted to
2 acknowledge those who have certificates from an
3 organized training program and implement and insert
4 that in this section.

5 Ms. Black suggested inserting in the last
6 sentence, "supervisors who have already taken a
7 graduate level course or an organized certification
8 program on supervision are exempt from this
9 requirement."

10 Dr. Jordal noted the Board is trying to set a
11 minimum threshold and trying to be consistent across
12 all the different types of licenses. He stated
13 marriage and family therapists (MFTs) have certain
14 certifications or distinct continuing education
15 providers, but he did not believe that was consistent
16 with other disciplines.

17 Dr. Jordal commented that those MFT applicants
18 who have a supervision course in their doctoral degree
19 may not be eligible to supervise because their
20 education is pre-degree. He noted that by definition,
21 the continuing education is post degree.

22 Dr. Evans agreed and noted being satisfied with 6
23 continuing education units as a minimum or if someone
24 has taken a graduate level course that could be pre-
25 or postmasters on supervision would suffice.

1 Chair Corby addressed MFTs, where they cannot
2 take the supervision course unless they already have a
3 master's degree in MFT. She noted those who have a
4 graduate course means it is postgraduate. She
5 believed it would be safe to leave that in because it
6 is something that is postmaster's level training. She
7 noted being satisfied with the graduate level course
8 on supervision because it meant it has to be
9 postmasters.

10 Dr. Jordal addressed licensure affordability and
11 transferability across disciplines, where leaving in
12 the graduate level course may allow Pennsylvania to
13 more easily support a licensee who is looking to apply
14 by endorsement, specifically from a state where they
15 are already supervising.

16 Ms. Black noted that the last sentence would
17 read, "Supervisors who have already taken a graduate
18 level course or an organized certification program on
19 supervision are exempt from this requirement."

20 Chair Corby commented that half of the Board is
21 in agreement.

22 Ms. Black referred to § 47.12(3) regarding
23 qualifications for licensure, noting the addition of
24 "supporting documents on forms and in a format
25 required by the Board," where it now reads, "the

1 applicant has submitted application for licensure and
2 supporting documents on forms in a format required by
3 the Board."

4 Ms. Black stated the language would be removed in
5 § 47.12(4) "by check or money order payable to the
6 Commonwealth of Pennsylvania" and in § 47.12(5) "the
7 applicant has submitted two certificates of
8 recommendation," to read, "The applicant has submitted
9 a certification statement verifying the information on
10 the application."

11 Ms. Black referred to § 47.12c, licensed clinical
12 social worker regarding supervised clinical
13 experience, including direct client services, and
14 whether it has to be in person or not.

15 Dr. Jordal referred to § 47.12c(b)(5) and
16 questioned the language, "supervisory responsibilities
17 have been delegated."

18 The Board discussed whether to remove the phrase,
19 "or one to whom supervisor responsibilities have been
20 delegated."

21 Johanna Byrd, ACSW, IOM, CAE, Executive Director,
22 National Association of Social Workers, commented that
23 a distinction is made when talking to individuals,
24 especially about Act 76 implementation or other
25 things, where there is a distinction between clinical

1 supervision and employment supervision. She noted
2 that from her perspective, if somebody else at the
3 agency is being designated as the clinical supervisor,
4 they would call them the supervisor, so being
5 consistent in the language, it makes sense to change
6 it so that distinction can appropriately be made.
7 Chair Corby asked how many are in favor of removing
8 the phrase, "or one to whom supervisor
9 responsibilities have been delegated," and only two
10 were in favor so the decision was made not to remove
11 it.

12 The Board discussed changing § 47.12e to § 47.12f
13 regarding electronic supervision.

14 Ms. Martin questioned § 47.12f, noting it comes up
15 in the social work sequence after the bachelor social
16 worker section and far removed from supervision.

17 Ms. Black would talk to Regulatory Counsel about
18 the numbering, but the reason it is § 47.12f is
19 because it was the next number in the sequence.

20 Ms. Martin suggested putting it under § 47.12c,
21 licensed clinical social worker with conditions for
22 licensure and supervised clinical experience, which
23 are both regarding supervision.

24 Ms. Black commented that the reason it may be in
25 its own section is because the electronic supervision

1 is going to apply to all license types and why it has
2 to be its own subsection.

