

<h1>Regulatory Analysis Form</h1> <p>(Completed by Promulgating Agency)</p> <p>(All Comments submitted on this regulation will appear on IRRC's website)</p>		<p>INDEPENDENT REGULATORY REVIEW COMMISSION</p> <p>RECEIVED</p> <p>Independent Regulatory Review Commission</p> <p>February 3, 2026</p>	
<p>(1) Agency Department of State, Bureau of Professional and Occupational Affairs, State Board of Social Workers, Marriage and Family Therapists and Professional Counselors</p>			
<p>(2) Agency Number: 16A Identification Number: 6923</p>		<p>IRRC Number: 3475</p>	
<p>(3) PA Code Cite: 49 Pa. Code Chapters 47, 48 and 49</p>			
<p>(4) Short Title: General Revisions</p>			
<p>(5) Agency Contacts (List Telephone Number and Email Address):</p> <p>Primary Contact: Jacqueline Wolfgang, Senior Regulatory Counsel, Department of State, P.O. Box 69523, Harrisburg, PA 17106-9523 (phone 717-783-7200) (fax 717-787-0251) jawolfgang@pa.gov.</p> <p>Secondary Contact: Thomas Davis, Board Counsel, State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, P.O. Box 69523, Harrisburg, PA 17106-9523 (phone 717-783-7200) (fax 717-787-0251) tmdavis@pa.gov.</p>			
<p>(6) Type of Rulemaking (check applicable box):</p> <p><input checked="" type="checkbox"/> PROPOSED REGULATION</p> <p><input type="checkbox"/> Final Regulation</p> <p><input type="checkbox"/> Final Omitted Regulation</p>		<p><input type="checkbox"/> Emergency Certification Regulation;</p> <p><input type="checkbox"/> Certification by the Governor</p> <p><input type="checkbox"/> Certification by the Attorney General</p>	
<p>(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)</p> <p>This proposed regulation is the result of the board's comprehensive review of its regulations relating to qualifications for licensure, supervisor qualifications, supervision of clinical experience, including the provision of supervision through electronic means, codes of ethics, professional corporations and fictitious names and continuing education. The purpose of this rulemaking is to eliminate outdated provisions, update standards to reflect modern technology, current standards and laws, eliminate unnecessary requirements and barriers to licensure and to modernize the board's processes relating to licensure and continuing education.</p>			
<p>(8) State the statutory authority for the regulation. Include <u>specific</u> statutory citation.</p> <p>Section 6(1) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act (act) (63 P.S. § 1906(1)) authorizes the board "[t]o pass upon the qualifications and fitness of applicants for licenses... and to adopt and revise rules and regulations requiring applicants to pass examinations relating to their qualifications as a prerequisite to the issuance of a license." Section 6(2) of the act (63 P.S. § 1906(2)) authorizes the board "[t]o adopt and... revise such rules and regulations as may be necessary to carry into effect the provisions of [the] act. Such regulations may include... standards of</p>			

professional practice and conduct for licensed bachelor social workers, licensed social workers, licensed clinical social workers,... licensed marriage and family therapists... and licensed professional counselors.”

Under section 3 of the act of Matt Adler Suicide Prevention Continuing Education Act (63 P.S. § 1223), licensees must “complete at least one hour of continuing education in the assessment, treatment and management of suicide risks as a portion of the total continuing education required for license renewal.”

This proposed rulemaking is also needed to comply with the distance education and virtual supervision requirements of 63 Pa. C.S. § 3107.1 (relating to virtual operation). Under 63 Pa. C.S. § 3107.1(c), “[e]ach licensing board... shall establish rules and regulations for continuing education that provides for distance education if continuing education is required for a license, certificate, registration or permit in a practice act.” In addition, 63 Pa. C.S. § 3107.1(d) requires each licensing board that has supervision requirements for licensure to “establish rules and regulations providing for virtual supervision in a manner that meets the requirements for licensure, certification, registration or permit ...”

Professionals in Pennsylvania are permitted to form multiple purpose professional corporations under 15 Pa. C.S. § 2903(d) (relating to formation of professional corporations) if the “board...regulating each profession involved in the professional corporation has by rule or regulation applicable to professional corporations expressly authorized the combined practice of the profession with each other profession involved in the corporation.”

Section 506 of the Admin. Code (71 P.S. §186) empowers “[t]he heads of all administrative departments, the several independent administrative boards and commissions, the several departmental administrative boards and commissions... to prescribe rules and regulations, not inconsistent with law, for the government of their respective departments, boards, or commissions...”

(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

The regulation is not mandated by any Federal or State law or court order or Federal regulation.

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

Currently, there are approximately 36,882 licensees under the board. The board routinely reviews the efficacy of its regulations and strives to eliminate outdated, obsolete provisions, and to modernize the board’s processes and standards. To that end, and pursuant to section 2 of Executive Order 1996-1 (February 6, 1996), the board conducted a comprehensive review of its regulations relating to qualifications for licensure, qualifications of supervisors, supervision of clinical experience, codes of ethics, professional corporations and fictitious names and continuing education. The purpose of this rulemaking is to eliminate outdated provisions, update standards to reflect modern technology and current standards and laws, eliminate unnecessary requirements and barriers to licensure and to modernize the board’s processes relating to licensure and continuing education. Additionally, the proposed regulation is also necessary to comply with enacted laws to include 63 Pa. C.S. § 3107.1(c) and (d), pertaining to online continuing education and electronic supervision, and the Matt Adler Suicide Prevention Continuing Education Act.

The proposed regulation would update and clarify qualifications and standards for supervisors, supervised clinical experience regulations and allow for electronic supervision. The board supports electronic supervision because it addresses difficulties for supervisees in finding qualified supervisors, especially in rural areas in this Commonwealth. The board recognizes that advances in technology make it just as effective for supervisors to meet with supervisees electronically. The board aims to avoid unnecessary hurdles when it comes to obtaining licensure. To ensure appropriate supervision is occurring, the board proposes to require a written supervision plan between supervisors and supervisees. The board believes additional clarity is needed to help ensure that supervision is purposeful, effective and consistent with licensure requirements. The proposed amendments will benefit supervisors and supervisees who will be able to work more efficiently with virtual supervision and will have more clarity due to written supervision plans. Regarding supervisor qualifications, the proposed regulation would eliminate the requirement that supervisors have an AAMFT certification as an approved supervisor or supervisor-in-training. The board proposes to replace the certification requirement with 6 clock hours of continuing education on supervision. The board considers the certification requirement to be overly burdensome and believes it has discouraged licensees from becoming supervisors. Additionally, the less stringent educational requirements for supervisors may encourage more licensees to take on the role of supervisor.

The board also reviewed its regulations relating to codes of ethics at §§ 47.71, 48.71 and 49.71 (related to code of ethical practice and professional conduct). In doing so, the board reviewed the codes of ethics of the National Association of Social Workers (NASW), the American Association for Marriage and Family Therapy (AAMFT) and the American Counseling Association (ACA). The board must ensure that its licensees are following up to date, current ethical standards. As a result of its review, the board decided to update § 47.71 by adopting the 2021 NASW Code of Ethics. The board also decided to update § 48.71 by adopting the 2015 AAMFT Code of Ethics. Finally, the board decided to update § 49.71 by adopting the 2014 ACA Code of Ethics.

The proposed continuing education updates include clarifying that online continuing education is permissible for all 30 hours of the required clock hours, reducing the minimum total duration from 2 hours to 1 hour to allow for the mandatory 1-hour suicide prevention course and clarifying preapproved provider regulations. The board also proposes to set limitation on the number of hours that can be obtained through other sources of continuing education to ensure that licensees remain well-trained and up to date with the latest knowledge, skills and practices.

The board proposes regulations regarding multi-disciplinary professional corporations for marriage and family therapists and professional counselors. Professional corporation regulations exist for social workers, but the board has not included these provisions for other social worker professions that were added to the board after those regulations were promulgated. Thus, the board proposes to update its regulations in Chapter 47 to include bachelor social workers and clinical social workers. The board also proposes to update Chapters 48 and 49 so that licensed marriage and family therapists and licensed professional counselors may also professionally incorporate with other professions.

This proposed rulemaking will impact existing licensees and applicants in a positive way. Licensees, applicants and the public will benefit by clear and updated regulations relating to the qualifications for licensure supervisor qualifications, supervision of clinical experience, codes of ethics, professional corporations and fictitious names and continuing education. The board believes the proposed amendments will also benefit individuals who receive care from licensees because the proposed regulations will expand the availability of qualified supervisors, permit the use of technology in obtaining supervision of clinical experience, ensure consistency in the quality of care and clarify and update ethical standards and continuing education requirements.

(11) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

There are no federal standards applicable to the subject matter of the regulation.

(12) How does this regulation compare with those of the other states? How will this affect Pennsylvania's ability to compete with other states?

The board compared its proposed regulations to the six contiguous states in the Northeast Region (Delaware, Maryland, New Jersey, New York, Ohio, and West Virginia). This regulation will not put Pennsylvania licensees at a competitive disadvantage with the six contiguous states.

The board's proposed regulations would provide for electronic supervision for supervised clinical experience. The board has included this provision because 63 Pa. C.S. § 3107.1(d) requires each licensing board that has supervision requirements for licensure to "establish rules and regulations providing for virtual supervision in a manner that meets the requirements for licensure, certification, registration or permit ...". Based upon the board's review, all of the six contiguous states allow for virtual supervision to some degree of their social worker, professional counselor, and marriage and family therapists license applicants, with the exception of New Jersey for professional counselors. The majority of state boards define "face-to-face," "direct," or "in-person" supervision to include or allow as an alternative "interactive contact," "telecommunication modality," "videoconferencing," "telesupervision," or "electronic presence" for a part or all of the supervision requirements. The state of New Jersey does not define or specify the means for "face-to-face" supervision in regard to professional counselor license applicants.

Regarding qualifications for supervisors of individuals pursuing a marriage and family therapist license, the board proposes to amend its educational requirements. Instead of requiring certification as an approved supervisors or supervisor in training by the AAMFT, the board would require at least 6 continuing education clock hours on supervision. The board reviewed the supervisory educational requirements of the six contiguous states and found that none of the states require AAMFT training for the supervisor designation. New Jersey, New York and West Virginia, do not require AAMFT training or specific continuing education hours for the supervisor designation. These states appear to focus on degrees, experience and other credentials to be approved as a supervisor, though West Virginia will accept AAMFT certification in lieu of other credentials. Delaware, Maryland and Ohio allow for AAMFT certification or other means for obtaining the supervisor designation. Of these states, both Maryland and Ohio allow for continuing education hours to be used in lieu of AAMFT certification. The board does not believe that this proposed amendment will put Pennsylvania at a competitive disadvantage. To the contrary, the board believes its current standard is overly burdensome and has put Pennsylvania at a disadvantage because the certification requirement has limited the number of supervisors in this Commonwealth to the detriment of supervisees.

Regarding the updates to the board's codes of ethics, of the six contiguous states, three states, Delaware, Ohio and West Virginia, require licensees to adhere to the same codes of ethics adopted by the board, with the exception of the Delaware Board of Mental Health and Chemical Dependency Professionals for professional counselors. The Delaware Board has adopted the current version of the National Board for Certified Counselors (NBCC) Code of Ethics for professional counselors. The other three states, New York, New Jersey and Maryland, have their own rules and regulations for codes of ethics concerning social workers, professional counselors, and marriage and family therapists.

The continuing education updates proposed are for the most part clarifying standards of the board's existing requirements. This proposed regulation clarifies the board's position on distance education that all 30 hours of the required clock hours may be completed in home study or online. Of the six contiguous states, five specifically allow for online continuing education, with the exception of the New Jersey State Board of Social Work Examiners. Both this board and the state of Delaware do not specify the methods for continuing education but require approved courses or providers. The board does not believe that allowing licensees to use online continuing education will impact Pennsylvania's ability to compete. The board instead believes it will make Pennsylvania more competitive. Technological advances have made online courses a more reliable way to obtain continuing education and that appropriate educational objectives can be met using the online method of learning. Online courses allow licensees to obtain continuing education in a convenient, cost-effective manner.

Based on all of this information, the board does not believe that the proposed amendments will put Pennsylvania at a competitive disadvantage, but instead, will make Pennsylvania more competitive.

(13) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

No.

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. (Small business is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

The board discusses its regulatory proposals at regularly scheduled public board meetings. This proposed regulation was discussed during numerous board meetings over the past three years (February 11, 2022, April 8, 2022, September 6, 2022, October 21, 2022, September 19, 2023, April 23, 2024, July 16, 2024, October 25, 2024, November 26, 2024, March 11, 2025, and April 23, 2025). Additionally, in accordance with the requirements of Executive Order 1996-1 (February 6, 1996), on May 17, 2024, the board sent an exposure draft of the proposed regulation to interested parties and stakeholders. After a 30-day comment period, no comments were received.

