

ANNEX A

PENNSYLVANIA ADMINISTRATIVE CODE

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 47. STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY

THERAPISTS AND PROFESSIONAL COUNSELORS

STATEMENT OF POLICY

§ 47.101. Interpretation of § 47.12c (relating to Licensed clinical social worker) – statement of policy.

(a) *Purpose.* The Board has received inquiries regarding whether supervisory responsibilities will no longer be permitted to occur electronically once the waivers suspending certain regulatory requirements during the COVID-19 emergency expire on September 30, 2021. This statement of policy is intended to clarify to the regulated community the Board’s current interpretation of the phrase “in person” contained in § 47.12c.

(b) *Background.* At the on-set of the COVID-19 emergency, it was important to waive or suspend certain regulatory requirements of the State Board of Social Work, Marriage and Family Therapy and Professional Counselors (Board) to increase the number of health-care practitioners available to respond in light of the emergency, as well as to enable individuals to continue with their educational requirements. The Board regulations require that the supervisor, must meet with the supervisee for a minimum of 2 hours for every 40 hours of supervised clinical experience. Previously, the requirement was that at least 1 of the 2 hours be with the supervisee individually and *in person*, and 1 of the 2 hours with the supervisee in a group setting and in

person. During the COVID-19 emergency, the “in person” requirement was waived to allow for these hours to be completed through electronic means, preferably on a HIPAA-compliant platform, but if that is not available, then by online methods such as Skype or Facetime.

(c) Interpretation. For the purposes of § 47.12c, supervision hours accumulated “in person” are not limited to those acquired while being physically present in the same room. Technological advances have enabled individuals to communicate in real-time, regardless of their geographic proximity to one-another. Therefore, the Board considers “in person” supervision to be met if a HIPAA-compliant electronic platform is used that allows for synchronous audio and video communication between the supervisor and supervisee. This would not include supervision by telephone, email, instant messaging, online chat or other non-secure electronic communications that do not include real-time (synchronous) video and audio communications. The setting in which the supervisor and supervisee are located when using electronic supervision must be professional and secure and may not be conducted from public locations such as coffee shops, libraries, or other locations where inadvertent disclosures of confidential information could occur.

**CHAPTER 48. STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY
THERAPISTS AND PROFESSIONAL COUNSELORS**

STATEMENT OF POLICY

§ 48.101. Interpretation of § 48.13 (relating to Licensed MFT) – statement of policy.

(a) *Purpose.* The Board has received inquiries regarding whether supervisory responsibilities will no longer be permitted to occur electronically once the waivers suspending certain regulatory requirements during the COVID-19 emergency expire on September 30, 2021. This statement of policy is intended to clarify to the regulated community the Board’s current interpretation of the phrase “in person” contained in § 48.13(b).

(b) *Background.* At the on-set of the COVID-19 emergency, it was important to waive or suspend certain regulatory requirements of the State Board of Social Work, Marriage and Family Therapy and Professional Counselors (Board) to increase the number of health-care practitioners available to respond in light of the emergency, as well as to enable individuals to continue with their educational requirements. The Board regulations require that the supervisor must meet with the supervisee for a minimum of 2 hours for every 40 hours of supervised clinical experience. Previously, the requirement was that at least 1 of the 2 hours be with the supervisee individually and *in person*, and 1 of the 2 hours with the supervisee in a group setting and *in person*. During the COVID-19 emergency, the “in person” requirement was waived to allow for these hours to be completed through electronic means, preferably on a HIPAA-compliant platform, but if that is not available, then by online methods such as Skype or Facetime.

(c) *Interpretation.* For the purposes of § 48.13(b), supervision hours accumulated “in person” are not limited to those acquired while being physically present in the same room. Technological advances have enabled individuals to communicate in real-time, regardless of their geographic

proximity to one-another. Therefore, the Board considers “in person” supervision to be met if a HIPAA-compliant electronic platform is used that allows for synchronous audio and video communication between the supervisor and supervisee. This would not include supervision by telephone, email, instant messaging, online chat or other non-secure electronic communications that do not include real-time (synchronous) video and audio communications. The setting in which the supervisor and supervisee are located when using electronic supervision must be professional and secure and may not be conducted from public locations such as coffee shops, libraries, or other locations where inadvertent disclosures of confidential information could occur.

**CHAPTER 49. STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY
THERAPISTS AND PROFESSIONAL COUNSELORS**

STATEMENT OF POLICY

**§ 49.101. Interpretation of § 49.13 (relating to Licensed Professional Counselor) –
statement of policy.**

(a) *Purpose.* The Board has received numerous inquiries regarding whether supervisory responsibilities will no longer be permitted to occur electronically once the waivers suspending certain regulatory requirements during the COVID-19 emergency expire on September 30, 2021. This statement of policy is intended to clarify to the regulated community the Board’s current interpretation of the phrase “in person” contained in § 49.13(b).

(b) *Background.* At the on-set of the COVID-19 emergency, it was important to waive or suspend certain regulatory requirements of the State Board of Social Work, Marriage and Family Therapy and Professional Counselors (Board) to increase the number of health-care practitioners available to respond, as well as to enable individuals to continue with their educational requirements. The Board regulations require that the supervisor, or one to whom supervisory responsibilities have been delegated, must meet with the supervisee for a minimum of 2 hours for every 40 hours of supervised clinical experience. Previously, the requirement was that at least 1 of the 2 hours be with the supervisee individually and *in person*, and 1 of the 2 hours with the supervisee in a group setting and in person. During the COVID-19 emergency, the “in person” requirement was waived to allow for these hours to be completed through electronic means, preferably on a HIPAA-compliant platform, but if that is not available, then by online methods such as Skype or Facetime.

(c) *Interpretation.* For the purposes of § 49.13(b), supervision hours accumulated “in person” are not limited to those acquired while being physically present in the same room. Technological advances have enabled individuals to communicate in real-time, regardless of their geographic proximity to one-another. Therefore, the Board considers “in person” supervision to be met if a HIPAA-compliant electronic platform is used that allows for synchronous audio and video communication between the supervisor and supervisee. This would not include supervision by telephone, email, instant messaging, online chat or other non-secure electronic communications that do not include real-time (synchronous) video and audio communications. The setting in which the supervisor and supervisee are located when using electronic supervision must be professional and secure and may not be conducted from public locations such as coffee shops, libraries, or other locations where inadvertent disclosures of confidential information could occur.