3 Ms. Martin stated bachelor social workers and
4 licensed social worker do not need supervision, and it
5 was only when people were applying and working on the
6 licensed clinical social workers, which is
7 § 47.12c.

8 Ms. Black will also talk to Regulatory Counsel
9 because there might be a stylistic reason why it had
10 to be a separate subsection and would consider
11 incorporating that into § 47.12c if it does not have
12 to be a separate section.

13 Ms. Martin referred to the annex for licensed
14 MFTs, where a licensed MFT is at § 48.13 and
15 electronic supervision is included at § 48.13a. She
16 noted it would be more standard if they included it in
17 the licensed social workers section at § 47.12c.

18 Ms. Black again noted that there may be a
19 specific reason why it has to be formatted this way
20 but that she will discuss the issue with Regulatory
21 Counsel.

22 Ms. Martin referred to § 47.12c regarding licensed
23 clinical social workers and was not sure why direct
24 client contact was added, where supervised clinical
25 experience, experience acceptable to the Board means

1 experience as a supervisee in a setting that has
2 direct client contact that is organized to prepare the
3 applicant. She noted it to be redundant, especially
4 if they include the in-person contact. She referred
5 to § 47.12c(b)(1), noting it is added in there.

6 Ms. Martin referred to § 47.12c(b)(1)(3), noting
7 it not to be appropriate to delete other psychosocial-
8 therapeutic interventions and add direct practice
9 social work intervention.

10 Chair Corby referred to the definition of "direct
11 client contact," where it only acknowledges an
12 electronic platform and not in-person client contact,
13 noting the need to have a face-to-face piece in that
14 definition.

15 Ms. Black suggested including in the definition,
16 "in addition to in-person contact, this will also
17 include the use of a HIPAA-compliant electronic
18 platform."

19 Chair Corby commented that the definition of "in
20 person" would need to be in there as well and is fine
21 with that. She stated the Board interpreted the
22 regulations and came up with a definition of "direct
23 client contact" and "in person," and some of it was
24 listed out of Ms. Black's language but not all of it
25 was listed from there.

1 Ms. Black referred to the policy statement,
2 noting she could look into whether it would be
3 appropriate to do a separate definition for "in
4 person" and if so, use what the Board adopted in the
5 policy statement. She noted "direct client contact"
6 was pulled right from the direct client contact policy
7 statement.

8 Ms. Black stated having "direct client contact"
9 being defined to encompass both a virtual method and
10 physically present method would help ensure
11 individuals were having direct client contact, whether
12 they are sitting in the same room with someone or they
13 are using a HIPAA-compliant electronic platform.

14 Ms. Black commented that when the provisions that
15 refer to how supervised hours are accumulated or
16 obtained are referencing direct client, it is going to
17 have the definition that those hours can be obtained
18 either in person or through an electronic platform.

19 Chair Corby commented that their explanation is
20 that in person is not limited to being physically
21 present in the same room, where it can be included in
22 an electronic platform and is not about electronic or
23 in person.

24 Ms. Martin commented that electronic is virtual
25 and is quite a different therapeutic experience than

1 in person.

2 Chair Corby noted that the Board interpretation
3 of in person is not limited to those acquired while
4 being physically present in the same room; therefore,
5 the Board considers in-person supervision to be met if
6 a HIPAA-compliant platform is used.

7 Ms. Black further explained that the Board had to
8 develop that interpretation because the current
9 regulatory structure did not allow for an electronic
10 platform and had to interpret in person that way. She
11 commented that with the revisions, they will not have
12 to interpret in person that way because they will have
13 the regulations that allow for the electronic
14 platform.

15 Ms. Martin stated direct client contact now
16 includes both and includes in person. She noted
17 adding that and including virtual. She noted it to be
18 a good move to call it direct client contact because
19 it included two possibilities.

20 Ms. Martin referred to § 47.12c, noting there was
21 some overlap between those sections, which makes it
22 complicated, but was hopeful that the Board could
23 develop regulations that are easy to understand and
24 flow.

25 Ms. Black commented that the change in the annex

1 was made before she became involved, and the Board
2 agreed with Ms. Martin in keeping psychosocial-
3 therapeutic interventions.