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

According to the Small Business Administration (SBA), there are approximately 1,131,036 small businesses in Pennsylvania, which is 99.6% of all Pennsylvania businesses. Of the 1,131,036 small businesses, 228,272 are small employers (those with fewer than 500 employees) and the remaining 902,764 are non-employers. Thus, the vast majority of businesses in Pennsylvania are considered small businesses.

According to the Pennsylvania Department of Labor and Industry in 2022 (the most recent year for which data is available) social workers, marriage and family therapists and professional counselors provide their services for a variety of private and public sector employers. The largest employers of mental health & substance abuse social workers in the state were individual and family services (35.63%), outpatient care centers (32.29%), and residential intellectual and developmental disability, mental health, and substance abuse facilities (12.84%). The largest employers of social workers in the state were the federal

government (48.86%), state government, excluding education and hospitals (14.26%), and being self-employed workers as a primary job (13.79%). The largest employers of counselors in the state were as self-employed workers being their primary job (40.25%), state government, excluding education and hospitals (35.03%), and local government, excluding education and hospitals (11.82%). The largest employers of marriage and family therapists in the state was for individual and family services (41.46%), outpatient care centers (17.60%), offices of other health practitioners (13.44%), and being self-employed workers, as a primary job (12.80%).

As of April 2025, the board had 36,882 active licensees, including: bachelor social workers (44), clinical social workers (10,682), social workers (9,395), associate marriage and family therapists (53), marriage and family therapists (1,255), associate professional counselors (1,144), and professional counselors (14,309).

Small businesses are defined in Section 3 of the Regulatory Review Act, (71 P.S. § 745.3) which provides that a small business is defined by the SBA's Small Business Size Regulations under 13 CFR Ch. 1 Part 121. These size standards have been established for types of businesses under the North American Industry Classification System (NAICS). In applying the NAICS standards to the types of businesses where licensees may work, a small business in the category of offices of physicians, mental health specialists (code 621112) have \$13.5 million or less in average annual receipts. For those licensees who are employed in offices of mental health practitioners (except physicians) (code 621330), the small business threshold is \$9.5 million or less in average annual receipts. For those licensees who are employed in residential intellectual and developmental disability facilities (code 623210) and outpatient or residential mental health and substance abuse centers/facilities (code 621420 and 623220), the small business threshold is \$19.0 million or less in average annual receipts. For those licensees in home health care services (code 621610), the small business threshold is \$19.0 million or less in average annual receipts. For licensees in other individual and family services (code 624190), the small business threshold is \$16.0 million or less in average annual receipts. For licensees in all other outpatient centers (code 621498), the small business threshold is \$25.5 million or less in average annual receipts. For licensees employed in general medical and surgical hospitals (code 622110) and psychiatric and substance abuse hospitals (code 622210), the small business threshold for both is \$47.0 million or less in average annual receipts.

The professionals who are self-employed likely work in small businesses. The NAICS codes do not include professionals who work in Federal, State and local governments. The board does not collect information on the size of the businesses where its licensees are employed. In considering all of these small business thresholds set by NAICS, the board must assume that a large number of its licensees work for small businesses as that term is defined by the SBA and Pennsylvania's Regulatory Review Act.

Many licensees most likely work for small businesses. Like licensees, applicants and individuals who receive care from licensees, small businesses who employ licensees will benefit by clear and updated regulations relating to the qualifications for licensure supervisor qualifications, supervision of clinical experience, codes of ethics, professional corporations and fictitious names and continuing education. Where small businesses have employees who are obtaining supervised clinical experience, the proposed regulation will have a positive impact by removing barriers to become a qualified supervisor and will permit supervision by electronic means. Electronic supervision will decrease lost hours of productivity due to traveling long distances to engage in face-to-face supervision and will eliminate artificial impediments to licensure that cost applicants, and small businesses, time and money.

(16) List the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply.

There are approximately 36,882 active licensees under this board that will be required to comply with this proposed regulation. The board's proposed continuing education, ethics and professional corporation and fictitious names provisions impact all licensees of the board. The board does not license or register supervisors so it does not know how many supervisors will be impacted. The board also does not track the types of businesses where licensees are employed.

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

This proposed rulemaking will impact existing licensees and applicants in a positive way. Licensees, applicants and the public will benefit by clear and updated regulations relating to the qualifications for licensure supervisor qualifications, supervision of clinical experience, codes of ethics, professional corporations and fictitious names and continuing education. The board believes the proposed amendments will also benefit the general public and individuals who receive care from licensees because the proposed regulations will expand the availability of qualified supervisors, permit the use of technology in obtaining supervision of clinical experience and clarify and update ethical standards and continuing education requirements.

The board does not anticipate an adverse economic impact as a result of this proposed regulation. Instead, the proposed amendments relating to qualifications of supervisors and electronic supervision will have a positive fiscal impact on the regulated community because the board expects more availability of qualified supervisors and believes that the use of technology in obtaining supervision of clinical experience will eliminate impediments to licensure which cost applicants both time and money in pursuing licensure. There may be an initial "start-up" cost to a supervisor and supervisee to implement the electronic supervision requirements; however, these costs could be avoided by simply electing to engage in traditional in person and group supervision. It would be up to the participants to determine the most cost-effective method of supervision of clinical experience required for licensure. Finally, while these amendments will require licensees to complete at least 6 continuing education clock hours on supervision prior to beginning as a supervisor or by the next biennial period, these credits can be counted toward the total credits required for renewal and will not impose additional financial costs on licensees who are supervising.

(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

There should be a positive impact from this regulation as it eliminates impediments to licensure, expands the list of qualified supervisors, permits the use of modern technology in providing a portion of the required supervision, and updates the continuing education requirements. There are no adverse effects identified with this rulemaking. A business could avoid the costs associated with the rulemaking by choosing not to engage in electronic supervision, however, they would also forego the savings associated with electronic supervision.

(19) Provide a specific estimate of the costs and/or savings to the **regulated community** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

The board does not anticipate any costs to the regulated community as a result of this proposed regulation.

Any costs incurred by the regulatory community due to initiating electronic supervision could be avoided by not using electronic supervision as it is not mandatory. The board believes there may be a cost savings to licensees who choose to obtain six hours of continuing education instead of the AAMFT certification.

(20) Provide a specific estimate of the costs and/or savings to the **local governments** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

The regulation would not result in costs or savings to local government.

(21) Provide a specific estimate of the costs and/or savings to the **state government** associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

There are no other costs or saving to state government associated with compliance with the proposed rulemaking.

(22) For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

Supervisors are required to provide supervisees with a written supervision plan for supervised experience. The proposed regulation provides specific criteria that must be included, including a description of the work setting, a detailed job description of supervisee, including the nature of supervisee duties and responsibilities, a detailed description of the supervisor's responsibilities and qualifications, identification of each location where client/patient contact will occur, identification of each location where supervision will occur, and frequency of supervision planned. Requiring a written supervision plan will help ensure that supervision is purposeful, effective and consistent with licensure requirements. Currently, many supervisors have written plans or even contracts with supervisees. The board does not believe this requirement will create a burden to supervisors, but rather, will provide for consistent standards.

(22a) Are forms required for implementation of this regulation?

Yes.

(22b) If forms are required for implementation of the regulation, **attach copies of the forms here**. If your agency uses electronic forms, provide links to each form or a detailed description of the information required to be reported. **Failure to attach forms, provide links, or provide a detailed description of the information to be reported will constitute a faulty delivery of the regulation.**

The board will have to update the Verification of Supervised Clinical Experience forms for the three professions. (See, Attachment A). The Bureau uses an online platform for the submission of applications for licensure through PALS which includes continuing education providers. When this proposed regulation is published as final, the board will have to update the name change from "preapproved providers" to "board-approved providers."

(23) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY 25-26	FY +1 26-27	FY +2 27-28	FY +3 28-29	FY +4 29-30	FY +5 30-31
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated Community	\$0	\$0	\$0	\$0	\$0	\$0
Local Government	\$0	\$0	\$0	\$0	\$0	\$0
State Government	\$0	\$0	\$0	\$0	\$0	\$0
Total Savings	N/A	N/A	N/A	N/A	N/A	N/A
COSTS:	\$0	\$0	\$0	\$0	\$0	\$0
Regulated Community	\$0	\$0	\$0	\$0	\$0	\$0
Local Government	\$0	\$0	\$0	\$0	\$0	\$0
State Government	\$0	\$0	\$0	\$0	\$0	\$0
Total Costs	N/A	N/A	N/A	N/A	N/A	N/A
REVENUE LOSSES:	\$0	\$0	\$0	\$0	\$0	\$0
Regulated Community	\$0	\$0	\$0	\$0	\$0	\$0
Local Government	\$0	\$0	\$0	\$0	\$0	\$0
State Government	\$0	\$0	\$0	\$0	\$0	\$0
Total Revenue Losses	N/A	N/A	N/A	N/A	N/A	N/A

(23a) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3 2022-2023 (actual)	FY -2 2023-2024 (actual)	FY -1 2024-2025 (actual)	Current FY 2025-2026 (budgeted)
State Board of Social Workers, Marriage and Family Therapists and Professional Counselors	\$2,171,967	\$2,632,612	\$2,447,845	\$2,978,000

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

(a) An identification and estimate of the number of small businesses subject to the regulation.

- (b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.
- (c) A statement of probable effect on impacted small businesses.
- (d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

- (a) The board does not track where licensees are employed; therefore, it does not know how many small businesses would be impacted. The board does not anticipate any adverse fiscal impact.
- (b) There are no projected reporting, or recordkeeping costs required for compliance. There are no additional administrative costs required for compliance.
- (c) The probable effect on impacted small businesses would be a positive one in that their employees would be permitted to engage in at least a portion of supervision through electronic means.
- (d) The board did not consider any alternative regulatory provisions.

(25) List any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, the elderly, small businesses, and farmers.

No special provisions have been developed for any affected groups or persons.

(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

The board considered limiting the number of preceptor continuing education hours to 15 hours, but decided to continue to allow up 30 hours contingent upon board review and approval. The board was concerned that limiting continuing education in this manner might have a negative impact on individuals who need training in rural areas. The board also considered limiting the examinations to the National examinations but decided to further research the pros and cons of doing so before proposing elimination of examinations. The board believes this proposal represents the least burdensome acceptable alternative.

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

- a) The establishment of less stringent compliance or reporting requirements for small businesses;
- b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- c) The consolidation or simplification of compliance or reporting requirements for small businesses;
- d) The establishment of performing standards for small businesses to replace design or operational standards required in the regulation; and
- e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

a) & b) The board did not consider less stringent reporting requirements or deadlines for small businesses or for licensees that work for small businesses. This proposed regulation does not impose additional reporting requirements.

- c) There are no compliance or reporting requirements that could be consolidated or simplified. The application process is the same whether a particular licensee is employed by a small business or a large business.
- d) The regulations do not contain design or operational standards that need to be altered for small businesses.
- e) To exclude any licensees from the requirements contained in the regulation based on the size of their employers would not be consistent with the statute, or the board's mandate.

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

No data, studies or references were used to justify the regulation.

(29) Include a schedule for review of the regulation including:

- A. The length of the public comment period. 30 days
- B. The date or dates on which public meetings or hearings will be held:
No public hearings are scheduled.
The board discusses its regulatory proposals at regularly scheduled monthly meetings.
This rulemaking was discussed at public board meetings on: July 16, 2024, October 25, 2024, November 26, 2024, March 11, 2025, April 23, 2025 and September 16, 2025.
- C. The expected date of delivery of the final-form regulation: Spring 2026
- D. The expected effective date of the final-form regulation: Upon publication as final.
- E. The date by which compliance with the final-form regulation will be required:

Upon publication as final.
- F. The date by which required permits, licenses or other approvals must be obtained: N/A

(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

The board continually reviews the efficacy of its regulations, as part of its annual review process under Executive Order 1996-1. The board reviews its regulatory proposals at regularly scheduled public meetings. The board will meet on the following remaining dates in 2025: September 16, October 14 and November 25. More information can be found on the Department's website.

ATTACHMENT A

State Board of Social Workers,
Marriage & Family Therapists and
Professional Counselors

2525 N 7th Street
Harrisburg PA 17110



State Board of Social Workers, Marriage &
Family Therapists and Professional
Counselors

P O BOX 2649
Harrisburg PA 17105-2649

**BUREAU OF PROFESSIONAL AND
OCCUPATIONAL AFFAIRS**

VERIFICATION OF SUPERVISED CLINICAL EXPERIENCE

The completed verification of supervised clinical experience forms must be completed by the supervisor and the supervisor must email the completed forms to the Board office at st-socialwork@pa.gov **OR** the supervisor may mail the forms to the Board Office. The supervisor must sign over the sealed flap of the envelope for the forms to be accepted via mail.

