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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 MICROSOFT TEAMS**

TIME: 9:43 A.M.

Held at

**PENNSYLVANIA DEPARTMENT OF STATE**  
2601 North Third Street  
One Penn Center, Board Room C  
Harrisburg, Pennsylvania 17110

as well as

**VIA MICROSOFT TEAMS**

September 26, 2022

1                   State Board of Social Workers,  
2                   Marriage and Family Therapists,  
3                   and Professional Counselors  
4                   September 26, 2022  
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7 BOARD MEMBERS:  
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9 Joy E. Corby, Ph.D., LMFT, Chair - Absent  
10 Arion R. Claggett, Acting Commissioner, Bureau of  
11 Professional and Occupational Affairs - Absent  
12 Michelle Santiago, Psy.D., LPC, Vice Chair  
13 Eric DeCriscio, MA, LPC, ACS  
14 Kimberly Early, MSW, LSW  
15 Erika Evans, Ph.D., LMFT - Absent  
16 Christian Jordal, Ph.D., LMFT - Absent  
17 Linda A. Martin, LCSW, RN  
18 Cindy Moyer, LCSW  
19 Marilyn L. Painter, Public Member - Absent  
20 Mayte Redcay, LCSW - Absent  
21  
22

23 BUREAU PERSONNEL:  
24

25 Cynthia K. Montgomery, Esquire, Deputy Chief  
26 Counsel, Counsel Division, Department of State  
27 Tyesha C. Miley, Esquire, Board Counsel  
28 Sarah E. McNeill, Board Administrator  
29 Marc Farrell, Deputy Policy Director, Department of  
30 State  
31  
32

33 ALSO PRESENT:  
34

35 Johanna Byrd, ACSW, IOM, CAE, Executive Director,  
36 National Association of Social Workers,  
37 Pennsylvania  
38 Chapter  
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2 State Board of Social Workers,  
3 Marriage and Family Therapists  
4 and Professional Counselors  
5 September 26, 2022

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7 The State Board of Social Workers, Marriage and  
8 Family Therapists, and Professional Counselors  
9 Regulatory Meeting was held on Monday, September 26,  
10 2022. Michelle Santiago, Psy.D., LPC, Vice Chair,  
11 called the meeting to order at 9:43 a.m.

12 \*\*\*

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

16 \*\*\*

17 Regulatory Board Counsel - 16A-6925 Act 41  
18 Regulations

19 [Tyesha C. Miley, Esquire, Board Counsel, noted the  
20 Act 41 Regulations for discussion.

21 Ms. Martin referred to § 47.17, licensure by  
22 endorsement, where a license from the other  
23 jurisdiction needs to be substantially equivalent and  
24 includes a list of requirements for social work. She  
25 noted it is also asking for a copy of their

1 jurisdiction's regulation governing their license and  
2 scope of practice. She also referred to the  
3 competency section under § 47.17(2), where competency  
4 must be demonstrated by either having practiced for  
5 two of the last five years, continuing education, or  
6 the exam.

7 Ms. Martin believed asking for competency is  
8 redundant and referred to § 47.12c for clinical social  
9 work, where it is outlined that an exam must be  
10 passed and how many hours of supervision is required.

11 Cynthia K. Montgomery, Esquire, Deputy Chief  
12 Counsel, Counsel Division, Department of State,  
13 stated that Act 41 was a new act implemented by the  
14 General Assembly to make it easier for mobility of  
15 licenses. She explained that the general idea under  
16 Act 41 is for individuals licensed in another  
17 jurisdiction that is substantially equivalent and who  
18 are competent can work in Pennsylvania.

19 Ms. Montgomery noted the Board is supposed to  
20 determine substantial equivalence and what it takes  
21 to demonstrate competency in their regulations. She  
22 mentioned that almost every other state has a  
23 comparable license.

24 Ms. Montgomery addressed the original regulation,  
25 where individuals licensed in another state were not

1 required to provide laws and regulations because the  
2 other states or territories of the United States were  
3 considered substantially equivalent. She noted that  
4 has changed and each state is now looked at to make  
5 sure they are substantially equivalent for the  
6 license type before a license is granted under Act  
7 41. She explained that the individual must hold a  
8 license in good standing in a state, territory, or  
9 country.

10 Dr. Jordal welcomed a message being relayed to  
11 the Psychology Board recognizing that psychology is a  
12 licensure that exists generally outside of the United  
13 States with regard to mental health, and any  
14 applications their Board receives related to  
15 international applicants, the issue is with the  
16 Psychology Board, not with the Social Workers,  
17 Marriage and Family Therapists, and Professional  
18 Counselors Board. He commented that their Board does  
19 not have the ability to always evaluate those  
20 applicants and is more appropriate for the Psychology  
21 Board.

22 Dr. Santiago asked whether there was a reason why  
23 the wording had to be "substantially equivalent"  
24 instead of "meets or exceeds" the standards already  
25 in place for each of the different occupations.

1 Ms. Montgomery explained that the statute directs  
2 them to license people who are licensed in  
3 jurisdictions where the requirements are  
4 substantially equivalent. She stated the act allows  
5 the Board to give a provisional license while the  
6 individual makes up whatever differences there may be  
7 with the idea of making it easier for them to come to  
8 Pennsylvania to practice.

