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1	COMMONWEALTH OF PENNSYLVANIA	
2	DEPARTMENT OF STATE	
3	BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS	
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5	DRAFT MINUTES	
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7	MEETING OF:	
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9	STATE BOARD OF SOCIAL WORKERS,	
10	MARRIAGE AND FAMILY THERAPISTS,	
11	AND PROFESSIONAL COUNSELORS	
12	VIA MICROSOFT TEAMS	
13		
14	TIME: 2:00 P.M.	
15		
16	Held at	
17	PENNSYLVANIA DEPARTMENT OF STATE	
18	2601 North Third Street	
19	One Penn Center, Board Room C	
20	Harrisburg, Pennsylvania 17110	
21	as well as	
22	VIA MICROSOFT TEAMS	
23		
24	October 21, 2022	
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## State Board of Social Workers, Marriage and Family Therapists, and Professional Counselors October 21, 2022

## BOARD MEMBERS:

Michelle Santiago, Psy.D., LPC, Chair Joy E. Corby, Ph.D., LMFT Arion R. Claggett, Acting Commissioner, Bureau of Professional and Occupational Affairs - Absent Eric DeCriscio, MA, LPC, ACS Kimberly Early, MSW, LSW, Vice Chair Erika Evans, Ph.D., LMFT Christian Jordal, Ph.D., LMFT - Absent Linda A. Martin, LCSW, RN Cindy Moyer, LCSW Marilyn L. Painter, Public Member - Absent Mayte Redcay, LCSW - Absent

## BUREAU PERSONNEL:

Tyesha C. Miley, Esquire, Board Counsel Sarah E. McNeill, Board Administrator Marc Farrell, Deputy Policy Director, Department of State

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\* \* \* 1 2 State Board of Social Workers, 3 Marriage and Family Therapists and Professional Counselors 4 October 21, 2022 5 \* \* \* 6 7 The State Board of Social Workers, Marriage and 8 Family Therapists, and Professional Counselors Regulatory Meeting was held on Friday, October 21, 10 2022. Michelle Santiago, Psy.D., LPC, Chair, called 11 the meeting to order at 2 p.m. 12 13 Introduction of Board Members and Attendees \* \* \* 14 Regulatory Board Counsel - 16A-6924 Volunteer License 15 16 Regulations 17 [Tyesha C. Miley, Esquire, Board Counsel, addressed 18 16A-6924 regarding volunteer license regulations. 19 She referred to the Volunteer License Application, 20 noting it is available on the Board's website. 21 stated the current regulations do not regulate this 22 particular area and is what this regulation is 23 proposing. She addressed the wording of

generally for the health licensing divisions but was

health care practitioner, noting it was designed

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not clear of the reason.

Dr. Corby asked whether it would be possible to correct the wording to reflect mental health and not just health.

Ms. Miley noted the form has been there since January 2016, but it may be something that could be addressed through the regulation. She believed it to be a general form applied to all of the health-related boards.

Dr. Corby asked whether volunteer licenses have been issued since 2016 without any regulation.

Ms. Miley and Ms. McNeill had not seen a volunteer license but will investigate further to determine if any were issued.

Ms. Miley noted that changing the form was likely on the administrative side and the discussion should be the regulation itself to determine whether the Board wants the language currently being proposed in the regulation.

Chair Santiago referred to § 47.19(a)(2), or provide health care services, noting people are taking some umbrage with that and would like it to say mental health services.

Ms. Martin commented that mental health falls under the general umbrella of health care services

and did not have a problem with the language.

Dr. Corby asked whether the definition of health care by the state is inclusive of mental health care.

Ms. McNeill explained that the Board is under the Health Licensing Division of the Bureau of Professional and Occupational Affairs and is in the Health Licensing Division.

Mr. Farrell, Deputy Policy Director, Department of State, commented that this all stems from the Volunteer Health Services Act, which states its purpose is to increase the availability of primary health care services, including mental health services.

Ms. Martin expressed concern that it is part of the form and part of the act that the volunteer licensee does not need to maintain liability insurance, particularly for protection of the professionals. She asked whether they would be allowed to be sued in court and not just have their license reviewed and if they need to maintain liability insurance for their own protection.

Ms. Miley believed the way this is set up is to permit individuals to practice within some sort of umbrella agency or organization, not necessarily that they are engaging in independent practice, and is why

they most likely would not be required to carry professional liability insurance.

Ms. Miley explained that the language is talking about individuals who at that time are not practicing and believed that is pertaining to doctors who retire and are not practicing. She noted that someone who is not retired but not practicing or providing health care services is not required to carry the insurance.