****The Board will not accept the verification of supervised clinical experience forms provided by the applicant.****

Your qualified supervisor, as defined in Section 47.1a of the regulations, must complete the following verification of supervised clinical experience forms verifying completion of 3,000 hours of supervised clinical experience after completing your master's degree in social work, as per section 47.12c(a)(5) of the regulations.

PART A. Supervisor Qualifications and Verification

PART B. Report of Supervised Clinical Experience Hours

The information on these forms must be provided by the applicant's supervisor that provided supervision for clinical experience hours completed towards meeting the 3,000 total hours of supervised clinical experience defined in Section 47.12c(b) and Section 47.12d of the regulations. This verification of supervised clinical experience forms should be photocopied and then completed by each supervisor that provided supervision towards the 3,000 hours of supervised clinical experience.

Hours required: 3,000 total hours of supervised clinical experience that meet the requirements defined in Sections 47.12c(b) and 47.12d of the regulations. 1,500 hours must be face-to-face direct client contact in person*. The other 1,500 hours may be other non-direct clinical work determined by the supervisor.

*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.

APPLICANT INFORMATION

NAME:	Last	First	Middle
OTHER NAME:			
DATE OF BIRTH :		LAST 4 DIGITS OF SSN:	
ADDRESS:			
CITY / STATE / ZIP:			

PART A: Supervisor's qualifications: Please check all that apply.

☐ I (supervisor) hold an active license as a clinical social worker in the state where the supervision occurred **and** have 5 years of post-master's experience within the last 10 years as a clinical social worker (Section 47.1a(a)(1)).

☐ I (supervisor) hold an active license in a related field in the state where the supervision occurred **and** have at least a master's or doctoral degree in that related field. Additionally, I (supervisor) have 5 years of post-master's experience within the last 10 years in that related field (Section 47.1a(a)(2)).

☐ I (supervisor) have practiced as a clinical social worker and I have 5 years of experience within the last 10 years as a clinical social worker. Additionally, I (supervisor) held a license to practice as a social worker in the Commonwealth of Pennsylvania at the time. (Section 47.1a(a)(3)). *Only for applicant experience completed prior to January 1, 2006.*

I (supervisor) confirm that I have completed or intend to complete one of the following supervisor educational trainings by <date 2 years from effective date of subsection> as required under Section 47.1a(b). Select one:

- ☐ Graduate level course specific to supervision
- ☐ A clinical supervisor certification program
- ☐ At least 6 continuing education clock hours on clinical supervision.

I (supervisor) confirm that I maintained an active state license throughout the entirety of the time I provided direct supervision to this individual.

I (supervisor) confirm that I have reviewed and understand the entirety of Sections 47.12c and 47.12d of the Pennsylvania Board Regulations.

I verify that the statements in this verification of Clinical Supervised Experience are true and correct to the best of my knowledge, information, and belief. I understand that false statements are made subject to the penalties of 18 Pa. C.S. Section 4904 (relating to unsworn falsification to authorities) and may result in the suspension or revocation of my license. I also verify that I have complied with Section 47.12d of Title 49 Standards for supervisors.

Supervisor's Name: _____
Please Print

Qualifying State Board License Number: _____

State of Licensure – Pennsylvania/Other: _____

PART B:

Dates of supervised experience worked under my supervision:

From: _____ To: _____
month / day / year month / day / year

Total number of clinical hours worked under my supervision: _____

I verify that _____ complied with the requirements of Section 47.12c

Applicant's Printed Name

of the Regulations. I further verify that the supervised clinical experience verified on these forms was verified based on my records and will provide the records upon request by the Board.

Signature of Supervisor

Date of Signature

State Board of Social Workers,
Marriage & Family Therapists and
Professional Counselors

2525 N 7th Street
Harrisburg PA 17110



State Board of Social Workers, Marriage &
Family Therapists and Professional
Counselors

P O BOX 2649
Harrisburg PA 17105-2649

**BUREAU OF PROFESSIONAL AND
OCCUPATIONAL AFFAIRS**

VERIFICATION OF SUPERVISED CLINICAL EXPERIENCE

The completed verification of supervised clinical experience forms must be completed by the supervisor and the supervisor must email the completed forms to the Board office at st-socialwork@pa.gov **OR** the supervisor may mail the forms to the Board Office.

****The Board will not accept the verification of supervised clinical experience forms provided by the applicant.****

Your qualified supervisor, as defined in Section 49.3 of the regulations, must complete the following verification of supervised clinical experience forms verifying completion of 3,000 hours of supervised clinical experience

PART A. Supervisor Qualifications and Verification

PART B. Report of Supervised Clinical Experience Hours

The information on these forms must be provided by the applicant's supervisor that provided supervision for clinical experience hours completed towards meeting the 3,000 total hours of supervised clinical experience defined in Section 49.13(b) and Section 49.14 of the regulations. This verification of supervised clinical experience forms should be photocopied and then completed by each supervisor that provided supervision towards the 3,000 hours of supervised clinical experience.

Hours required: 3,000 total hours of supervised clinical experience that meet the requirements defined in Sections 49.13(b) of the Regulations. 1,500 hours must be face-to-face direct client contact in person*. The other 1,500 hours may be other non-direct clinical work determined by the supervisor.

*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.

APPLICANT INFORMATION

NAME:	Last	First	Middle
OTHER NAME:			
DATE OF BIRTH :		LAST 4 DIGITS OF SSN:	
ADDRESS:			
CITY / STATE / ZIP:			

PART A: Supervisor's qualifications: Please check all that apply.

- ☐ I (supervisor) hold an active license as a professional counselor in the state where the supervision occurred **and** have 5 years of post- master's degree experience within the last 10 years as a professional counselor (Section 49.3(a)(1)).
- ☐ I (supervisor) hold an active license in a related field in the state where the supervision occurred **and** have a master's or doctoral degree in that related field. Additionally, I (supervisor) have 5 years of post-master's experience within the last 10 years in that related field (Section 49.3(a)(2)).
- ☐ I (supervisor) have practiced as a professional counselor **and** I have 5 years of experience within the last 10 years as a professional counselor (Section 49.3(a)(3)). *Only for applicant experience completed prior to January 1, 2006.*

I (supervisor) confirm that I have completed or intend to complete one of the following supervisor educational trainings by <date 2 years from effective date of subsection> as required under Section 49.3(b). Select one:

- ☐ Graduate level course specific to supervision
- ☐ A clinical supervisor certification program
- ☐ At least 6 continuing education clock hours on clinical supervision.

I (supervisor) confirm that I maintained an active state license throughout the entirety of the time I provided direct supervision to this individual.

I (supervisor) confirm that I have reviewed and understand the entirety of Sections 49.13(b) and 49.14 of the Pennsylvania Board Regulations.

I verify that the statements in this verification of Clinical Supervised Experience are true and correct to the best of my knowledge, information, and belief. I understand that false statements are made subject to the penalties of 18 Pa. C.S. Section 4904 (relating to unsworn falsification to authorities) and may result in the suspension or revocation of my license. I also verify that I have complied with Section 49.14 of Title 49 Standards for supervisors.

Supervisor's Name: _____
Please Print

Qualifying State Board License Number: _____

State of Licensure – Pennsylvania/Other: _____

PART B:

Dates of supervised experience worked under my supervision:

From: _____ To: _____
month / day / year month / day / year

Total number of clinical hours worked under my supervision: _____

I verify that _____ complied with the requirements of Section
Applicant's Printed Name

49.13(b)of the Regulations. I further verify that the supervised clinical experience verified on these forms was verified based on my records and will provide the records upon request by the Board.

Signature of Supervisor

Date of Signature

State Board of Social Workers,
Marriage & Family Therapists and
Professional Counselors

2525 N 7th Street
Harrisburg PA 17110



State Board of Social Workers, Marriage &
Family Therapists and Professional
Counselors

P O BOX 2649
Harrisburg PA 17105-2649

**BUREAU OF PROFESSIONAL AND
OCCUPATIONAL AFFAIRS**

VERIFICATION OF SUPERVISED CLINICAL EXPERIENCE

The completed verification of supervised clinical experience forms must be completed by the supervisor and the supervisor must email the completed forms to the Board office at st-socialwork@pa.gov **OR** the supervisor may mail the forms to the Board Office. The supervisor must sign over the sealed flap of the envelope for the forms to be accepted via mail.

****The Board will not accept the verification of supervised clinical experience forms provided by the applicant.****

Your qualified supervisor, as defined in Section 48.3 of the regulations, must complete the following verification of supervised clinical experience forms verifying completion of 3,000 hours of supervised clinical experience

PART A. Supervisor Qualifications and Verification

PART B. Report of Supervised Clinical Experience Hours

The information on these forms must be provided by the applicant's supervisor that provided supervision for clinical experience hours completed towards meeting the 3,000 total hours of supervised clinical experience defined in Section 48.13(b) and Section 48.14 of the regulations. This verification of supervised clinical experience forms should be photocopied and then completed by each supervisor that provided supervision towards the 3,000 hours of supervised clinical experience.

Hours required: 3,000 total hours of supervised clinical experience that meet the requirements defined in Sections 48.13(b) of the Regulations. 1,500 hours must be face-to-face direct client contact in person*. The other 1,500 hours may be other non-direct clinical work determined by the supervisor.

*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.

APPLICANT INFORMATION

NAME:	Last	First	Middle
OTHER NAME:			
DATE OF BIRTH :		LAST 4 DIGITS OF SSN:	
ADDRESS:			
CITY / STATE / ZIP:			

PART A: Supervisor's qualifications: Please check all that apply.

- ☐ I (supervisor) hold a current and active license as an MFT in the state where the supervision occurred **and** have 5 years of post-masters experience within the last 10 years as a marriage and family therapist (Section 48.3(a)(1)).
- ☐ I (supervisor) hold a current and active license in the state where the supervision occurred **and** have at least a master's degree in a related field **and** have 5 years of post-master's experience within the last 10 years in that related field (Section 48.3(a)(2)).
- ☐ I (supervisor) have practiced as a licensed marriage and family therapist **and** I have completed a 1-semester graduate course in MFT supervision (at least 30 contact hours) or the equivalent. I have 5 years of experience within the last 10 years as an MFT (Section 48.3(a)(3)). *Only for applicant experience completed prior to January 1, 2006.*

I (supervisor) confirm that I have completed or intend to complete one of the following supervisor educational trainings by <date 2 years from effective date of subsection> as required under Section 48.3(b). Select one:

- ☐ Graduate level course specific to supervision
- ☐ A clinical supervisor certification program
- ☐ At least 6 continuing education clock hours on clinical supervision.

I (supervisor) confirm that I maintained an active state license throughout the entirety of the time I provided direct supervision to this individual.

I (supervisor) confirm that I have reviewed and understand the entirety of Sections 48.13(b) and 48.14 of the Pennsylvania Board Regulations.

I verify that the statements in this verification of Clinical Supervised Experience are true and correct to the best of my knowledge, information, and belief. I understand that false statements are made subject to the penalties of 18 Pa. C.S. Section 4904 (relating to unsworn falsification to authorities) and may result in the suspension or revocation of my license. I also verify that I have complied with Section 48.14 of Title 49 Standards for supervisors.

Supervisor's Name: _____
Please Print

Qualifying State Board License Number: _____

State of Licensure – Pennsylvania/Other: _____

PART B:

Dates of supervised experience worked under my supervision:

From: _____/_____/_____
month day year

To: _____/_____/_____
month day year

Total number of clinical hours worked under my supervision: _____

I verify that _____ complied with the requirements of Section
Applicant's Printed Name

48.13(b) of the Regulations. I further verify that the supervised clinical experience verified on these forms was verified based on my records and will provide the records upon request by the Board.