4 Chair Corby referred to § 47.12c(b)(6), noted "at
5 the same time" was removed and is the intent of the
6 regulation and why it was inserted. She suggested
7 adding back in, "during the same period of time."

8 Ms. Black will make the appropriate change to
9 read, "a supervisor shall provide supervision of the
10 clinical experience of no more than a total of six
11 supervisees during the same time period."

12 Ms. McNeill referred to § 47.12c(b) under
13 supervised clinical experience. She questioned the
14 wording of "has direct client contact" and whether it
15 is being added in there because they are required to
16 have direct client contact under any supervisor, that
17 they cannot be a supervisor verifying only
18 administrative work.

19 Ms. McNeill commented that prior to adding "has
20 direct client contact," it was understood as long as
21 they had a total of 1,500 hours in those areas of
22 direct clinical client services, that met that
23 requirement. She referred to section (b), "has direct
24 client contact," where it appears that they would not
25 count clinical experience if someone is in a position

1 that is only administrative or other work that is
2 preparing them for the clinical practice but has no
3 direct client contact.

4 Ms. McNeill expressed concerned with having that
5 specific word added in that specific section that
6 applicants may interpret it as not being able to count
7 any work that does not have direct client contact
8 concurrent with non-direct client contact hours. She
9 noted individuals may question whether hours will
10 count if they do administrative work or anything else
11 their supervisor says will count toward their clinical
12 supervised experience in preparing for clinical
13 practice if someone has no clients. She asked why the
14 clause was added to that section.

15 Ms. Black explained that she put it in there to
16 reference the concerns that came up when discussing
17 the policy statement. She commented that if they do
18 not have direct client contact as a phrase in the
19 regulation, then they do not need a definition for it.

20 Ms. Black further explained that having a
21 definition for direct client contact would also mean
22 it would have to be in the regulations. She noted it
23 could be removed and placed somewhere else.

24 Ms. McNeill suggested removing it from there and
25 changing subsection (1), where it says direct clinical

1 client and changing that to direct client contact.
2 She stated it would clear up the confusion if it was
3 removed in (d) and changing direct client contact in
4 (1). The Board agreed.

5 Ms. Martin referred to § 47.1a qualifications for
6 supervisors of individuals pursuing a clinical social
7 work license, noting an important part in there
8 regarding social workers in § 47.1a(3)(iii), where
9 clinical was taken out and recommended it be put back
10 in.

11 Ms. Black agreed that it should read, "Practices
12 as a clinical social worker" and was probably just an
13 oversight and would be put back in the clean copy.

14 Ms. Black referred to § 47.12d.

15 Ms. Martin referred to § 47.12d(4), noting the
16 supervisor shall be responsible for ensuring that the
17 requirements of § 47.12c(b) are met and, suggesting
18 § 47.12c(b) should be changed to § 47.12f.

19 Ms. Black referred to § 47.12f, electronic
20 supervision, noting the policy statements were drafted
21 off of that proposed language.

22 Dr. Jordal referred to (c), to engage in
23 electronic supervision, a supervisor must hold an
24 active license in the state in which they were
25 licensed. He believed they were going beyond their

1 scope of practice, noting it should read, "To engage
2 in electronic supervision, a supervisor must have an
3 active license in Pennsylvania, and the Board agreed.

4 Ms. Black noted § 47.13b is being reserved with
5 all language being removed.

6 Ms. Black updated the Board regarding § 47.16a
7 licensure by endorsement under Act 41. She noted Act
8 41 is being moved through IRRC in various stages
9 through other boards. She mentioned a template for
10 Act 41 specific to the statutory language. She
11 commented that there are little tweaks as each board
12 is sending it through individually.

13 Ms. Black stated that boards are getting
14 questions from the House and IRRC. She mentioned a
15 recent change under (b), an applicant for licensure
16 may be required to appear before the Board for a
17 personal interview, where a sentence has recently been
18 added to templates for other boards, "a request for
19 the interview to be submitted electronically in light
20 of COVID." She will add that into this provision.

21 Ms. Black noted no additional revisions were
22 added to § 47.21 professional corporations.

23 Ms. Martin noted a typo in the previous section
24 on page 11.

25 Ms. Black noted adding 1 clock hour in

1 assessment, treatment, or management of suicide risk
2 to § 47.32 requirements for biennial renewal.