Ms. Martin commented that maybe physician licensees are required to have liability insurance, but there is no requirement under their regulation. She noted that with the way it is written into the regulation that there is some time when they are required to have liability insurance but is not in their license.

Ms. Martin believed it may give people who get a volunteer license the impression they cannot be sued and would like to see it removed because it assumes that there is a requirement to have liability insurance at some point.

Ms. Miley stated it is ideally only for individuals who practice within an approved clinic or upon referral from an approved organization, where the organization is assuming the responsibility for any lawsuits and essentially identify their insurance

to their liability carrier when someone is taken on
with a volunteer license. She noted it is for
someone practicing in these two settings and does not
have an independent practice. She stated anyone who
does not have a practice and is not providing health
care in Pennsylvania is not required to have
professional liability insurance because they are
only working for an approved organization.

Dr. Corby referred to the section that reads, not required to maintain professional liability insurance under the Medical Care Availability and Reduction of Error (MCARE) Act.

Mr. DeCriscio stated that not knowing the purpose of volunteer licensure makes it difficult to comment thoroughly as a Board. He asked whether anyone knows what part of the MCARE Act that it is referencing.

Chair Santiago explained that the MCARE part refers to what type of insurance an agency has to have, the scope of the insurance, and the agency has to carry an X number of dollars of insurance.

Ms. Miley commented that what is required is this is similar to Act 41, where the legislature enacted Act 41 and then it was up to the Board to begin to engage in the regulatory process to draft regulations consistent with the legislature's enactment of Act

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2 Ms. Miley stated the volunteer license comes out 3 of the Volunteer Health Services Act, where the legislature enacted the Volunteer Health Services Act 4 5 some time ago and is a codification for the 6 regulation to be set in the act the legislature 7 passed. She noted the Board needs to enact regulations that are consistent with the legislature's action on the Volunteer Health Services 10 Act because it needs to be created in relation to the 11 actions of the legislature.

Ms. Moyer provided a link to the Volunteer Health Services Act under Pennsylvania Statutes Title 40 P.S. Insurance.

Dr. Corby commented that volunteers are expected to get all of the continuing education units (CEUs) and nothing changes in the regulations. She noted being unsure as to why they have to make a specific license for a person to volunteer.

Ms. Martin stated the regulations are essentially physician regulations and is why they are having a problem with it because they do not apply to them. She noted that they are not required to have liability insurance and do not need regulations that say they are not required.

Dr. Corby asked why it is necessary for the Board to have a volunteer license.

Ms. Early explained that the Board has to follow the Health Services Act but that it is a "may" provision, where the Board does not have to issue a volunteer license.

Chair Santiago noted it is very specific about where people with a volunteer license could practice and asked whether it is worth discussing since it had been designed for other people and their people do not seem to use it.

Ms. Miley explained that it is part of the Board's regulation packages and is something the Board needs to go through the regulatory process, primarily to maintain compliance with the laws the legislature has set forth. She informed Board members that a decision would eventually have to be made.

Ms. Miley thanked Mr. Farrell for providing information in chat regarding the purpose of the Volunteer Health Services Act.

Dr. Corby commented that she would accept what has been written if the Board has to promulgate the act.

25 Ms. Early noted a section under return to active,

where a volunteer license holder has to notify the Board if they decide to return. She also noted Mr. Farrell placed a comment in chat that each Board is required to promulgate regulations regarding the

Mr. DeCriscio commented that the State Board of Optometry has a set of regulations they promulgated that is very basic and believed it to be helpful to have at least a framework in place for the volunteer license.]

volunteer license category.

16A-6923 General Revisions Annex Exposure Draft [Michelle Santiago, Psy.D., LPC, Chair, referred to 16A-6923 regarding the general revisions annex exposure draft. She noted prior Board discussion regarding Chapter 47.

Dr. Corby requested an update regarding Chapters 47, 48, and 49 and referred to § 48.14, where supervisors are supposed to submit directly to the Board and asked whether that is a now a possibility.

Ms. McNeill stated, with the Board-approved changes to the form, those forms were being emailed to the Board directly from the supervisors but have not been put into effect. She mentioned conducting several follow-ups recently concerning the

Pennsylvania Licensing System (PALS) not imputing the forms.

Ms. Miley addressed § 47.14, § 48.14, and § 49.14, noting it is more of an administrative question as to whether it is possible. She noted it to be correct in Chapter 49.