Signature of Supervisor

Date of Signature

**FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU**

(Pursuant to Commonwealth Documents Law)

RECEIVED

Independent Regulatory
Review Commission

February 3, 2026

DO NOT WRITE IN THIS SPACE

<p>Copy below is hereby approved as to form and legality. Attorney General</p> <p>BY: <u>Amy M Elliott</u> (DEPUTY ATTORNEY GENERAL)</p> <p><small>Digitally signed by Amy M Elliott Date: 2026.01.22 14:27:50 -05'00'</small></p> <p><u>1/22/26</u> DATE OF APPROVAL</p> <p><input type="checkbox"/> Check if applicable Copy not approved. Objections attached.</p>	<p>Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by:</p> <p><u>State Board of Social Workers, Marriage and Family Therapists and Professional Counselors</u> (AGENCY)</p> <p>DOCUMENT/FISCAL NOTE NO. <u>16A-6923</u></p> <p>DATE OF ADOPTION: _____</p> <p>BY: <u>Michelle R. Santiago</u> Michelle Santiago, Psy.D., NCC, CCMHC, LPC</p> <p>TITLE <u>Chairperson</u> (EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)</p>	<p>Copy below is hereby approved as to form and legality. Executive or Independent Agencies.</p> <p>BY: <u>[Signature]</u> (Deputy General Counsel) (Chief Counsel, Independent Agency) (Strike inapplicable title)</p> <p><u>1/15/2026</u> DATE OF APPROVAL</p> <p><input type="checkbox"/> Check if applicable. No Attorney General approval or objection within 30 days after submission.</p>
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NOTICE OF PROPOSED RULEMAKING

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY
THERAPISTS AND PROFESSIONAL COUNSELORS**

49 PA. CODE, CHAPTERS 47, 48 and 49

**§§ 47.1, 47.1a, 47.12, 47.12c, 47.12d, 47.12f, 47.13b, 47.21, 47.22, 47.32, 47.33, 47.35a-47.37, 47.39, 47.71,
48.1-48.3, 48.12-48.14a, 48.15, 48.20, 48.20a, 48.32, 48.33, 48.35-48.38, 48.40, 48.71,
49.1-49.3, 49.11-49.14a, 49.15, 49.20, 49.20a, 49.32, 49.33, 49.35-49.38, 49.40, and 49.71**

(General Revisions)

The State Board of Social Workers, Marriage and Family Therapists and Professional Counselors (board) proposes to amend Title 49 Pennsylvania Code, Chapter 47, 48 and 49 at §§ 47.1, 47.1a, 47.12, 47.12c, 47.12d, 47.21, 47.22, 47.32, 47.33, 47.36a, 47.37, 47.39, 47.71, 48.1-48.3, 48.12-48.14, 48.32, 48.33, 48.35, 48.37, 48.38, 48.40, 48.71, 49.1-49.3, 49.11—49.14, 49.32, 49.33, 49.35—49.37, 49.40, and 49.71; to add §§ 47.12f, 47.35a, 48.14a, 48.19a, 48.19b, 48.36a, 49.14a, 49.19a, 49.19b, 49.36a, and to delete §§ 47.13b, 47.36, 48.15, 48.36, 49.15, and 49.36 to read as set forth in Annex A.

Effective Date

The amendments will be effective upon publication of the final-form rulemaking in the *Pennsylvania Bulletin*.

Statutory Authority

Section 6(1) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act (act) (63 P.S. § 1906(1)) authorizes the board to pass upon the qualifications and fitness of applicants for licenses and to adopt and revise rules and regulations requiring applicants to pass examinations relating to their qualifications as a prerequisite to the issuance of a license. Section (6)(2) of the act authorizes the board to adopt and revise such rules and regulations as may be necessary to carry into effect the provisions of the act. Such regulations may include standards of professional practice and conduct for licensed bachelor social workers, licensed social workers, licensed clinical social workers, licensed marriage and family therapists and licensed professional counselors.

Under section 3 of the act of Matt Adler Suicide Prevention Continuing Education Act (63 P.S. § 1223), licensees must complete at least one hour of continuing education in the assessment, treatment and management of suicide risks as a portion of the total continuing education required for license renewal.

This proposed rulemaking is also needed to comply with the distance education and virtual supervision requirements of 63 Pa. C.S. § 3107.1 (relating to virtual operation). Under 63 Pa. C.S. § 3107.1(c), “[e]ach licensing board... shall establish rules and regulations for continuing education that provides for distance education if continuing education is required for a license, certificate, registration or permit in a practice act.” In addition, 63 Pa. C.S. § 3107.1(d) requires each licensing board that has supervision requirements for licensure to “establish rules and regulations providing for virtual supervision in a manner that meets the requirements for licensure, certification, registration or permit ...”

Professionals in Pennsylvania are permitted to form multiple purpose professional corporations under 15 Pa. C.S. § 2903(d) (relating to formation of professional corporations) if the “board...regulating each profession involved in the professional corporation has by rule or regulation applicable to professional corporations expressly authorized the combined practice of the profession with each other profession involved in the corporation.”

Section 506 of the Admin. Code (71 P.S. §186) empowers the heads of all administrative departments, the several independent administrative boards and commissions, the several

departmental administrative boards and commissions to prescribe rules and regulations not inconsistent with law, for the government of their respective departments, boards, or commissions.

Background and Need for Amendment

Over the past several years, and culminating with this proposed rulemaking, the board has undertaken a comprehensive review of its regulations to update standards to reflect modern technology and current law, eliminate unnecessary requirements for licensure, update outdated provisions and modernize the board’s processes relating to licensure. The proposed regulation includes amendments relating to qualifications for licensure, supervisor qualifications, supervision of clinical experience, including the provision of supervision through electronic means, codes of ethics, professional corporations and fictitious names and continuing education. The proposed regulation is also necessary to comply with enacted laws to include 63 Pa. C.S. § 3107.1(c) and(d), pertaining to online continuing education and electronic supervision, and the Matt Adler Suicide Prevention Continuing Education Act.

In accordance with the requirements of Executive Order 1996-1 (February 6, 1996), on May 17, 2024, the board sent an exposure draft of the proposed regulation to interested parties and stakeholders. After a 30-day comment period, no comments were received.

Description of Proposed Amendments

Definitions

The board proposes to amend §§ 47.1, 48.1 and 49.1 (relating to definitions) to define terms necessary to the proposed rulemaking. Specifically, the board is defining the term “electronic supervision” to mean real time (synchronous) video and audio teleconferencing that allows the

supervisor to be in a separate physical location from the supervisee while using a secure, HIPAA-compliant electronic platform. The term “electronic supervision” does not include supervision by telephone, email, instant messaging, online chat or other asynchronous electronic communications. The board also amends the definition of client/patient in § 47.1 to correct a typographical error. Throughout this proposed regulation, the board amends the term “client” to “client/patient” to make terminology consistent.

The board proposes to define HIPAA because the proposed definition of electronic supervision requires any online platform used for the provision of electronic supervision to be “HIPAA-compliant.” The board defines “HIPAA” as the Health Insurance Portability and Accountability Act of 1996 (Pub.L. 104-191, 110 Stat. 1936) and associated rules and regulations at 45 CFR Parts 160, 162 and 164, including the HIPAA Privacy Rule and the HIPAA Security Rule. HIPAA’s Privacy Rule established a set of National standards for the protection of personal health information. The Privacy Rule addresses the use and disclosure of individuals' health information or “protected health information” by organizations subject to the Privacy Rule or “covered entities.” The Privacy Rule establishes standards for individuals' rights to understand and control how their personal health information is used. The HIPAA Security Rule establishes national standards to protect individuals' electronic personal health information that is created, received, used, or maintained by a covered entity. The Security Rule requires appropriate administrative, physical and technical safeguards to ensure the confidentiality, integrity, and security of electronic protected health information. The U. S. Department of Health and Human Services, Office of Civil Rights is responsible to implement and enforce the Privacy and Security Rule.

The board proposes to add a definition of “supervised direct client/patient contact” to make the regulatory language consistent between chapters 47, 48 and 49 and to make it clear that direct client contact includes in person contact or the use of a HIPAA-compliant electronic platform.

In addition, the board proposes to amend the definition of “supervisee” in § 47.1 to be consistent with the definitions of the same term in §§ 48.1 and 49.1. This amendment is necessary to clarify the restriction on the total number of “supervisees” that a supervisor may have at one time. In §§ 47.12c(b)(6), 48.13(b)(6) and 49.13(b)(6), a supervisor cannot supervise more than 6 supervisees fulfilling the supervised experience requirements for licensure as a clinical social worker, marriage and family therapist or professional counselor, respectively. This amendment clarifies that the definition in § 47.1 applies to individuals who are fulfilling the supervised experience requirement for licensure instead of individuals who are fulfilling the supervised experience requirements for just clinical social workers.

The board defines the term “year” to clarify that a year is a period consisting of 12 consecutive months. The board finds this necessary to aid licensees in interpreting the requirement that an individual completing the required 3,000 hours of supervised clinical experience do so in no less than 2 years and no more than 6 years.

The board defines the term “field closely related to the practice of marriage and family therapy” in § 48.1 to clarify that not all nursing is closely related, but rather to limit the definition to “psychiatric nursing.”

The board defines “ACA” as the American counseling Association in 49.1. The board

proposes to define this term because the acronym is used numerous times in Chapter 49.

Qualifications for supervisors

The board proposes to make clarity edits pertaining to qualifications for supervisors in §§ 47.1a, 48.3 and 49.3 to clarify that the supervisor must hold an active license in the state where the supervisee's experience is occurring. In addition, the board clarifies that the 5 years of experience must be post-master's experience. The board proposes to amend § 48.3(1) by removing the requirement that the supervisor shall have a certification as an approved supervisor or supervisor in training by the AAMFT. The board considers this requirement to be overly burdensome and discourages licensees from becoming supervisors. Similar to the other professions under this board, licensed marriage and family therapists would be required to have at least 5 years of relevant experience within the last 10 years. Additionally, instead of the certification requirement, the board proposes the same educational requirements for all licensure categories under this board by adding the requirement that a supervisor must complete at least 6 continuing education clock hours on supervision prior to beginning as a supervisor. If licensees are already supervising, they must complete those 6 continuing education units by the next biennial renewal cycle. Supervisors who have already taken a graduate level course on supervision are exempt from this section. This proposed amendment will put safeguards in place for supervisees, without being overly burdensome, to ensure proper supervision by supervisors.

Educational requirements

The board proposes to amend §§ 48.2 and 49.2 (relating to educational requirements),

specifically regarding the internship/practicum requirements. Section 48.2(6) would be amended to clarify that the practicum/internship required for licensure as a marriage and family therapist must be a minimum of 1 year which is comprised of at least two semesters or four quarters including 300 hours of supervised direct client contact. Section 49.2(9) would be amended to eliminate the existing language. It has been the board's experience that this language is overly restrictive as many educational institutions use the terms practicum and internship interchangeably. This provision has excluded otherwise qualified applicants from obtaining licensure. Instead, the board would return to its former standard, in place through March 2, 2007, in which the practicum/internship requirement would be satisfied by completion of a total of 6 semester hours or 9 quarter hours of supervised practicum and internship experience.

Application for licensure

The board proposes to amend §§ 47.12, 48.12 and 49.12 (relating to qualifications for licensure; and general qualifications for licensure) to clarify and update the board's current process for applying for licensure and paying the required fee online through the Pennsylvania Licensing System (PALS). The board also proposes to delete the requirement that applicants submit two certificates of recommendation on forms furnished by the board. In the past, the board used these certificates as a means of evaluating whether an applicant meets the "good moral character" requirements of the act. However, the forms have not proven to be particularly helpful in assessing an applicant's qualifications and have been eliminated. Further, the board proposes to update its procedures regarding affirmations. Applicants now verify that the information on the application by means of a certification statement on the online application; therefore, an affirmation is no longer

required.

Supervised clinical experience

The board proposes to amend §§ 47.12c, 48.13 and 49.13, to update and clarify the standards for supervised clinical experience. In addition to minor clarity edits, the board proposes to amend §§ 47.12c(b), 48.13(b) and 49.13(b) to clarify the general requirement that for every 40 hours of supervised clinical experience, the supervisor must meet with the supervisee for at least 2 hours, with at least 1 of the 2 hours individually. The Board clarifies that at least 1 of the 2 hours in each 40 hours of supervised clinical experience shall be with the supervisee individually and the other hour may be with the supervisee either individually or in a group setting. The other 1 of the 2 hours can either be with the supervisee individually or in a group setting. The proposed amendment removes from this section the “in person” requirement so that supervision can be accomplished completely through telesupervision if desired. The board would allow either in person supervision or supervision through a HIPAA-compliant electronic platform for synchronous audio and video communication between the supervisor and supervisee. The board supports virtual supervision in part because it addresses difficulties for supervisees in finding qualified supervisors, especially in rural areas in this Commonwealth. The board recognizes that advances in technology make it just as effective for supervisors to meet with supervisees electronically. The board aims to avoid unnecessary hurdles when it comes to obtaining licensure.

The board also proposes amendments in §§ 47.12c, 48.13 and 49.13 to clarify the board’s regulation that a supervisor may only provide supervision of the clinical experience of no more than a total of six “supervisees,” that is, six individuals who are fulfilling the supervised experience

requirements for licensure. This clarification is needed to exclude from the calculation other individuals that are being supervised in an employment setting who are not involved in fulfilling the supervised experience requirements for licensure; to assure that those individuals who are involved in pursuit of licensure obtain appropriate levels of supervision; and to also assure compliance with the board's standards of acceptable clinical experience. Finally, the board proposes to eliminate the limitation that currently provides that at least 500 hours and no more than 1,800 hours of supervised clinical experience may be credited in any 12-month period. The board believes this restriction is unnecessary given the existing requirement that the supervised clinical experience shall be completed in no less than 2 years and no more than 6 years.