9 Dr. Santiago expressed concern with individuals  
10 on a provisional license only having one year to meet  
11 the criteria and with someone only having and  
12 possibly having only a year and two months toward  
13 licensure, where their people do not have that luxury  
14 and are required to have 3,000 hours.

15 Ms. Montgomery explained that it was assumed that  
16 individuals would only need to take an extra course  
17 or complete so many hours of continuing education  
18 (CE) and could do that within a year when it was  
19 originally set up. She mentioned the Pennsylvania  
20 Licensing System (PALS) is set up so the provisional  
21 license lasts a year but everyone has the ability to  
22 request an extension for one additional year under  
23 the provisional license section.

24 Ms. Montgomery commented that the general idea of  
25 Act 41 is to allow someone with a license that has

1 been practicing for at least two of the last five  
2 years to walk right into Pennsylvania. She noted the  
3 law says they have to demonstrate competence by one  
4 of the following and the law actually suggests two of  
5 the last five years and maybe CE and asked whether  
6 the Board wanted CE.

7 Ms. Montgomery addressed the addition of  
8 achieving a score on the exam because people from  
9 other states were not substantially equivalent during  
10 COVID because other states waived the test during  
11 COVID and Pennsylvania did not. She mentioned that  
12 the only way to administer that under Act 41 would be  
13 to say Pennsylvania is not going to give a license  
14 from this period of time to here because the other  
15 states' requirements were not substantially  
16 equivalent during that period of time.

17 Ms. Montgomery addressed the addition for someone  
18 from a state that is substantially equivalent but has  
19 not practiced there during 2020 to 2021, where they  
20 would be considered competent and be granted a  
21 license under Act 41 if they take the test and  
22 suggested adding (iii), "achieve a passing score on a  
23 Board-approved examination."

24 Ms. Montgomery discussed substantial equivalence  
25 and competency, where substantial equivalence is

1 looking at the law and the regulations in the other  
2 state and determine whether they are substantially  
3 equivalent. She explained that the Board would have  
4 to determine whether the person was competent after  
5 the state is found substantially equivalent.

6 Ms. Montgomery noted Act 41 has it set up, where  
7 they either have been practicing two of the last five  
8 years, have done 30 hours of CE which is the Board's  
9 requirement for a two-year period, or they passed a  
10 test determined by the Board.

11 Ms. Montgomery commented that it is a different  
12 way to get licensed, where the Board has their normal  
13 route, their own existing endorsement route, and then  
14 this third pathway to licensure through Act 41.

15 Dr. Santiago commented that the third route is  
16 decent but that Pennsylvania has robust programs,  
17 where they have had people apply for Act 41 who had  
18 their license for two months with no exam and now  
19 giving them an opportunity to demonstrate competency  
20 by completing 30 hours of continuing education during  
21 the 24 months immediately preceding the date of  
22 application.

23 Dr. Santiago noted this would be allowing people  
24 to have 24 months immediately preceding the date of  
25 application and being able to take 30 hours of CE,

1 which then gives them a license at the end of being  
2 licensed for two months in another state. She  
3 mentioned that it does not work for the rest of their  
4 licensees, so why allow it for people who want to  
5 come in from other states.

6 Dr. Santiago referred to (2), demonstrate  
7 competency in one of the following, noting it should  
8 be all three of the following because that is what  
9 their people have to do without the continuing  
10 education.

11 Ms. Montgomery stated that the provisional  
12 license section is discretionary in Act 41. She  
13 noted the Board could just say someone could come in  
14 under Act 41 if they have two out of the last five  
15 years if they wanted to get rid of the CE or have  
16 taken the test. She noted that someone who has three  
17 out of the last five, has taken the test, and their  
18 state is substantially equivalent could come in and  
19 the Board could make the decision that they do not  
20 want to grant a provisional licenses at all.

21 Ms. Montgomery emphasized the word "may" under  
22 Act 41, where the Board may grant a provisional  
23 license. She explained that it is in there because  
24 they do not want to tie the hands of future boards  
25 that might want to grant provisional license where

1 this Board might not. She stated the Board does not  
2 have to grant a provisional licenses at all. She  
3 noted they have to have practiced two of the last  
4 five years or passed the test. She explained that  
5 even those who passed the test in the other state may  
6 not have enough experience and is when the Board  
7 would give them the provisional license, where they  
8 would come to Pennsylvania and get their hours.

9 Ms. Montgomery suggested the Board use the  
10 provisional license that way moving forward if they  
11 have not been, where they either got two years of  
12 experience in the other state or took the test or  
13 have both. She explained that anyone who would have  
14 both would walk right into Pennsylvania and receive a  
15 full license under Act 41 but could receive a  
16 provisional license provided they have taken the exam  
17 if they do not have two years of experience.

18 Ms. Martin mentioned that she liked asking for  
19 the applicants' regulations from their jurisdictions,  
20 so administration does not have to look for it, along  
21 with helping the Board determine whether their  
22 license is equivalent.

23 Ms. Martin referred to § 47.12c, where a license  
24 equivalent for social work requires a degree, exam,  
25 and supervised practice. She commented that someone

1 who meets the initial licensing requirements are  
2 substantially equivalent and means they have a  
3 license in good standing. She noted not being sure  
4 that they need to determine competency because that  
5 is the entry-level license for licensed clinical  
6 social workers to have graduated from an accredited  
7 degree program, to have passed the exam, and to have  
8 had 3,000 hours of supervised practice.