3 Ms. Black referred to § 47.36, this is another
4 section where the edits were already done. It looks
5 like what is being removed in the brackets in
6 subsection (a) is being removed but "the following
7 entities may provide, sponsor, co-sponsor, but may not
8 approve continuing education courses or programs:" is
9 being added.

10 Ms. Black also noted (i) is being added,
11 "Graduate and undergraduate programs accredited by the
12 Council on Social Work Education" but then (2), (3),
13 (4), (5) and (6) are being removed.

14 Ms. Martin noted a typo on page 15, where a
15 licensee may accrue up to the 15 of the required clock
16 hours, noting to strike the word "the" before 15.

17 Ms. Black referred to (a)(1), noting
18 "participation" was removed. She also noted a
19 licensee may accrue the required clock hours by
20 participation in clinic conferences; clinical rounds;
21 or training under a preceptor provided through
22 hospitals, medical centers, or universities and
23 anticipates receiving a response from IRRC or the
24 House because of no specific allocation of CE amount.

25 Ms. Black recommended having a specific number of

1 clock hours, and Chair Corby suggested up to 15 of the
2 required clock hours.

3 Ms. Black noted the only change is § 47.39 was
4 adding in the second sentence, "at least 30 days prior
5 to the biennial renewal deadline."

6 Dr. Jordal referred to § 47.39(b), where
7 appropriate documentation shall include a description
8 of circumstances sufficient to show why compliance is
9 impossible. He noted nothing references "with
10 appropriate documentation" in the previous section
11 where they talk about other continuing education and
12 suggested replicating the clause "with appropriate
13 documentation."

14 Ms. Black suggested adding in section (a), clock
15 hours may be granted by the Board on a case-by-case
16 basis with appropriate documentation as follows, and
17 Dr. Jordal agreed.

18 Ms. Martin referred to § 47.71 and asked why 2021
19 was added to "shall adhere to the National Association
20 of Social Workers Code of Ethics" when the Board
21 agreed not to specify because the code of ethics gets
22 revised.

23 Ms. Black explained that there might be a
24 requirement in accordance with how regulatory drafting
25 is done and will check with Regulatory Counsel.

1 Ms. Black will make the uniform provisions in
2 Chapter 48 and Chapter 49. The Board will provide Ms.
3 Black suggested revisions for Chapter 48 and Chapter
4 49 aside from what was discussed in Chapter 47. The
5 Board agreed to have another regulatory meeting on
6 February 11 at 10 a.m. to discuss their suggested
7 edits.

8 Ms. Martin noted under the definition of sexual
9 intimacy that (b) masturbation does not include
10 licensed bachelor social work because licensed
11 bachelor social work was probably licensed after the
12 last revision.

13 Ms. Black offered to add that to the definition
14 for the packet.

15 Chair Corby referred to § 48.3(1), a licensed
16 marriage and family therapist (MFT), noting MFT should
17 be LMFT.]

18 ***

19 Adjournment

20 CHAIR CORBY:

21 Motion to adjourn.

22 DR. JORDAL:

23 Second.

24 CHAIR CORBY:

25 All those in favor, say aye or raise

1 their hand.

2 [The motion carried unanimously.]

3 ***

4 [There being no further business, the State Board of
5 Social Workers, Marriage and Family Therapists, and
6 Professional Counselors Regulatory Meeting adjourned
7 at 12:27 p.m.]

8 ***

9

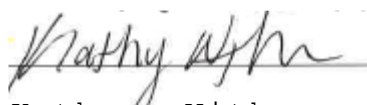
10 CERTIFICATE

11

12 I hereby certify that the foregoing summary
13 minutes of the State Board of Social Workers, Marriage
14 and Family Therapists and Professional Counselors
15 meeting, was reduced to writing by me or under my
16 supervision, and that the minutes accurately summarize
17 the substance of the State Board of Social Workers,
18 Marriage and Family Therapists and Professional
19 Counselors meeting.

20

21



22

Kathryn Witherow,

23

Minute Clerk

24

Sargent's Court Reporting

25

Service, Inc.

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

January 11, 2022

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

TIME	AGENDA
10:09	Official Call to Order
10:10	Introduction of Board Members and Attendees
10:12	Regulatory Discussion
12:27	Adjournment