Additionally, §§ 48.13(a)(4)(i) and 49.13(a)(4)(i) have been amended consistent with amendments to the act (63 P.S. § 1907(e)(3) and (f)(3)), which require the supervised clinical experience for licensure as a marriage and family therapist or professional counselor be obtained after being granted a master's degree.

Standards for supervisors

The board proposes to amend §§ 47.12d, 48.14 and 49.14 to clarify the procedure for supervisors to attest to compliance on the verification of experience form, which is available for download through PALS. The proposed regulations would require the supervisee to download the forms and provide them to the supervisor, who must submit them directly to the board. The board is also clarifying that supervisors are not "asked" to attest to compliance, but rather, supervisors are required to attest to compliance and submit the forms to the board. In addition, the board proposes to include in §§ 47.12d(4), 48.14(4) and 49.14(4) as a standard for supervisors, compliance with §§

47.12f, 48.14a and 49.14a (relating to electronic supervision). Additionally, §§ 48.14(6) and 49.14(6) provides that any hours accumulated for activities not approved by the supervisor will not count towards satisfying the 3,600 hours of supervised experience. The number of required hours of supervised experience is 3,000 hours as set forth in §§ 48.13(4) and 49.13(4), not 3,600 hours; therefore, the board updates this section to conform with the required hours.

The board also proposes to amend §§ 47.12d (8), 48.14 (8) and 49.14 (8) by requiring that the supervisor, in conjunction with the supervisee, establish objectives to be achieved by the supervisee during supervision. The board further proposes to require supervisors to provide supervisees with a written supervision plan for supervised experience. The supervision plan must contain a description of the work setting, a detailed job description of supervisee, including the nature of supervisee duties and responsibilities, a detailed description of the supervisor's responsibilities and qualifications, identification of each location where client/patient contact will occur, identification of each location where supervision will occur, and frequency of supervision planned. Requiring a written supervision plan will help ensure that supervision is purposeful, effective and consistent with licensure requirements.

Electronic supervision

The board is proposing to add §§ 47.12f, 48.14a and 49.14a (relating to electronic supervision) to permit a supervisor and supervisee to elect to complete the required supervision through a secure HIPAA-compliant online platform. The board is aware that there is often a shortage of qualified supervisors, especially in certain rural locations within the Commonwealth. Permitting electronic supervision will alleviate some of the issues caused by this shortage and can significantly

reduce the costs associated with the supervision sessions by eliminating the need to travel long distances.

For purposes of obtaining supervision of clinical experience in pursuit of licensure, electronic supervision, as defined in § 47.1, 48.1 and 49.1, does not include telephone conversations, email exchanges, instant messaging, or other non-secure online chat modalities. The board proposes to allow electronic supervision for both individual supervision sessions and for group supervision sessions. The determination of whether electronic supervision may be used for some or all the supervision hours is at the discretion of the supervisor.

The proposed electronic supervision regulations require the setting in which the supervisor and supervisee are located when using electronic supervision to be professional and secure. Supervisors and supervisees must adhere to all standards for acceptable supervised clinical experience in §§ 47.12c(b) and 47.12d, 48.13(b) and 48.14, and 49.13(b) and 49.14 and applicable ethical standards and Federal and State laws and regulations that protect client/patient rights to privacy and confidentiality. Finally, the board has proposed an “informed consent” requirement that the supervisee inform the client/patient that the supervisee is receiving supervision through electronic means.

Exemption from licensure examination

In this proposal, the board proposes to delete §§ 47.13b, 48.15 and 49.15 (relating to exemption from licensure examination—clinical social workers; and exemption from licensure examination) because these sections relate to a “grandfathering” provision in the act that expired as of February 13, 2003, which are no longer needed.

Professional corporations and fictitious names

The board proposes to amend § 47.21 (relating to professional corporations) to include bachelor social workers and clinical social workers to further clarify that this section does not just pertain to licensed social workers. The proposed amendments would further clarify that licensed bachelor social workers, licensed social workers and licensed clinical social workers may incorporate with other licensed bachelor social workers, licensed social workers and licensed clinical social workers, marriage and family therapists or professional counselors. Finally, the board proposes to delete teachers of the hearing impaired because these individuals are no longer licensed by the State board of Examiners in Speech-Language Pathology and Audiology.

The board proposes to add §§ 48.20 and 49.20 (relating to professional corporations) to include the additional social work licensure categories and to incorporate provisions pertaining to multi-disciplinary professional corporations. Professionals in Pennsylvania are permitted to form multiple purpose professional corporations under 15 Pa. C.S. § 2903(d) if the “board...regulating each profession involved in the professional corporation has by rule or regulation applicable to professional corporations expressly authorized the combined practice of the profession with each other profession involved in the corporation.” Accordingly, the board proposes the addition of §§ 48.20 and 49.20 so that licensed marriage and family therapists and licensed professional counselors may professionally incorporate with other professions. These proposed amendments will add the same provisions for licensed marriage and family therapists and licensed professional counselors that are provided for licensed social workers in § 47.21.

In addition, the board proposes to update § 47.22 (relating to fictitious names) to incorporate

the additional social work licensure categories. The board would also add §§ 48.20a and 49.20a (relating to fictitious names) to incorporate the same provisions in § 47.22 pertaining to fictitious names to apply the same standards to licensed marriage and family therapists and licensed professional counselors regarding practicing under a fictitious name.

Continuing education

The board proposes to amend §§ 47.32, 48.32 and 49.32 to include the requirement set forth in section 3 of the Matt Adler Suicide Prevention Continuing Education Act, which requires licensees of the board to complete at least 1 hour of continuing education in the assessment, treatment or management of suicide risks per biennium. When the Matt Adler Suicide Prevention Continuing Education Act was enacted, the board implemented this statutorily mandated continuing education requirement. The board is updating its regulations to reflect that requirement.

In addition, the board proposes to amend §§ 47.33, 48.33 and 49.33 to clarify that all 30 hours of the required clock hours may be completed in home study or online if the home study or online course has specific learning objectives which the provider evaluates to assure that learning has taken place. Regarding online courses, under 63 Pa. C.S. § 3107.1(c), licensing boards are required to establish rules and regulations for continuing education that provides for distance education. The board believes that technological advances have made online courses a more reliable way to obtain continuing education and that appropriate educational objectives can be met using the online method of learning.

The board proposes to amend §§ 48.35 and 49.35 (relating to standards for courses and programs) to reduce the minimum total duration of a course to at least 1 clock hour. The board is

proposing this amendment to make the board’s regulations consistent with the 1-hour course required by the Matt Adler Suicide Prevention Continuing Education Act and to also make Chapters 48 and 49 consistent with Chapter 47 at § 47.35. The board recognizes that many valuable 1-hour courses are available and should be credited. Consistent with continuing education requirements in Chapter 47, the board also clarifies that it will not approve “partial credit” for a course or program.

The board proposes amendments to clarify its regulations pertaining to preapproved providers of continuing education courses and programs. The proposed amendments would update entities that may sponsor, co-sponsor or approve continuing education courses, workshops and programs. In doing so, the board proposes to delete §§ 47.36, 48.36 and 49.36 and renumber those sections §§ 47.35a, 48.36a and 49.36a. The board has not added any preapproved providers; however, the board proposes to update the National Association for Drama Therapy to existing the North American Drama Therapy Association due to a name change of this organization. Additionally, the board proposes to exclude from the list of preapproved providers the Family Service Association of America because this entity no longer exists. In these sections, the board also proposes to separate out the preapproved providers into three groups. Preapproved providers under §§ 47.35a(a)(1), 48.36a(a)(1) and 49.36a(a)(1) would be authorized to provide, sponsor or co-sponsor continuing education courses or programs. Preapproved providers under §§ 47.35a(a)(2), 48.36a(a)(2) and 49.36a(a)(2) would be authorized to provide, sponsor or co-sponsor or approved continuing education courses, programs or workshops. Preapproved providers and their regional, state and local affiliates under §§ 47.35a(a)(3), 48.36a(a)(3) and 49.36a(a)(3) would be authorized to sponsor and co-sponsor continuing education courses and programs. In §§ 48.36a(b) and 49.36a(b),

the board proposes to add the \$65 fee to become a preapproved provider. This fee is in the board's current regulations at § 47.35a(b), but for clarity, the board wishes to also include this fee in Chapters 48 and 49. Additionally, the board proposes to separate providers that fall under subsection (b) by naming them "board-approved providers" instead of "preapproved providers" because providers that fall under this provision reapply on a biennial basis while "preapproved providers" do not have to do so. Most boards that fall under the Bureau of Professional and Occupational Affairs label providers as "preapproved providers" and "board-approved" providers, so this proposed amendment will make this board consistent with other boards and will provide clarity.

The board further proposes to amend §§ 47.36a, 48.37 and 49.37 (relating to other sources of continuing education) to enhance clarity and to set limitations on the number of hours that can be obtained through other sources, including clinical conferences, clinical rounds, teaching, publication of articles or training under a preceptor. The board proposes to allow licensees to obtain up to 15 clock hours of continuing education from other sources listed in these provisions. The board proposes to limit credit for participation in these activities to 15 clock hours for each source to ensure licensees remain well-trained and up to date with the latest knowledge, skills and practices.

The board would also provide greater clarity on the standards for continuing education regarding publications. The board proposes to permit a licensee to obtain no more than 15 clock hours of continuing education each biennium through publications. The board proposes to permit 5 clock hours per relevant article published in the preceding biennium; 10 clock hours for writing a chapter in a relevant professional text; and 15 clock hours for writing an entire relevant professional text. The board also proposes to allow up to 15 clock hours for services as a lecturer or speaker.

Regarding experience as an instructor of a course in social work, marriage and family therapy, professional counseling or a related field, the board would permit a licensee to accrue up to 15 clock hours of continuing education per biennium by offering a 1 semester course for a regionally accredited college or university if the course is credit-bearing. The board clarifies that a 1 semester course would equal 15 continuing education credits, and a one quarter credit class would equal ten continuing education credits. In addition, the board would grant continuing education credit to an instructor of a pre-approved or board-approved course, program or workshop for a one-time presentation on that topic. The instructor would receive the clock hours assigned to the course, program or workshop.

In §§ 47.37(b)(7), 48.38(b)(7) and 49.38(b)(7), the board proposes to update the cross references to reflect §§ 47.35a(a), 48.36a(a) and 49.35a(a) which pertain to preapproved providers of continuing education courses and programs. Finally, the board would amend §§ 47.39, 48.40 and 49.40 (relating to exemption and waiver) to require licensees applying for a waiver or extension of time to submit a request in writing at least 30 days prior to the biennial renewal deadline to give the board adequate time to process the request.

Code of ethical practice and professional conduct

Beginning in 2020, the board undertook a review of the language existing in §§ 47.71, 48.71 and 49.71 pertaining to the codes of ethical practice and professional conduct. The board reviewed the codes of ethics of the National Association of Social Workers (NASW), the American Association for Marriage and Family Therapy (AAMFT) and the American Counseling Association (ACA). As a result of its review, the board determined that it should update § 47.71 by adopting the

2021 NASW Code of Ethics. The board also decided to update § 48.71 by adopting the 2015 AAMFT Code of Ethics. Finally, the board decided to update § 49.71 by adopting the 2014 ACA Code of Ethics. These Codes of Ethics accurately reflect the board’s own view of ethical practice, and rather than copy the standards verbatim into §§ 47.71, 48.71 and 49.71, the board proposes to adopt these Codes of Ethics by reference.

A copy of the 2021 NASW Code of Ethics can be found on the NASW website: [Code of Ethics: English \(socialworkers.org\)](#) A copy of the 2015 AAMFT Code of Ethics can be found on the AAMFT website: [AAMFT Code of Ethics \(aamft.org\)](#). A copy of the 2014 ACA Code of Ethics can be found on the ACA’s website: [ACA Ethics \(counseling.org\)](#). The board intends to place a copy of each on its website when the final-form rulemaking is promulgated.

The board proposes to amend §§ 47.71, 48.71 and 49.71 to require licensees to adhere to the Code of Ethics adopted by the National Association of Social Workers (2021), the American Association for Marriage and Family Therapy (2015) and the American Counseling Association (2014). By specifically naming the year that the board adopts, the board sets a clear standard for licensees to follow. If these national organizations later update the codes of ethics, the board will review future updates and determine whether to adopt them through the regulatory process.