Dr. Corby referred to § 48.32, noting the word "and" needs inserted before at least 1 clock hour. She noted it to be correct in Chapter 49. She also referred to § 48.36(a)(1)(iv), noting the Commission for Marriage and Family Therapy Education should be the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE).

Dr. Corby referred to § 48.36(a)(2), where the following entities may provide; sponsor; cosponsor; or approve continuing education courses, programs, or workshops. She noted they could do more than just one of them and suggested it should be "and/or" and changed in all of the chapters. She also referred to § 48.36(a)(3), where the following entities and their regional; state; and local affiliates may sponsor, cosponsor, or approve continuing education courses and programs should also be "and/or."

Dr. Corby referred to § 48.36(b), where the Board will consider for approval, as preapproved providers,

other organizations who offer multiple courses and
programs for marriage and family therapists. The
application for approval shall be submitted to the
Board along with a \$65 fee. She suggested it to just
read, "along with a fee established by the Board" and
leaves room for change. She noted the change should
be made to all of the chapters and any other area
where there is a specified fee.

Ms. Miley commented that she may not be able to change the fee language everywhere.

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Ms. McNeill addressed the applications for approval as a preapproved provider under § 47.36(b), § 48.36(b), and § 49.36(b). She asked whether they are still required to review their application every two years or should they be added to the regulations as a preapproved provider when the entities get approval as a preapproved provider. She also asked whether there was a way for someone to be added to the regulations as a preapproved provider and not have to renew every two years.

Dr. Corby explained that only national providers under the lists are approved, and organizations have to ask for preapproval every two years. She referred to § 48.36(a) for a list of approved providers in conjunction with all of the others in § 48.34.

Ms. McNeill further explained that organizations specifically named in the regulations do not have to apply for reapproval every two years and are indefinitely approved, but anyone else has to apply and renew every two years.

Ms. Early asked whether they would need a provision for a national organization that applied and was approved in between or after these are promulgated so they do not have to wait for regulations to then add them.

Ms. Miley commented that the Board could approve a provider, but it would require a regulatory change to add them to the regulations.

Dr. Corby referred to § 48.36(b), noting that it gives the Board the possibility of approving organizations to be preapproved providers but not approved providers, where the approved providers were set from the beginning in the regulations.

Dr. Corby addressed an error in § 48.37(b), where it reads a "license" seeking to obtain should read a "licensee" seeking to obtain. She also noted an error in § 48.34(a), where a fee of \$45 should be changed to a fee established by the Board instead of having a set fee in any of the regulations. She noted the fee would be provided on the website and

allow the Board to change the fee without changing the regulations.

Ms. Miley explained that the Revenue Department would only be allowed to do that. She noted the Bureau of Finance and Operations (BFO) also creates the reports outlining expenditures and makes the determination concerning fees. She mentioned it is possible to look at the \$45 fee and change that but to say as stated by the Board is a concern and lacks some transparency where an applicant would not know the fee. She offered to ask regulatory counsel about the change in § 48.34.

Chair Santiago asked whether it is written appropriately to reflect what the Board expects supervisors to have for people who are interested in marriage and family therapist (MFT) licensure. She noted MFT members have generally wanted more boundaries and parameters for what makes an MFT supervisor.

Dr. Corby reminded everyone that she wanted to put in much stricter guidelines but was told it would not pass, where they had to remove the whole thing about having to be an American Association for Marriage and Family Therapy (AAMFT)-approved supervisor because of the Practice Act but accepted

putting in the 6 CEUs required for supervision for everybody because it was better than nothing.

Mr. DeCriscio asked whether other states have a licensed marriage and family therapist (LMFT) supervisor standalone credential. He commented that the state Board actually offers a separate credential for licensure to LMFTs and some states have a licensed professional counselor (LPC) supervisor designation credential.

Dr. Corby explained that some states give licenses for supervision but Pennsylvania does not and was told Pennsylvania would never license supervisors.

Chair Santiago commented that someone could receive a certificate and be an approved clinical supervisor through the National Board for Certified Counselors (NBCC).

Ms. Miley informed Board members that there is time for further discussion on any concerns mentioned today before voting.

Chair Santiago referred to § 49.2(9) regarding clinical instruction under educational requirements and believed 100 clock hours of supervised practicum experience and 600 clock hours of supervised internship experience should be left in.

Ms. McNeill explained that it is being changed to look for only semester or quarterly credits. She mentioned they already evaluate applications with the 6 semester and 9 quarter credits and are just removing old language before 2007.