9 Ms. Martin stated that extra requirements are not  
10 necessary because it is assumed that entry-level  
11 applicants who are licensed and have all of those are  
12 competent. She believed the Board is getting bogged  
13 down with Act 41 where the applicant has not had  
14 substantially equivalent requirements and is what  
15 needs tightened up.

16 Ms. Martin commented that the Board was told they  
17 had to give a license whether they had supervision,  
18 whether they had an exam and was not correct, and the  
19 Board could certainly require those three things.  
20 She believed the Board would be bogged down with a  
21 lot of problems with the practiced two of the last  
22 five years if they start trying to evaluate an  
23 applicant's competency.

24 Ms. Martin explained that Pennsylvania licensees,  
25 who are not actively practicing, are not asked to

1 provide their competency level when they go back to  
2 active practice. She stated the board does not  
3 regulate that and does not see the purpose in  
4 regulating that with someone who has an equivalent  
5 license. She referred to continuing education, which  
6 would be required once they get licensed for renewal  
7 and noted (3) in section 2, where the exam is already  
8 an equivalency and have met that already.

9 Ms. Martin commented that the Board could make it  
10 more specific for people coming in and list that the  
11 degree, exam, and 3,000 hours of supervision are  
12 required. She noted § 47.17(1) already points to that  
13 and the data is already there.

14 Ms. Montgomery pointed out that § 47.16,  
15 licensure by endorsement, is what Ms. Martin is  
16 talking about, where somebody who exactly meets their  
17 requirements could already come in by licensure by  
18 endorsement as it currently stands. She stated that  
19 Act 41 is for people who do not quite meet the  
20 requirements and is actually a harder way to come in  
21 but also applies to people from other countries.

22 Ms. Montgomery stated that Act 41 also applies to  
23 jurisdiction, meaning a state or country, where the  
24 Board has to look at the law and the regulations for  
25 people coming from another country to determine the

1 substantial equivalency. She mentioned that the  
2 Board was given advice that all states are  
3 substantially equivalent but were running into  
4 circumstances where it was not. She advised the  
5 Board not to assume every jurisdiction or country is  
6 substantially equivalent and look at the law and the  
7 regulations to make that determination.

8 Ms. Montgomery referred to § 47.16 and explained  
9 that someone with the exact same requirements as  
10 Pennsylvania would come in under regular endorsement,  
11 but if it has a something different, then is that  
12 substantially equivalent. She emphasized that  
13 somebody coming in from another country is where the  
14 Board would use Act 41 more than anything else  
15 because they would come in under endorsement if they  
16 exactly meet the requirements but would have to prove  
17 they meet all of the requirements.

18 Ms. Martin commented that the Board is  
19 unfortunately not willing to drop the requirement for  
20 a social work degree or the requirement for an exam  
21 for social work and has been a problem for social  
22 work with Act 41. She believed the only thing they  
23 would be willing to adjust would be the hours of  
24 supervision or if there is a different exam from the  
25 Association of Social Work Boards (ASWB) exam that

1 most states and licensing boards use.

2 Ms. Martin stated the provisional license would  
3 be for people who had a low number of supervised  
4 hours, where the Board might ask them to get another  
5 year's worth of supervision.

6 Dr. Jordal referred to § 47.17(2), where it reads  
7 demonstrate competency by one of the following, where  
8 the Board cannot change that to substantial  
9 equivalency and need to leave the congruent. He  
10 suggested it to read, demonstrate competency by the  
11 following versus one. He noted research does not  
12 support continuing education necessarily leads to  
13 competency. He referred to Ms. Martin's point,  
14 noting they are already having to do that within the  
15 first renewal cycle and believed it to be  
16 overburdensome.

17 Dr. Jordal commented that it is clear that  
18 individuals have to pass a licensee exam of some sort  
19 and is why one of the following and needs to be  
20 whatever the Board puts in that part of the annex.  
21 He also referred to Ms. Montgomery's point, where an  
22 applicant typically would be coming in through  
23 endorsement versus Act 41 and reiterated Dr.  
24 Santiago's point, where they need to support  
25 individuals who are getting a license in other states

1 who may be moving. He believed the board needs to  
2 exercise the provisional option, whether it be Act 41  
3 or licensure by endorsement and include both and does  
4 not think it should be one or the other because of a  
5 situation where applicants say they are licensed in  
6 another state and they did not have to take the test  
7 again.

8 Ms. Montgomery emphasized that there are two  
9 separate inquiries, where they are licensed in a  
10 state that that has requirements substantially  
11 equivalent to Pennsylvania and if they have a license  
12 in good standing in a state where original licensing  
13 requirements are substantially equivalent. She  
14 explained that the next question is for regular  
15 licensure by endorsement, where they would have to do  
16 their exact test, exact 3,000 hours, and exact  
17 degree.

18 Ms. Montgomery noted that somebody who got a  
19 degree in something different and could get licensed  
20 as a social worker in another state but could not get  
21 licensed here as a social worker under regular  
22 endorsement may come in under Act 41. She emphasized  
23 that it is up to the Board whether something is  
24 substantially equivalent or not and not up to the  
25 lawyers.