Fiscal Impact

The board believes the amendments relating to electronic supervision will have a positive fiscal impact on the regulated community because they are meant to expand the availability of qualified supervisors, permit the use of technology in obtaining supervision of clinical experience,

and eliminate impediments to licensure which cost applicants both time and money in pursuing licensure. While the proposed amendments would require supervisors to complete at least 6 continuing education units of supervision, these credits can be counted toward the total credits required for renewal and would not impose additional financial costs on licensees who wish to supervise. There would be a cost savings to licensees for individuals seeking to be supervisors under Chapter 48 because the board would no longer require certification as an approved supervisor or supervisor in training by the AAMFT, which would likely be more costly and time consuming than 6 hours of continuing education. Additionally, allowing licensees to obtain all continuing education through online or home study courses may have a positive fiscal impact as those courses are generally less costly.

Paperwork Requirements

The proposed rulemaking does not impose additional paperwork requirements on licensees, with the exception of the extension of the requirement to obtain approval for practice under a fictitious name to licensed marriage and family therapists, and to licensed professional counselors.

Sunset Date

The board continuously monitors the cost effectiveness of its regulations on a fiscal year and biennial basis. Therefore, no sunset date has been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. §745.5(a)), on February 3, 2026, the board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate

Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) which have not been met. The Regulatory Review Act specifies detailed procedures for review prior to final publication of the rulemaking by the board, the General Assembly and the Governor.

Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Regulatory Counsel, State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, P.O. Box 69523, Harrisburg, Pennsylvania 17106-5923, or by email at RA-STRegulatoryCounsel@pa.gov within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Please reference 16A-6923 (General Revisions) on any comments submitted.

Michelle Santiago, Psy.D., NCC, CCMHC,
LPC
Chairperson

ANNEX A

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

GENERAL PROVISIONS

§ 47.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Client/patient—An individual, group or family for whom a licensed bachelor social worker, licensed social worker or licensed clinical social worker provides social work services or clinical social work services. In the case of an individual with a legal guardian, such as a minor or legally incapacitated [adulthood] adult, the individual is the client/patient.

Electronic Supervision – real time (synchronous) video and audio teleconferencing that allows the supervisor to be in a separate physical location from the supervisee while using a secure, HIPAA-compliant electronic platform. The term “electronic supervision” does not include supervision by telephone, email, instant messaging, online chat or other asynchronous electronic communications.

HIPAA – The Health Insurance Portability and Accountability Act of 1996 (Pub.L. 104-191, 110 Stat. 1936) and associated rules and regulations at 45 CFR Parts 160, 162 and 164, including the HIPAA Privacy Rule and the HIPAA Security Rule.

Immediate family member—A parent/guardian, child, sibling, spouse or other family member with whom the client/patient resides.

* * * * *

Sexual intimacies—Romantic, sexually suggestive, sexually demeaning or erotic behavior.

Examples of this behavior include the following:

* * * * *

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

Supervised direct client/patient contact – In person contact or the use of a HIPAA- compliant electronic platform that allows for synchronous audio and video communication between the supervisor, supervisee and client/patient, which does not include supervision or client/patient contact by telephone, email, instant messaging, text messaging, online chat or other electronic communications that do not include real-time (synchronous) video and audio communications.

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

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

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

Year—A period consisting of 12 consecutive months.

§ 47.1a. **Qualifications for supervisors of individuals pursuing a clinical social work**
license.

(a) Education and experience. To qualify as a supervisor, an individual shall meet one of the following criteria:

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

(b) Required education. Prior to serving as a supervisor, the supervisor shall complete supervisor educational training. For individuals who are providing supervision on the effective date of this subsection (), the supervisor educational training shall be completed within two years of the effective date of this subsection (). Supervisor educational training can be satisfied through one of the following:

(1) Graduate level course specific to supervision.

(2) A clinical supervisor certification program.

(3) At least 6 continuing education clock hours on clinical supervision. The 6 continuing education clock hours may be counted as part of the total number of clock hours required in § 47.32 (relating to requirement for biennial renewal).

(Editor's note: In the blank in subsection (b), insert the date of final publication in the Pennsylvania Bulletin.)

LICENSURE

§ 47.12. Qualifications for licensure.

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

* * * * *

(3) The applicant has submitted an application for licensure [on forms furnished by the Board. The application for licensure may be obtained by contacting the Board by mail at: State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, Post Office Box 2649, Harrisburg, Pennsylvania 17105-2649, or by telephone at (717) 783-1389 or e-mail at: socialwo@pados.dos.state.pa.us] in the manner and format prescribed by the Board.

(4) The applicant has submitted the application licensure fee required by § 47.4 (relating to licensure fees) [, **by check or money order, payable to the “Commonwealth of Pennsylvania”**].

(5) [The applicant has submitted two Certificates of Recommendation on forms furnished by the Board.] **{Reserved}**.

(6) The applicant has completed at least 3 hours of training in child abuse recognition and reporting in accordance with § 47.58(a) (relating to child abuse recognition and reporting—mandatory training requirement).

(7) The applicant has submitted [an affirmation signed by the applicant] **a certification statement** verifying the information on the application.

§ 47.12c. Licensed clinical social worker.

* * * * *

(b) *Supervised clinical experience.* Experience acceptable to the Board means experience as a supervisee in a setting that is organized to prepare the applicant for the practice of clinical social work consistent with the applicant’s education and training, and conforms to the following:

(1) At least [1/2] **50%** of the **clinical** experience shall consist of providing **supervised direct client contact** services in one or more of the following areas:

(i) Assessment.

(ii) Psychotherapy.

(iii) Other [psychosocial-therapeutic interventions] **direct practice social work interventions.**

(iv) Consultation.

(v) Family therapy.

(vi) Group therapy.

(2) Supervision for the clinical experience shall be provided by a supervisor as defined in §§ 47.1 and 47.1a. However, at least **[1/2] 50 %** of the required hours shall be supervised by a supervisor meeting the **education and experience** qualifications in § 47.1a(a)(1) [and] **or** (3).

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

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

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

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

(5) The supervisor, or one to whom supervisory responsibilities have been delegated, shall meet with the supervisee, **either in person or through a HIPAA-compliant electronic platform that allows for synchronous audio and video communication between the supervisor and supervisee,** for a minimum of 2 hours for every 40 hours of supervised clinical experience. **[At least 1 of the 2 hours shall be with the supervisee individually and in person, and 1 of the 2 hours may be with the supervisee in a group setting and in person.]**

(5.1) At least 1 of the 2 hours in each 40 hours of supervised clinical experience shall be with the supervisee individually. The other hour may be with the supervisee either individually or in a group setting.

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

* * * * *

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

§ 47.12d. Standards for supervisors.

Supervisors, and those to whom supervisory responsibilities are delegated, under § 47.12c(a)(5) (relating to licensed clinical social worker) shall comply with the standards in this section. Supervisors **[will be asked to]** **shall** attest to compliance on the verification of experience form which shall **[accompany]** **be submitted by the supervisor directly to the Board as part of** the supervisee's application for licensure. **A supervisee may obtain a verification of experience form after initiating an application with the Board.** The Board reserves the right to require a supervisor₂ by documentation or otherwise₂ to establish to the Board's satisfaction that compliance occurred.

* * * * *

(4) The supervisor shall be responsible for ensuring that the requirements of § 47.12c(b) are met. **A supervisor engaging in electronic supervision shall ensure that the requirements of § 47.12f (relating to electronic supervision) are met.**

* * * * *

(7) The supervisor shall ensure that the supervisee's status as a supervisee is made known to the supervisee's [patients] **client/patients**, and also ensure that the supervisee has obtained written permission from each [patient] **client/patient** to discuss his case with the supervisor.

(8) The supervisor, **in conjunction with the supervisee**, shall establish objectives to be achieved by the supervisee during supervision. **The supervisor shall provide the supervisee with a written supervision plan for supervised clinical experience, which includes:**

(i) A description of the work setting.

(ii) A detailed job description of supervisee, including the nature of supervisee duties and responsibilities.

(iii) A detailed description of the supervisor's responsibilities and qualifications.

(iv) Identification of each location where client/patient contact will occur.

(v) Identification of each location where supervision will occur.

(vi) Frequency of supervision planned.

* * * * *

§ 47.12f. Electronic supervision.

- (a) A supervisor and supervisee may elect to engage in electronic supervision.**
- (b) Electronic supervision may be used for individual and group supervision sessions at the discretion of the supervisor for some or all of the supervision hours.**
- (c) To engage in electronic supervision in this Commonwealth, the supervisor must hold an active license in this Commonwealth.**
- (d) The setting in which the supervisor and supervisee are located when using electronic supervision must be professional and secure. Electronic supervision may not be conducted from public locations such as coffee shops, libraries, or other locations where inadvertent disclosures of confidential information could occur.**
- (e) All standards for acceptable supervised clinical experience set forth in §§ 47.12c(b) and 47.12d (relating to licensed clinical social worker; and standards for supervisors) apply to electronic supervision.**
- (f) Supervisors and supervisees engaging in electronic supervision shall comply with §§ 47.71-47.80 (relating to code of ethical practice and standards of professional conduct) and Federal and State laws that protect client/patient rights to privacy, confidentiality and informed consent.**

§ 47.13b. [Exemption from licensure examination – clinical social workers.

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

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

- (2) Submitted an application provided by the Board and accompanied by the required fee.
- (3) Submitted an application by February 19, 2002. (*Editor's Note:* The act of February 13, 2002 (P.L. 83, No. 4) extended the deadline for the filing of an application by 1 year.)
- (4) Demonstrated proof of practice of clinical social work for at least 5 of the 7 years immediately prior to the date of application for license and that the practice was conducted in this Commonwealth. (*Editor's Note:* The act of February 13, 2002 (P.L. 83, No. 4) deleted the requirement that clinical social workers have practice experience in the Commonwealth to be eligible for licensure without examination, formerly found at section 9 of the Social Workers, Marriage and Family Therapists and Professional Counselors Act (63 P.S. § 1909(a)(3).)
- (5) Successfully met the educational requirements of section 9(a)(4) of the act (63 P.S. § 1909(a)(4)). Continuing education submitted by an applicant under section 9(a)(4)(iii) of the act shall meet the following requirements:
- (i) Master's level difficulty.
 - (ii) Direct practice social work subject matter.
 - (iii) Excludes courses in office management or practice building.
- (6) Demonstrated holding the Board of Certified Diplomate (BCD) certification issued by the American Board of Examiners in Clinical Social Work (DCSW) Certification or Qualified Clinical Social Worker (QSCW) certification issued by the National Association of Social Workers.] {Reserved}.

PROFESSIONAL CORPORATIONS AND FICTITIOUS NAMES

§ 47.21. Professional corporations.

(a) [A social worker] An individual licensed by the Board as a bachelor social worker, social worker or clinical social worker may professionally incorporate with other licensed bachelor social workers, social workers, clinical social workers, marriage and family therapists, professional counselors or with licensed chiropractors, medical doctors, nurses, optometrists, doctors of osteopathy, pharmacists, podiatrists, veterinarians, dentists, nursing home administrators, physical therapists, psychologists, occupational therapists, audiologists, speech-language pathologists [and teachers of the hearing impaired], if the incorporation is also authorized by Chapter 5, 16, 21, 23, 25, 27, 29, 31, 33, 39, 40, 41, 42 [or 45], 45, 48 or 49.

* * * * *

§ 47.22. Fictitious names.

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

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

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

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

CONTINUING EDUCATION

§ 47.32. Requirement for biennial renewal.

The Board requires, as a condition of biennial renewal of a bachelor social worker's license, a social worker's license or a clinical social worker's license, the completion during the preceding biennium of 30 clock hours of continuing education in acceptable courses and programs in social work offered by approved providers. Excess clock hours may not be carried over to the next biennium. At least 3 of the required 30 clock hours must be related to ethical issues, **[and]** at least 2 clock hours must be in child abuse recognition and reporting in accordance with § 47.58(b) (relating to child abuse recognition and reporting—mandatory training requirement) **and at least 1 clock hour must be in the assessment, treatment and management of suicide risks.**

§ 47.33. Acceptable continuing education courses and programs.

* * * * *

(e) [A licensee may accrue up to 20 of the required clock hours in home study courses offered by approved providers if the home study course] **A licensee may obtain credit for online or home study courses offered by approved providers if the online or home study course** has specific learning objectives which the provider evaluates to assure that learning has taken place. [Home study courses must be indicated as such on the certificates of attendance.]

§ 47.35a. Preapproved providers of continuing education courses and programs for licensed social workers, licensed clinical social workers and licensed bachelor social workers.

(a) The Board finds the following entities have currently met the standards in § 47.35 (relating to standards for courses and programs).

(1) The following entities are preapproved providers and may provide, sponsor or co-sponsor, but may not approve, continuing education courses or programs:

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

(ii) The Association of Social Work Boards.

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

(iv) Graduate and postgraduate training programs accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE).

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

(2) The following entities are preapproved providers and may provide, sponsor, co-sponsor or approve continuing education courses, programs or workshops:

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

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

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

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

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

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

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

(viii) The North American Drama Therapy Association (NADTA).