Chair Santiago referred to § 49.3(1), hold an active license as a professional counselor in the state where the supervisee's experience is occurring and have 5 years of post-master's experience. She suggested the addition of the word "degree" and asked whether they could change it to 5 years of post-master's degree experience for clarity.

Chair Santiago asked whether the Board was keeping § 49.3(3), shall complete at least 6 continuing education units on supervision prior to beginning as a supervisor or by the next biennial renewal cycle.

Ms. McNeill asked how they would verify they have done that if they are completing them as part of their continuing education.

Dr. Corby noted being told that a question could be added on the renewal forms simply asking supervisors whether they completed the 6 continuing education requirements or the graduate-level course. She stated it could also be added to the supervisor

form sent in for each person, where there would be a check. She asked whether the 6 continuing education requirements could be increased to 12.

Ms. Martin disagreed, on behalf of the social work profession, with having more requirements in order to be supervisors. She mentioned that social workers already have enough trouble finding supervisors and more courses would not guarantee someone would be a good supervisor.

Dr. Corby commented that one of the qualifications for a supervisor should be a jurisprudence exam so they understand and know regulations but that it has been turned down by Board Counsel. She noted a jurisprudence exam is a necessity even to get licensed in other states and not just for supervisors because people do not know the regulations.

Ms. Miley offered to provide more information concerning the jurisprudence exam at another meeting.

Mr. DeCriscio informed Board members that he took the jurisprudence exam in Maryland and believed it should be taken every so many years because it does not benefit someone long term. He noted that approximately 20 percent of states require that exam for LPCs.

Mr. DeCriscio referred to § 49.11 under licensure examination, noting Pennsylvania offers several qualifying exams that no other states offer. He recommended deleting everything except the National Counselor Examination (NCE) and National Clinical Mental Health Counseling Examination (NCMHCE). He mentioned that some states have preliminary licensure to a full license and require those individuals to pass the NCE, but to become fully licensed, individuals are required to pass the NCMHCE. He reported that Pennsylvania is the only state that allows other examinations.

Ms. Miley noted the recommendation by the Board is to remove § 49.11(a)(2) through (7), keep § 49.11(a)(1), and add § 49.11(a)(8), which is NCMHCE given by the National Board for Certified Counselors (NBCC). She stated it would change § 49.11 to § 49.11(a)(1), NCE and (8) would become (2).

Mr. DeCriscio believed they have an agreement with the NBCC in terms of exams and would need to be altered because the Examination for Master Addictions Counselors (EMAC) is included on that examination.

Ms. Miley offered to provide the information to regulatory counsel to make sure the changes are possible.

Chair Santiago commented that she had no problems with § 49.12, general qualifications for licensure.

Dr. Corby referred to § 49.2 under education requirements. She noted prior Board discussion, where there is no mention of the number of client contact hours. She mentioned that the Council for Accreditation of Counseling and Related Educational Programs (CACREP) said it needed to have 240 client contact hours a few years ago. She noted that should be added so language is similar to the MFT.

Chair Santiago disagreed because Pennsylvania is not a Council for Accreditation of Counseling and Related Educational Programs (CACREP) state and their laws, rules, and regulations do not apply.

Dr. Corby noted MFTs need 300 hours of client contact education and professional counselors (PCs) should have a certain number of direct client contact hours during clinical instruction.

Chair Santiago commented that it varies from state to state for professional counselors depending on whether the school is a CACREP school, Masters in Psychology and Counseling Accreditation Council (MPCAC) school, or a school not accredited at all.

Chair Santiago asked where it is being reported for both fields. She noted being a clinical training

director and supervising people on an internship but
who would be checking that she is making sure
students are meeting the required hours.

Dr. Corby noted the students would have to report hours of direct client contact in their application.

Chair Santiago disagreed, noting they do not have a national standard like social work with the national social work organization and MFT with the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE), the Association of Marriage & Family Therapy Regulatory Boards (AMFTRB), etc.

Mr. DeCriscio addressed numbers in other states, noting it is typically a requirement but less than CACREP at around 170 hours of clinical experience.

Chair Santiago commented that the Board could follow up on that issue. She informed everyone that Ms. McNeill and Ms. Miley would be attending the American Association of State Counseling Boards (AASCB) Conference and could ask questions at that conference.

Ms. Martin asked whether the applicant would have to graduate from an accredited program by some educational board to meet the requirement to apply for a license as an LPC.

Chair Santiago addressed mandatory and voluntary accreditation. She noted mandatory is accreditation by Middle States and others, and a voluntary accreditation is by Masters in Psychology and Counseling Accreditation Council (MPCAC), something like CACREP, or whatever else falls under that kind of voluntary accreditation. She reported difficulty agreeing on what is best in their field.