1 Ms. Montgomery pointed out that it says not  
2 withstanding any existing provisions related to  
3 licensure by endorsement or licensure by reciprocity  
4 in your applicable licensing statute under the law.  
5 She noted the Board can license somebody who holds a  
6 current license from another state, territory, or  
7 country if you determine their requirements are  
8 substantially equivalent or exceed the requirements  
9 under Act 41.

10 Ms. Montgomery noted (2) demonstrates competency  
11 in the profession or occupation through methods  
12 determined by the Board, including having completed  
13 continuing education or having experience in the  
14 profession for at least two of the five years  
15 preceding the date of the application.

16 Ms. Montgomery stated that the agency has  
17 determined one of those two must be included. She  
18 mentioned that almost every board has gone with two  
19 of the last five years and not continuing education.

20 She noted exam was added to the draft as another way  
21 to demonstrate competency because other boards noted  
22 that someone could take an exam but not their  
23 specific test.

24 Ms. Montgomery stated it is the Board's decision  
25 whether they want to keep that because the law reads,

1 demonstrates competency through methods determined by  
2 the Board. She reported that most of the other  
3 boards felt that CE does not equal competence and  
4 most of them want to see experience and would be used  
5 for people where requirements are not exactly the  
6 same as theirs because if it is exactly the same,  
7 they would get in through regular endorsement. She  
8 stated it should only be used for people who cannot  
9 come in through regular licensure or regular  
10 licensure by endorsement because what they did was  
11 not exactly the same as what they require.

12 Ms. Montgomery emphasized that granting a  
13 provisional license is discretionary and entirely up  
14 to the Board. She commented that any advice given to  
15 the Board that they had to grant a provisional  
16 license was incorrect. She noted it clearly says in  
17 the statute that a licensing board or commission may  
18 issue a provisional license to permit an applicant  
19 licensure by endorsement while they are satisfying  
20 remaining requirements as determined by the Board.  
21 She noted to interpret the word "shall" as has a duty  
22 or obligation to and "may" as having the permission  
23 to act but do not have to act.

24 Ms. Martin commented that the applicant needs to  
25 meet substantial equivalency and the Board could make

1 that only the experience and delete continuing  
2 education and asked whether two of the preceding five  
3 years is negotiable. She mentioned she would be  
4 satisfied if someone has practiced at least two years  
5 and they meet the equivalency of having supervised  
6 practice and asked whether the Board could modify the  
7 two of the five years immediately preceding.

8 Ms. Martin noted the Board would be evaluating  
9 applicants and a person would not meet competency if  
10 they have not practiced two of the past five years.  
11 She commented that the act is supposed to give them  
12 freedom to license people if they meet substantial  
13 equivalency.

14 Ms. McNeill provided clarification, where she  
15 does not put any applications before the Board who  
16 meets the standard endorsement requirement. She  
17 noted that applications under Act 41 review by the  
18 Board are applications that have not met that, where  
19 they either do not have the exam or their degree does  
20 not meet Board requirements or they do not have the  
21 right amount of supervised clinical experience.

22 Ms. McNeill stated the Board would not be  
23 receiving an application for Act 41 review that  
24 checks all of those boxes but does not have two years  
25 of practice. She explained that the Board would not

1 be seeing the application if someone had everything  
2 else but do not have the two years of practice  
3 because it would just be endorsement.

4 Ms. Martin commented that the requirement of  
5 practicing for two of the past five years would stop  
6 the Board from issuing a license in some cases.

7 Ms. Montgomery explained that the Board could  
8 give them the provisional license to get that current  
9 experience and then move to an unrestricted license.

10 She pointed out that there are actually going to be  
11 the three pathways, so a person would apply for  
12 licensure either by exam, endorsement, or under Act  
13 41 endorsement.

14 Ms. Montgomery mentioned that anybody licensed in  
15 the United States would probably come in through  
16 regular endorsement, where people from other  
17 countries would only come in through Act 41. She  
18 reiterated what Ms. McNeill said, where if it is  
19 exactly the same, the Board issues a license. She  
20 noted the Board could take out the CE section and  
21 leave in experience or exam.

22 Ms. Martin stated that Act 41 is supposed to  
23 streamline licensing from out of state, and the Board  
24 should not be asking for requirements that they do  
25 not ask of Pennsylvania licensees, where they have to

1 keep practicing to stay licensed.

2 Ms. Montgomery explained that it is a requirement  
3 for initial licensure of somebody who was not  
4 licensed here and did not go through our  
5 requirements. She stated anybody licensed in  
6 Pennsylvania has a degree that the Board approves.  
7 She noted that someone who wanted to reactivate their  
8 license would need lot of CE to get reactivated to  
9 demonstrate they are good to go.

10 Mr. DeCriscio asked whether the requirement of  
11 practiced two of the last five years could  
12 effectively be monitored and whether anybody who  
13 applied through Act 41 been granted a full license  
14 first versus a provisional license. He commented  
15 that Act 41 sounds like just offering a provisional  
16 license to applicants who are not eligible to apply  
17 through regular endorsement.