(ix) The American Psychological Association (APA).

(x) The Approved Continuing Education (ACE) Program developed by

the Association of Social Work Boards.

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

(3) The following entities and their regional, state and local affiliates are preapproved providers and may sponsor and co-sponsor, but may not approve, continuing education courses and programs:

(i) The Child Welfare League of America.

(ii) The National Association of Black Social Workers.

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

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

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

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

(vii) The Council of Nephrology Social Workers.

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

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

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

(xi) The American Counseling Association (ACA).

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

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

(b) The Board will consider for approval as Board-approved providers, on a biennial basis, other organizations who meet the standards in § 47.35 and offer multiple courses and programs for licensed bachelor social workers, licensed social workers and licensed clinical social workers. The application for approval shall be submitted to the Board and accompanied by a \$65 fee. Approvals are valid for the biennial renewal period in which the application is approved.

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

(d) The Board may approve participation in other continuing education courses or programs for credit so long as the licensee submits, prior to attendance, an application for program approval, supporting documentation provided in § 47.35 and a \$65 fee.

§ 47.36. [Preapproved providers of continuing education courses and programs for licensed social workers, licensed clinical social workers and licensed bachelor social workers.

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

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

(2) The Association of Social Work Boards.

- (3) Accredited colleges and universities (graduate level and continuing education programs).**
- (4) Graduate and postgraduate training programs accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE).**
- (5) Graduate programs accredited by the Council for Accreditation of Counseling and Related Educational Programs. (CACREP).**
- (6) The following groups and the providers, courses or workshops approved by them:**
 - (i) The National Association of Social Workers (NASW) and its state and local affiliates.**
 - (ii) The Clinical Social Work Association (CSWA) and its state and local affiliates.**
 - (iii) The National Board for Certified Counselors, Inc. (NBCC).**
 - (iv) The Commission on Rehabilitation Counselor Certification (CRCC).**
 - (v) The Certification Board for Music Therapists (CBMT).**
 - (vi) The American Art Therapy Association (AATA).**
 - (vii) The American Dance Therapy Association (ADTA).**
 - (viii) The National Association for Drama Therapy (NADT).**
 - (ix) The American Psychological Association (APA).**

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

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

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

(i) The Child Welfare League of America.

(ii) The National Association of Black Social Workers.

(iii) The Family Service Association of America

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

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

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

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

(viii) The Council of Nephrology Social Workers.

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

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

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

(xii) The American Counseling Association (ACA).

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

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

(b) The Board will consider for approval, as preapproved providers, other organizations who offer multiple courses and programs for licensed bachelor social workers, licensed social

workers and licensed clinical social workers. The request for approval shall be submitted to the Board in writing and accompanied by a \$65 fee, along with a rationale as to why the organization should be included as a preapproved provider with specific reference to the standards in § 47.35.

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

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

§ 47.36a. Other sources of continuing education.

(a) Clock hours may be granted by the Board on a case-by-case basis [for the following] as follows:

(1) [Participation] A licensee may accrue up to 15 of the required clock hours per biennium for participation in clinical conferences, clinical rounds or training under a preceptor provided through hospitals, medical centers, schools and universities.

(2) [First-time experience as a teacher.] A licensee may accrue up to 15 of the required clock hours per biennium by teaching a course or courses in social work or a related field for a regionally accredited college or university if the course is credit-bearing. A one semester credit course is equal to 15 continuing education credits and a one quarter credit course is equal to 10 continuing education credits.

(3) **[Publications of articles, books and research relating to the practice of bachelor social work, social work or clinical social work.] A licensee may accrue up to a total of 15 of the required clock hours per biennium by writing one or more of the following:**

(i) Articles relevant to social work published in a professional journal during the current or preceding biennium—5 clock hours.

(ii) A chapter in a professional text relevant to social work published during the current or preceding biennium—10 clock hours.

(iii) An entire professional text relevant to social work published during the current or preceding biennium—15 clock hours.

(4) Services as a preceptor [, lecturer or speaker].

(5) **A licensee may accrue up to 15 of the required clock hours per biennium through services as a lecturer or speaker.**

(6) A licensee who serves as an instructor in a preapproved or Board-approved course, program or workshop may receive credit for continuing education for a presentation on that topic. Credit will not be awarded for repeating a course in the same renewal period unless the subject matter has substantially changed during that period.

(b) A licensee who wishes to obtain clock hours for credit under subsection (a)(1), (2), **(5) or (6)** ~~(3) or (4)~~ shall submit, prior to participating in the event, an application for approval along with a \$65 fee as provided by § 47.34(b) (relating to registration of continuing education providers who offer one course or program). A licensee seeking to obtain clock hours for a publication under

subsection (a)(3), shall submit, after the publication of the article, book or research, an application for approval along with a fee as provided by § 47.34(b).

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

* * * * *

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

* * * * *

- (7) The Board approval number assigned to the course or program unless the provider is preapproved under § [47.36(a)] 47.35a(a) (relating to preapproved providers of continuing education courses and programs for licensed social workers, licensed clinical social workers and licensed bachelor social workers).

* * * * *

§ 47.39. Exemption and waiver.

* * * * *

- (b) The Board may waive or grant an extension of all or a portion of the continuing education requirement for biennial renewal upon request of a licensee. The request must be made in writing at least 30 days before the biennial renewal deadline, with appropriate documentation, and shall include a description of circumstances sufficient to show why compliance is impossible. The request for waiver or extension will be evaluated by the Board on a case-by-case basis. Requests for waivers and extensions may be granted for serious illness, military service or other

demonstrated hardship. The Board will send written notification of its approval or denial of a waiver or extension request.

CODE OF ETHICAL PRACTICE AND STANDARDS OF PROFESSIONAL CONDUCT

§ 47.71. Codes of ethical practice and professional conduct.

[The Board subscribes to the codes of ethics and practice standards promulgated by the National Association of Social Workers (NASW), the Pennsylvania Society for Clinical Social Work and the Model Social Work Practice Act of the Association of Social Work Boards. Licensed bachelor social workers licensed social workers and licensed clinical social workers (licensees) shall adhere to these codes and standards] A licensee shall adhere to the National Association of Social Workers (NASW) Code of Ethics (2021), except when they conflict with this chapter. The Board will use [these codes and standards] the NASW Code of Ethics (2021) in resolving ambiguities which may arise in the interpretation of this chapter, except that whenever any conflict exists between this chapter and the [professional associations' code and standards] NASW Code of Ethics (2021), this chapter will prevail.

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

GENERAL PROVISIONS

§ 48.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Doctoral degree in marriage and family therapy—A doctoral degree which is awarded upon successful completion of a program in marriage and family therapy which is either accredited by COAMFTE, or, which includes coursework that meets the criteria in § 48.2 (relating to educational requirements).

Electronic supervision – real time (synchronous) video and audio teleconferencing that allows the supervisor to be in a separate physical location from the supervisee while using a secure, HIPAA-compliant electronic platform. The term “electronic supervision” does not include supervision by telephone, email, instant messaging, online chat or other asynchronous electronic communications.

Field closely related to the practice of marriage and family therapy – Includes the fields of social work, psychology, counseling, child development and family studies, medicine, **psychiatric** nursing, pastoral counseling, ministry, theology, education and sociology.

Graduate level coursework in marriage and family therapy acceptable to the Board—Coursework that meets the criteria in § 48.2.

HIPAA – The Health Insurance Portability and Accountability Act of 1996 (Pub.L. 104-191, 110 Stat. 1936) and associated rules and regulations at 45 CFR Parts 160, 162 and 164, including the HIPAA Privacy Rule and the HIPAA Security Rule.

Immediate family member—A parent/guardian, child, sibling, spouse or other family member with whom the client/patient resides.

* * * * *

Sexual intimacies—Romantic, sexually suggestive, sexually demeaning or erotic behavior.

Examples of this behavior include the following:

* * * * *

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

Supervised direct client/patient contact – In person contact or the use of a HIPAA-compliant electronic platform that allows for synchronous audio and video communication between the supervisor, supervisee and client/patient, which does not include supervision or client/patient contact by telephone, email, instant messaging, online chat or other electronic communications that do not include real-time (synchronous) video and audio communications.

Supervisee—An individual who is fulfilling the supervised experience requirement for licensure.

* * * * *

Supervisor—An individual providing supervision to a supervisee who meets the criteria in § 48.3 (relating to qualifications for supervisors).

Year—A period consisting of 12 consecutive months.

§ 48.2. Educational requirements.

Educational requirements are as follows:

* * * * *

(6) [*Practicum minimum 1 year*] **Practicum/Internship (minimum of 1 year comprised of at least two semesters or four quarters, with** 300 hours of supervised direct [client] **client/patient** contact with individuals, couples and families).

§ 48.3. Qualifications for supervisors of individuals pursuing a marriage and family therapist license.

(a) Education and experience. To qualify as a supervisor, an individual shall meet one of the following criteria:

- (1) Hold a current and active license as [an MFT] a MFT in the state where the supervisee's experience is occurring and have 5 years of post-master's experience within the last 10 years as a marriage and family therapist [and have received certification as an approved supervisor or supervisor-in-training by the AAMFT.]
- (2) Hold a current and active license in the state where the supervisee's experience is occurring and have at least a master's degree in a related field and have 5 years of post-master's experience within the last 10 years in that field.
- (3) Until January 1, 2010, meet the following criteria:
 - (i) Practices as an MFT.
 - (ii) Have completed a 1-semester graduate course in MFT supervision (at least 30 contact hours) or the equivalent.
 - (iii) Have 5 years of experience within the last 10 years as an MFT.

(b) Required education. Prior to serving as a supervisor, the supervisor shall complete supervisor educational training. For individuals who are providing supervision on the effective date of this subsection (), the supervisor educational training shall be completed within two years of the effective date of this subsection (). Supervisor educational training can be satisfied through one of the following:

- (1) Graduate level course specific to supervision.**
- (2) A clinical supervisor certification program.**
- (3) At least 6 continuing education clock hours on clinical supervision. The 6 continuing education clock hours may be counted as part of the total number of clock hours required in § 48.32 (relating to requirement for biennial renewal).**

(Editor’s note: In the blank in subsection (b), insert the date of final publication in the Pennsylvania Bulletin.)

LICENSURE

§ 48.12. General qualifications for licensure.

General qualifications and requirements for licensure are as follows:

* * * * *

(3) The applicant has submitted an application for licensure **[on forms furnished by the Board. The application for licensure may be obtained by contacting the Board by mail at: State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, Post Office Box 2649, Harrisburg, Pennsylvania 17105-2649, (717) 783-1389 or by e-mail at: socialwo@pados.dos.state.pa.us]** **in the manner and format prescribed by the Board.**

(4) The applicant has submitted the required application licensure fee **[by check or money order, payable to the “Commonwealth of Pennsylvania]** **required by § 47.4 (relating to licensure fees).**

(5) **[The applicant has submitted two certificates of recommendation on forms furnished by the Board.]** **{Reserved}.**

(6) The applicant has completed at least 3 hours of training in child abuse recognition and reporting in accordance with § 48.58(a) (relating to child abuse recognition and reporting—mandatory training requirement).

(7) The applicant has submitted **[an affirmation signed by the applicant]** **a certification statement** verifying the information on the application.

§ 48.13. Licensed MFT.

(a) *Conditions for licensure.* To be issued a license to hold oneself out as a licensed MFT, an applicant shall provide proof satisfactory to the Board, that the applicant has met the following conditions:

* * * * *

(4) Has met the following experience requirements:

(i) Individuals who meet the education requirements of paragraph (3)(i) or (ii), shall have completed at least 3,000 hours of supervised clinical experience meeting the criteria in subsection (b), obtained after **[the completion of 48 semester hours or 72 quarter hours of graduate coursework] being granted the master's degree.** Supervision for the supervised clinical experience shall be provided by a supervisor as defined in § 48.1.

* * * * *

(b) *Supervised clinical experience.* Experience acceptable to the Board means experience as a supervisee in a setting that is organized to prepare the applicant for the practice of marriage and family therapy consistent with the applicant's education and training.

(1) At least **[one-half] 50%** of the **clinical** experience shall consist of providing **supervised direct client/patient contact** services in one or more of the following areas:

- (i) Assessment.
- (ii) Couples therapy.
- (iii) Family therapy.
- (iv) Other systems interventions.
- (v) Consultation.
- (vi) Individual therapy.
- (vii) Group therapy.

(2) Supervision for the clinical experience shall be provided by a supervisor as defined in § 48.1 and § 48.3 (relating to qualifications for supervisors). However, at least [½] **50%** of the required hours shall be supervised by a supervisor meeting the qualifications in § 48.3(1) or (3).