Mr. DeCriscio provided data from the Council on Social Work Education (CSWE) showing approximately 370 clinical mental health counseling CACREP-accredited master's in mental health programs in the United States, approximately 315 Master of Social Work (MSW)-accredited programs, 95 MFT-accredited programs, and approximately 56 Masters in Psychology and Counseling Accreditation Council (MPCAC) programs.

Mr. DeCriscio stated CACREP is the standard for counselors in the United States at this point but did not have a problem with recognizing MPCAC. He mentioned that CACREP is the accrediting institution and approximately 240 of the hours of clinical instruction must be face-to-face instruction.

Chair Santiago commented that the Board endorses people who come from CSWE and MFT organizations, but

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when it comes to professional counselors, they also let people apply for a license according to their rules and regulations from mandatory accreditation, not voluntary accreditation.

Chair Santiago noted the importance of getting through the annex and making changes and changing something big and only taking people from a particular type of program with an X number of hours that CACREP accredited is a whole other issue.

Dr. Corby commented that a number could be established and pointed out that it is a clinical license and degree and should have some kind of number or somebody can actually receive a license who has never sat with a client.

Ms. Miley believed the issue was addressed internally prior to her arrival but offered to provide the information to regulatory counsel.

Ms. Miley referred to § 49.12 and adding supporting documents on forms and in the format required by the Board meeting all of the other information and deleting "the applicant has submitted two certificates of recommendation on forms furnished by the Board."

Board members offered no changes to § 49.13, licensed professional counselor; § 49.13a.,

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- 1 electronic supervision; and § 49.14, standards for
  2 supervisors.
- 3 Chair Santiago noted § 49.15 was being deleted 4 and the section reserved.
  - Chair Santiago offered no changes to § 49.32 under requirements for biennial renewal.

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- 7 Chair Santiago referred to § 49.36(b) and asked 8 whether the \$65 fee would be carried forward.
  - Ms. Miley noted the fee amount would be changed to fee established by the Board.
- Dr. Corby commented that the regulations do not include the cost of the biennial fee for a license and did not see why there would be difficulty removing the fee for the others.
- Ms. Miley noted § 47.4 does lay out all of the license fees, where the biennial renewal under § 47.4(2) is \$95.
- Ms. Miley informed Board members that another
  meeting would be scheduled to answer and discuss
  today's questions and Chapter 47.
- Ms. Miley referred to § 49.37, other sources of continuing education and § 49.40, exemption and waiver.
- Ms. Martin commented that the exemption is for people in a crisis and did not agree with asking them

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for at least 30 days' notice. She expressed concern
with fining and possibly losing licensees even though
they were in a crisis.

Ms. Miley believed the 30-day notice was to relieve some of the stress staff receives from requests, so someone could provide documentation within a timely fashion versus having staff send things the day before or day of.

Dr. Corby stated the requirement helps people who tend to procrastinate, where the Board would be fine with somebody who has a legitimate reason and have 20 CEUs but something happened where they could not finish.

Board members offered no changes to § 49.71, code of ethical practice and professional conduct; § 49.91, professional corporations; and § 49.92, fictitious names.

Ms. Miley thanked everyone for their cooperation and informed Board members that she would provide answers to questions raised today at an upcoming meeting.]

23 Adjournment

24 MS. MILEY:

Do I have a motion for adjournment?

25 1 DR. CORBY: 2 So moved. 3 MS. MOYER: 4 Second. 5 \* \* \* 6 [There being no further business, the State Board of 7 Social Workers, Marriage and Family Therapists, and Professional Counselors Regulatory Meeting adjourned 9 at 4:55 p.m.] 10 CERTIFICATE 11 12 I hereby certify that the foregoing summary 13 minutes of the State Board of Social Workers, 14 Marriage and Family Therapists and Professional 15 Counselors meeting, was reduced to writing by me or under my supervision, and that the minutes accurately 16 summarize the substance of the State Board of Social 17 18 Workers, Marriage and Family Therapists and Professional Counselors meeting. 19 20 21 22 Kathryn Witherow, 23 Minute Clerk

Sargent's Court Reporting

Service, Inc.

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October 21, 2022

9	TIME	AGENDA
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11	2:00	Official Call to Order
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13	2:01	Introduction of Board Members and
14		Attendees
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16 17	2:02	Regulatory Board Counsel
18	4 <b>:</b> 55	Adjournment
19	4.55	Adjournment
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