18 Dr. Santiago noted that at least once maybe twice  
19 in the past someone received a full license. She  
20 explained that they batched the applicants and all  
21 got approved at one time in the beginning when Act 41  
22 first came out, which is what started some of them  
23 being unhappy with substantially equivalent.

24 Johanna Byrd, ACSW, IOM, CAE, Executive Director,  
25 National Association of Social Workers, noted ASWB

1 finally released data about their passage rates  
2 showing significant disparities between passage rates  
3 based on race and ethnicity, age, gender, and whether  
4 English was a primary language and is something that  
5 is going to be impacting requirements in other states  
6 for social workers.

7 Ms. Byrd commented that a lot of states, both at  
8 the national and state level, are trying to figure  
9 out how to address this disparity and if there are  
10 going to be alternative pathways to licensure that  
11 might be available for those who might have been  
12 disadvantaged by a biased exam. She mentioned Rhode  
13 Island and Illinois have eliminated their exam  
14 requirement at the master's level, not the clinical  
15 level, but what the equivalent of what the licensed  
16 social worker and licensed bachelor social worker is  
17 here and other states may be looking at a similar  
18 model.

19 Ms. Byrd noted they would be looking at other  
20 ways for them to prove competency if they are unable  
21 to pass the exam and fall under a population that are  
22 historically marginalized. She wanted the Board to  
23 be aware of it, especially when talking about Act 41  
24 because things would be changing in social work soon  
25 that may end up not meeting the exact requirements

1 for Pennsylvania.

2 Ms. Early commented that she supported having  
3 recent experience in the field and recommended that  
4 be left in there, knowing the requirement does not  
5 say 40 hours a week for the last two years and is  
6 just some involvement in the field is important.

7 Ms. McNeill asked for clarification regarding  
8 someone who is licensed in a state for 30 years, has  
9 been practicing, and grandfathered in but meets all  
10 of their other requirements, whether the Board has  
11 the discretion to give them a provisional license to  
12 take the exam even though they did not have it and  
13 has been practicing for 30 years. She also asked  
14 whether they are required to have those regulations  
15 from the other state board directly or whether the  
16 applicant could provide those as well.

17 Ms. Montgomery explained that she would not look  
18 at what the law was 30 years ago and would have to  
19 look at the current law, which requires an exam. She  
20 noted the applicant can provide the information,  
21 where an applicant must submit a copy of the current  
22 applicable law, regulation, or other rule governing  
23 licensure in the jurisdiction in which they are  
24 licensed.

25 Dr. Jordal addressed Ms. Byrd's comments, noting

1 he was trying to understand the context with which  
2 state licensure boards or peers would elect to waive  
3 examinations, especially since professional  
4 examinations as opposed to CE typically are data-  
5 driven and specifically psychometrically to  
6 demonstrate and measure competency in their fields.

7 Dr. Jordal mentioned there is a critique state  
8 boards are receiving related to underrepresented  
9 applicants taking that exam and not passing it but  
10 wondered why the state boards are then making a  
11 decision to simply waive it rather than to stay  
12 within their scope or raise the concerns to the  
13 professional organization that manages the test and  
14 move forward from there.

15 Dr. Jordal stated that it is also the  
16 responsibility of the test generators to handle  
17 accommodation requests that often are associated with  
18 this type of challenge and does not understand why  
19 Rhode Island and Illinois are making determinations  
20 that have implications on how the state Board  
21 receives applications.

22 Ms. Byrd stated that it is not so much licensing  
23 boards making legal changes within the statutes. She  
24 noted there is a need for ASWB to address the exam  
25 itself but within that other groups, such as National

1 Association of Social Workers (NASW), Council on  
2 Social Worker Education (CSWE), and the Clinical  
3 Society and National Association of Black Social  
4 Workers who do not have the authority within ASWB to  
5 address disparities within the exam but feel the need  
6 to ask based on this new data.

7 Ms. Byrd noted the data does demonstrate the exam  
8 itself is bias with the passage rate with a 30-point  
9 disparity between black social workers and white  
10 social workers in passage rate with other races and  
11 ethnicities falling in the middle between the two.  
12 She commented that everyone is juggling with the  
13 release and how to address the information, up until  
14 the point ASWB has sufficiently addressed and proven  
15 the exam itself is not bias and keeping people from  
16 getting licensed.

17 Ms. Byrd stated that it is not just waiving the  
18 exam but whether there an alternative method to the  
19 exam that would also demonstrate competency, where  
20 one person could get licensed at 3,000 hours and  
21 passing the exam but another person elects to get  
22 licensed after 5,000 hours or have additional  
23 supervision or figuring out an alternative exam.

24 Ms. Montgomery explained that competency needs to  
25 be one or the other or would not get approved by the

1 General Assembly and Independent Regulatory Review  
2 Commission, where it has to be either experience or  
3 the exam.

4 Ms. Montgomery asked whether there was any other  
5 way an individual could demonstrate competence in the  
6 profession, noting some professions have a national  
7 certification. She stated that the competency would  
8 be the experience or the exam and would leave in the  
9 provisional license section and utilize it where it  
10 is appropriate, where someone who just misses and  
11 cannot get licensed the other way could be given a  
12 provisional license to allow them to do whatever the  
13 Board thinks needs to be done to bring them up to the  
14 level of an unrestricted license.

15 Ms. Miley commented that the Board is starting to  
16 see applicants with provisional licenses expire and  
17 asked whether that is something they want to address  
18 and what the next steps are when their provisional  
19 license expires.

20 Ms. Montgomery noted that is going to be  
21 addressed by updating PALS to automatically send a  
22 message to provisional license holders 90 days before  
23 their license expires notifying them that they either  
24 need to request an extension or prove they met the  
25 requirement and request a full license. She

1 mentioned that all of the boards are having that  
2 issue, where boards have been granting provisional  
3 licenses that cannot possibly be done in a year, so  
4 they have to get an extension.

5 Dr. Santiago asked what happens when somebody  
6 does not meet the requirements for the provisional  
7 endorsement.

8 Ms. Montgomery explained that they would have to  
9 apply for a license by endorsement.

10 Mr. DeCriscio requested more information  
11 regarding experience requirements and whether there  
12 language in the regulation regarding how they can  
13 verify two years of experience of the last five  
14 years.

15 Ms. Montgomery noted that it is currently not  
16 dictated how they demonstrate that but that some  
17 boards have been asking for a curriculum vitae (CV),  
18 resume, or letter. The Board of Nursing specifically  
19 requests a letter from your employer certifying their  
20 employment.

21 Ms. Martin referred to competency in section 2,  
22 where it is experience or the exam, noting someone  
23 could have passed the exam but the exam has to have  
24 been passed within the past five years so anyone who  
25 passed the exam six years ago could not use that for

1 competency.

2 Ms. Montgomery explained that the Board could  
3 change the wording in the draft to read, achieved a  
4 passing score on a Board-approved exam.

5 Ms. Martin referred to section 1, substantially  
6 equivalent, noting that is left up to the Board's  
7 discretion but expressed concern with putting  
8 specific time requirements for competency and would  
9 like to see just passing an exam no matter when it  
10 was passed shows competency. She commented that it  
11 is defeating our purpose of letting the Board have  
12 some discretion with who to give a license.

13 Ms. Martin commented that a clinical social  
14 worker has a major roadblock because early in  
15 licensing they have very different requirements for  
16 supervision, so licensees from other states who have  
17 been licensed for any length of time may not be able  
18 to get in under the regular endorsement because they  
19 do not meet supervision requirements, which would  
20 mean they would have to come in under Act 41. She  
21 mentioned the Board would not be able to give a  
22 license under Act 41 if the exam requirement is to  
23 have passed it within the past 5 years.

24 Ms. Montgomery explained that they could be given  
25 a provisional license in that case and then have them

1 pass the test and do whatever they need to do to  
2 demonstrate they meet the requirements.

3 Ms. Martin stated that a one-year provisional  
4 license would not help people who do not have two  
5 years of practice within the past five years. She  
6 noted someone could take the exam over again but was  
7 not sure what ASWB says about retaking exams just to  
8 meet a license requirement.

9 Ms. Miley commented that most people would be  
10 willing to do whatever they need to do in order to  
11 practice in the state they are attempting to receive  
12 licensure. She noted there could be difficulties in  
13 taking an exam after initially receiving it, but if  
14 someone has been practicing even in the jurisdiction  
15 they are attempting to come from, they could come in  
16 under the two out of five without having had the exam  
17 be done within the last five-year period. She noted  
18 it to be important that the Board remain there  
19 because there does give greater flexibility toward  
20 potential licensees coming into Pennsylvania.

21 Ms. Montgomery noted it could read, achieve a  
22 passing score on a Board-approved examination to give  
23 more flexibility but then they could have taken the  
24 Board-approved examination 30 years ago. She  
25 mentioned a lot of boards want it to be whatever the

1 current standards are in the profession before they  
2 give somebody a license and is why someone comes out  
3 of school, passes the test, and do their experience  
4 to have current knowledge. She noted that the  
5 General Assembly and IRRC are probably not going to  
6 say just 2 years of experience is okay because it  
7 could have been 30 years ago.

8 Dr. Santiago referred to a message in chat from  
9 Ms. McNeill, where licensed professional counselor  
10 (LPC) and marriage and family therapist (MFT)  
11 applications by endorsement require five of the last  
12 seven years of postmaster's degree practice to meet  
13 the endorsement requirements. She noted social work  
14 to be unique, where there is no endorsement  
15 application for regulation and thus does not have  
16 this threshold, which would now be required by Act 41  
17 if left in the regulations. She mentioned a licensed  
18 clinical social worker has no practice requirement  
19 either.

20 Ms. McNeill also believed there was no practice  
21 requirement for licensure by endorsement. She noted  
22 that bachelor of social work (BSW), licensed social  
23 worker (LSW), and licensed clinical social worker  
24 (LCSW) have no time requirement; and there is no  
25 endorsement act for BSW or LSW, only for clinical.

1 She stated social work is unique and do not have  
2 that.

3 Ms. Montgomery commented that the Board would be  
4 removing CE as a measure of competency and asked  
5 whether everybody is in agreement with achieving a  
6 passing score on the exam within five years preceding  
7 or whether they want to eliminate the five.

8 Dr. Santiago believed it to be reasonable to ask  
9 people to achieve a passing score in a Board-approved  
10 skills examination within five years immediately  
11 preceding the filing of the application.

12 Ms. Montgomery informed Board members that the  
13 regulation would be presented at the next meeting  
14 with the removal of 30 hours of CE as an option for  
15 demonstrating competence, leaving in achieve a  
16 passing score within five years, and no other  
17 requirements in that section.

18 Ms. Miley presented a question in chat from Mr.  
19 Farrell asking whether the Board would be okay with  
20 granting someone an Act 41 license whose license is  
21 in a substantially equivalent state but has not  
22 practiced for the last 15 years, has not done any  
23 recent CE, and passed an acceptable exam but it was  
24 20 years ago.

25 Ms. Montgomery explained that they are in a

1 substantially equivalent state, have not practiced  
2 for the last 15 years, but passed an acceptable exam.

3 She stated that the way it is drafted at the current  
4 time, where someone would have to have passed an exam  
5 within the last 5 years would have to take the exam  
6 again.

7 Dr. Santiago commented that the exam measures  
8 entry-level competency in the field, and anyone who  
9 has been practicing 20 or 30 years should have no  
10 problem passing the exam if they are competent.

11 Ms. Montgomery noted the same language is in all  
12 three chapters at this point.

13 Ms. Martin commented that the exams are set up  
14 for recent graduates, and the competency goes down  
15 the longer someone is out of school, which includes  
16 exams like the Graduate Record Examination (GRE).  
17 She noted it would not be easy for people to just  
18 retake the exam. She noted practice itself does not  
19 necessarily vindicate competency, noting Act 41 is  
20 supposed to streamline licensing and not add  
21 regulations that are going to make it hard for the  
22 Board to use discretion.

23 Ms. Montgomery commented that Act 41 is almost  
24 useless for the Board of Medicine because they  
25 already have a provision that allows them to look at

1 the person's accumulative qualifications to grant  
2 licensure.

3 Ms. Miley referred to a comment from Mr. Farrell,  
4 where Act 41 is designed to establish an alternate  
5 pathway and not necessarily streamlining. He stated  
6 that he would be making the changes and circulating  
7 those to everyone prior to the next meeting. He  
8 mentioned that the regulation would go out for public  
9 comment once the Board gives the authority for  
10 publication but reminded everyone that this is a long  
11 process.

12 Ms. Miley thanked Ms. Montgomery for helping  
13 guide the discussion, noting there had been arduous  
14 contemplations for the Board over the last year or so  
15 dealing with various Act 41 applications.

16 Ms. Montgomery commented that she wanted to make  
17 sure the Board was comfortable with the changes and  
18 that the Board is not just assuming that every other  
19 state is substantially equivalent. She noted the  
20 importance of looking at the law and regulations from  
21 other states to make that determination because the  
22 original draft pertained to only those licensed in  
23 another country. She stated it is consistent with  
24 what other boards are doing.]

25

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1 Regulatory Board Counsel - 16A-6923 General Revisions  
2 Annex Exposure

3 [Tyesha C. Miley, Esquire, Board Counsel, asked  
4 whether Board members had any changes to 16A-6923  
5 regarding the general revisions annex.

6 Ms. Martin referred to § 47.21, professional  
7 corporations, and requested information as to why  
8 teachers of the hearing impaired are being removed.

9 Dr. Santiago explained that teachers of the  
10 hearing impaired could be just somebody who has  
11 American Sign Language (ASL) or some other kind of  
12 sign language certification, where the other  
13 occupations at least require a master's degree.

14 Ms. Martin referred to § 47.36 regarding  
15 preapproved providers of continuing education courses  
16 and programs for licensed social workers, licensed  
17 clinical social workers, and licensed bachelor social  
18 workers, noting the original version has the word  
19 "licensing." She reported the draft being different,  
20 where the title of § 47.36 uses programs for license  
21 but the annex says programs for licensed social  
22 workers.

23 Ms. Miley commented that the current regulation  
24 may be incorrect and would make a note of that.

25 Ms. Martin asked for clarification of the

1 difference between (1) list the entities that may  
2 provide sponsors or cosponsors but may not approve  
3 continuing education programs and (2) entities that  
4 may provide, sponsor, cosponsor, or approve  
5 continuing education. She believed it to mean the  
6 National Association of Social Workers and all of the  
7 other numerous entities can act like the Board and  
8 approve programs under their preapproved provider  
9 status.

10 Ms. Miley noted that to be correct but that the  
11 Board still reviews those and makes determinations of  
12 the ones they cannot approve.

13 Ms. Martin asked whether that would include  
14 graduate and undergraduate programs. She noted a  
15 graduate program is a preapproved provider, so they  
16 can approve their own program but cannot approve  
17 anyone else's program. She also noted graduate and  
18 undergraduate programs are listed under § 47.36, which  
19 says the entities are preapproved providers, so the  
20 graduate program would be a preapproved provider for  
21 their own continuing education unit (CEU) programs.

22 Ms. Martin commented that they can preapprove  
23 their own program but cannot approve CEUs or anyone  
24 else, unlike section (2), where NASW is the first one  
25 and can provide, sponsor, or cosponsor and also

1 approve continuing education programs. She noted  
2 reading it as being able to receive approval from  
3 NASW if she wanted to provide a continuing education  
4 program without having to go through the Board.

5 Ms. Miley noted Ms. Martin to be correct in the  
6 way it is currently set up and that it has not  
7 changed.

8 Dr. Santiago referred to § 47.36a(a)(1), clock  
9 hours may be granted by the Board, where a licensee  
10 may accrue up to 15 of the required clock hours by  
11 participation in clinical conferences; clinical  
12 rounds; or training under a preceptor provided  
13 through hospitals, medical centers, schools and  
14 universities. She stated that other activities  
15 require a lot more than just being a learner in a  
16 conference. She believed 15 hours is too much for  
17 just participating in a conference and suggested 10  
18 hours.

19 Ms. Martin noted it says accrue up to, so it  
20 would be up to them to decide how many credits  
21 someone receives for the number of hours they spent  
22 in clinical conferences and rounds.

23 Ms. Martin referred to § 47.36(b), where the  
24 Board will consider for approval, as preapproved  
25 providers, other organizations who offer multiple

1 courses and programs for licensed bachelor social  
2 workers, licensed social workers, and licensed  
3 clinical social workers. She noted the application  
4 shall be submitted in writing, a fee paid, and then  
5 the last part is approvals are valid for the biennial  
6 renewal period in which it is approved. She asked  
7 why they would not be granted that status  
8 continuously.

9 Ms. Martin referred to (c), where approval given  
10 to providers is subject to reevaluation; however,  
11 rescission of approval will be made only in  
12 accordance with 1 Pa. Code Part II relating to  
13 general rules of administrative practice. She noted  
14 (c) seems to say that all of the preapproved  
15 providers are subject to reevaluation but reversing  
16 it is only made in accordance with some other  
17 regulation. She also noted the last part of (b)  
18 seems to add something different that it is not  
19 permanent, where approvals are valid for the biennial  
20 renewal period in which it is approved. She  
21 mentioned that it seems to contradict (c), which  
22 suggests it would not be revoked.

23 Ms. Miley informed Board members that the  
24 discussion involves fee structure and believed the  
25 Bureau of Finance and Operations (BFO) has somehow

1 been involved. She noted an application fee and a  
2 period would have a reason as far as how the  
3 foundation and budgeting is done and would bring that  
4 back to the Board.

5 Ms. Martin asked whether the Board reevaluated  
6 the other preapproved providers.

7 Ms. McNeill explained that she receives all of  
8 the preapproved provider applications but has not  
9 been on the Board long enough to know whether ASWB is  
10 submitting one every two years.

11 Ms. Miley reported that she has not seen that  
12 happen but would also see what other boards do  
13 regarding their preapproved providers and how they  
14 make determinations and offered to provide an update.

15 Ms. Martin asked how an organization gets on the  
16 permanent preapproved provider list, noting §  
17 47.36(b) would not get an entity on the permanent  
18 preapproved provider list.

19 Ms. Martin referred to § 47.39, exemption and  
20 waivers, where people should request waivers to their  
21 CEUs 30 days prior to the biennial renewal deadline.

22 She did not believe that would solve any problems  
23 unless it was something administratively.

24 Ms. Miley commented that still having the ability  
25 to do those on a case-by-case basis does not make it

1 so everything would come before the Board or that  
2 nothing would, noting the process on the  
3 administrative side, where the office receives the  
4 request and makes the determinations.

5 Ms. Miley informed Board members that she would  
6 Act 41 is pretty set and would be on the agenda for  
7 the October 11 meeting. She also noted she would  
8 find the answers to questions regarding the general  
9 revisions make those changes to get that moving  
10 forward. She suggested placing it on the agenda to  
11 see if there is anything else in order to actually do  
12 the exposure draft, so it could go out for comment.

13 Ms. Miley recommended putting the volunteer  
14 license on a pause for now and addressing that before  
15 the November meeting. She mentioned wanting to  
16 review the comments but also have a meaningful  
17 discussion on the MFT and LPC portions of the general  
18 revisions and suggested another regulatory meeting.  
19 She commented that Act 41 may be ready to go out for  
20 comment at the October 11 meeting. She noted the  
21 volunteer license revisions will not appear at the  
22 October meeting but would try to get those on for the  
23 November meeting.]

24 \*\*\*

25 Adjournment

1 VICE CHAIR SANTIAGO:

2 Does anyone want to make a motion that  
3 we are adjourned?

4 MS. EARLY:

5 I make a motion that we adjourn our  
6 regulatory meeting.

7 VICE CHAIR SANTIAGO:

8 Can I please have a second?

9 MS. MOYER:

10 Second.

11 VICE CHAIR SANTIAGO:

12 We are adjourned.

13 \*\*\*

14 [There being no further business, the State Board of  
15 Social Workers, Marriage and Family Therapists, and  
16 Professional Counselors Regulatory Meeting adjourned  
17 at 12:06 p.m.]

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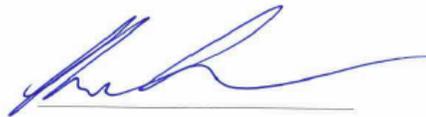
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CERTIFICATE

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



Kellie LoGrande,  
Minute Clerk  
Sargent's Court Reporting  
Service, Inc.

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

September 26, 2022

TIME	AGENDA
9:43	Official Call to Order
9:44	Introduction of Board Members and Attendees
9:46	Regulatory Board Counsel
12:06	Adjournment