* * * * *

(5) The supervisor, or one to whom supervisory responsibilities have been delegated, shall meet with the supervisee, **either in person or through a HIPAA-compliant electronic platform that allows for synchronous audio and video communication between the supervisor and supervisee,** for a minimum of 2 hours for every 40 hours of supervised clinical experience. **[At least 1 of the 2 hours shall be with the supervisee individually and in person, and 1 of the 2 hours may be with the supervisee in a group setting and in person.]**

(5.1) At least 1 of the 2 hours in each 40 hours of supervised clinical experience shall be with the supervisee individually. The other hour may be with the supervisee either individually or in a group setting.

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

* * * * *

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

* * * * *

§ 48.14. Standards for supervisors.

Supervisors, and those to whom supervisory responsibilities are delegated, under § 48.13(a)(4) (relating to licensed MFT) shall comply with this section. Supervisors [**will be asked to**] **shall attest to compliance on the verification of experience form which shall [accompany] be submitted by the supervisor directly to the Board as part of** the supervisee's application for licensure. **A supervisee may obtain a verification of experience form after initiating the supervisee's application with the Board.** The Board reserves the right to require a supervisor by documentation or otherwise to establish to the Board's satisfaction that compliance occurred.

* * * * *

- (4) The supervisor shall be responsible for ensuring that the requirements of § 48.13(b) are met. **A supervisor engaging in electronic supervision shall ensure that the requirements of § 48.14a (relating to electronic supervision) are met.**

* * * * *

- (6) The supervisor shall be empowered to recommend the interruption or termination of the supervisee's activities in providing services to a client/patient and, if necessary, to terminate the supervisory relationship. Any hours accumulated for activities not approved by the supervisor will not count towards satisfying the [**3,600**] **3,000** hours of supervised experience.

(7) The supervisor shall ensure that the supervisee's status as a supervisee is made known to the supervisee's **[patients] clients/patients**, and also ensure that the supervisee has obtained written permission from each **[patient] client/patient** to discuss his case with the supervisor.

(8) The supervisor, **in conjunction with the supervisee**, shall establish objectives to be achieved by the supervisee during supervision. **The supervisor shall provide the supervisee with a written supervision plan for supervised clinical experience, which includes:**

(i) A description of the work setting.

(ii) A detailed job description of supervisee, including the nature of supervisee duties and responsibilities.

(iii) A detailed description of the supervisor's responsibilities and qualifications.

(iv) Identification of each location where client/patient contact will occur.

(v) Identification of each location where supervision will occur.

(vi) Frequency of supervision planned.

* * * * *

§ 48.14a. Electronic supervision.

(a) A supervisor and supervisee may elect to engage in electronic supervision.

(b) Electronic supervision may be used for individual and group supervision sessions at the discretion of the supervisor for some or all of the supervision hours.

(c) To engage in electronic supervision in this Commonwealth, the supervisor must hold an active license in this Commonwealth.

(d) The setting in which the supervisor and supervisee are located when using electronic supervision must be professional and secure. Electronic supervision may not be conducted from public locations such as coffee shops, libraries, or other locations where inadvertent disclosures of confidential information could occur.

(e) All standards for acceptable supervised clinical experience under §§ 48.13(b) and 48.14 (relating to licensed MFT; and standards for supervisors) apply to electronic supervision.

(f) Supervisors and supervisees engaging in electronic supervision shall comply with §§ 48.71-48.80 (relating to code of ethical practice and standards of professional conduct) and Federal and State laws that protect the clients/patients rights to privacy and confidentiality and informed consent.

§ 48.15. [Exemption from licensure examination]

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

- (1) Satisfied the general requirements for licensure of § 48.12 (relating to general qualifications for licensure).**
- (2) Submitted an application provided by the Board and accompanied by the required fee.**
- (3) Submitted an application by February 19, 2002. (*Editor's Note:* The act of February 13, 2002 (P. L. 83, No. 4) extended the deadline for the filing of an application by 1 year.)**

- (4) Demonstrated proof of practice of marriage and family therapy for at least 5 of the 7 years immediately prior to the date of application for license.**
- (5) Have successfully met one of the following education requirements:**
 - (i) Have a doctoral degree in marriage and family therapy as defined in § 48.1 (relating to definitions) from an accredited educational institution.**
 - (ii) Have a doctoral degree in a field closely related to the practice of marriage and family therapy as defined in § 48.1 from an accredited educational institution with graduate level coursework in marriage and family therapy acceptable to the Board as defined in § 48.1.**
 - (iii) Have a master’s degree of at least 48 semester hours or 72 quarter hours in marriage and family therapy as defined in § 48.1 from an accredited educational institution.**
 - (iv) Have a master’s degree of at least 48 semester hours or 72 quarter hours in a field closely related to marriage and family therapy as defined in § 48.1 from an accredited educational institution with graduate level course-work in marriage and family therapy acceptable to the Board as defined in § 48.1.**
 - (v) Have a master’s degree of less than 48 semester hours or 72 quarter hours but not less than 36 semester hours or 54 quarter hours in marriage and family therapy as defined in § 48.1 from an accredited educational institution and have within the past 10 years completed sufficient continuing education satisfactory to the Board to equal the number of hours needed to achieve a total of 48 semester hours or 72 quarter hours at a ratio of 15 continuing**

education hours equaling 1 semester hour. Continuing education satisfactory to the Board shall meet the following requirements:

- (A) Master’s level difficulty.**
 - (B) Excludes courses in office management or practice building.**
 - (C) Any course which is related to the practice of marriage and family therapy that has been approved for continuing education credit for licensed psychologists or licensed social workers, has been approved by the National Board for Certified Counselors, Inc. (NBCC), the Commission on Rehabilitation Counselor Certification (CRCC), the Certification Board for Music Therapists (CBMT), AATA, American Dance Therapy Association (ADTA) or the National Association for Drama Therapy (NADT), or has been offered by AAMFT or the Pennsylvania Association for Marriage and Family Therapy (PAMFT).**
- (vi) Have a master’s degree of less than 48 semester hours or 72 quarter hours but not less than 36 semester hours or 54 quarter hours in a field closely related to the practice of marriage and family therapy as defined in § 48.1, from an accredited educational institution with graduate level coursework in marriage and family therapy as defined in § 48.1 and have within the past 10 years completed sufficient continuing education satisfactory to the Board to equal the number of hours needed to achieve a total of 48 semester hours or 72 quarter hours at a ratio of 15 continuing education hours equaling 1**

semester hour. Continuing education satisfactory to the Board shall meet the following requirements:

- (A) Master's level difficulty.
 - (B) Excludes courses in office management or practice building.
 - (C) Any course which is related to the practice of marriage and family therapy that has been approved for continuing education credit for licensed psychologists or licensed social workers, has been approved by NBCC, CRCC, CBMT, AATA, ADTA or NADT, or has been offered by AAMFT or PAMFT.
- (6) Demonstrated holding clinical membership status from AAMFT and passing the AMFTRB National MFT Examination or an examination given by another state as a requirement for licensure in that state.] {Reserved}.

PROFESSIONAL CORPORATIONS AND FICTITIOUS NAMES

§ 48.20. Professional corporations.

(a) An individual licensed by the Board as a marriage and family therapist may professionally incorporate with other licensed marriage and family therapists or with licensed bachelor social workers, social workers, clinical social workers, professional counselors, or licensed chiropractors, medical doctors, nurses, optometrists, doctors of osteopathy, pharmacists, podiatrists, veterinarians, dentists, nursing home administrators, physical therapists, psychologists, occupational therapists, audiologists, speech-language pathologists, if the incorporation is also authorized by Chapter 5, 16, 21, 23, 25, 27, 29, 31, 33, 39, 40, 41, 42, 45, 47 or 49.

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

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

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

(e) A licensed marriage and family therapist incorporating under the terms of this section shall notify the Board of changes in the name or ownership of the business and shall secure Board approval of these changes before practicing under a new name or ownership structure.

§ 48.20b. Fictitious names.

(a) A licensed marriage and family therapist practicing as a sole proprietor or in association with others in a business form other than a professional corporation may do business under a fictitious name.

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

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

(d) A licensed marriage and family therapist practicing under the terms of this section shall notify the Board of changes in the name of the business and shall secure Board approval of these changes before practicing under a new name.

CONTINUING EDUCATION

* * * * *

§ 48.32. [Requirement] Requirements for biennial renewal.

The Board requires, as a condition of biennial renewal of a marriage and family therapist's license, the completion during the preceding biennium of 30 clock hours of continuing education in acceptable courses and programs offered by approved providers. **[Up to 20 clock hours may be obtained by home study.]** Excess clock hours may not be carried over to the next biennium. At least 3 of the required 30 clock hours must be related to ethical issues, **[and]** at least 2 of the required 30 clock hours must be completed in child abuse recognition and reporting in accordance with § 48.58(b) (relating to child abuse recognition and reporting—mandatory training requirement) **and at least 1 clock hour must be in the assessment, treatment and management of suicide risks.**

§ 48.33. Acceptable continuing education courses and programs.

* * * * *

(d) [A licensee may accrue up to 20 of the required clock hours in home study courses offered by approved providers if the home study course] **A licensee may obtain credit for online or home study courses offered by approved providers if the online or home study course** has specific learning objectives which the provider evaluates to assure that learning has taken place. **[Home study courses must be indicated as such on the certificates of attendance.]**

§ 48.35. Standards for courses and programs.

(a) A provider or licensee seeking Board approval of a course or program shall present evidence that the course or program is appropriate for the master's level practitioner and has the following:

* * * * *

(5) A minimum total duration of at least **[2 clock hours; however, the hours need not be contiguous] 1 clock hour. The Board will not approve partial credit for a course or program.**

* * * * *

§ 48.36. [Preapproved providers of continuing education courses and programs for marriage and family therapists.

(a) In addition to providers approved under § 48.34 (relating to registration of continuing education providers who offer one course or program), the Board finds the following entities have currently met the standards in § 48.35 (relating to standards for courses and programs). Accordingly, the following are approved providers:

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

(2) The Association of Social Work Boards.

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

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

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

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

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

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

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

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

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

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

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

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

(ix) The American Psychological Association (APA).

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

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

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

- (i) The Child Welfare League of America.**
- (ii) The National Association of Black Social Workers.**
- (iii) The Family Service Association of America.**
- (iv) The Clinical Social Work Association (CSWA).**
- (v) The American Association for Marriage and Family Therapy (AAMFT).**
- (vi) The American Family Therapy Association (AFTA).**
- (vii) The National Council on Family Relations (NCFR).**
- (viii) The Council of Nephrology Social Workers.**
- (ix) The American Association of Sex Educators, Counselors and Therapists (AASECT).**
- (x) The American Association of Pastoral Counselors (AAPC).**
- (xi) The American School Counselor Association (ASCA).**
- (xii) The American Counseling Association (ACA).**
- (xiii) The American Mental Health Counselors Association (AMHCA).**
- (xiv) The National Rehabilitation Counseling Association (NRCA).**

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

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

(d) The Board may approve participation in other continuing education courses or programs for credit so long as the licensee submits, prior to attendance, an application for program approval and supporting documentation provided in § 48.35, and upon completion of the course or program submits verification of attendance.] {Reserved}.

§ 48.36a. Preapproved providers of continuing education courses and programs for marriage and family therapists.

(a) The Board finds the following entities have currently met the standards in § 48.35 (relating to standards for courses and programs).

(1) The following entities are preapproved providers and may provide, sponsor or co-sponsor, but may not approve, continuing education courses or programs:

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

(ii) The Association of Social Work Boards.

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

(iv) Graduate and postgraduate training programs accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE).

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

**(2) The following entities are preapproved providers and may provide, sponsor,
co-sponsor and or approve continuing education courses, programs or workshops:**

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

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

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

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

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

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

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

(viii) The North American Drama Therapy Association (NADTA).

(ix) The American Psychological Association (APA).

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

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

**(3) The following entities and their regional, state and local affiliates are
preapproved providers and may sponsor, co-sponsor, but may not approve,
continuing education courses and programs:**

(i) The Child Welfare League of America.

(ii) The National Association of Black Social Workers.

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

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

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

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

(vii) The Council of Nephrology Social Workers.

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

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

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

(xi) The American Counseling Association (ACA).

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

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

(b) The Board will consider for approval, as Board-approved providers, on a biennial basis, other organizations who meet the standards in § 48.35 and 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. Approvals are valid for the biennial renewal period in which the application is approved.

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

(d) The Board may approve participation in other continuing education courses or programs for credit so long as the licensee submits, prior to attendance, an application for program approval, supporting documentation provided in § 48.35 and a \$65 fee.

§ 48.37. Other sources of continuing education.

(a) Clock hours may be granted **by the Board** on a case-by-case basis for the following:

(1) **[Participation] A licensee may accrue up to 15 of the required clock hours per biennium for participation** in clinical conferences, clinical rounds or training under a preceptor provided through hospitals, medical centers, schools and universities.

(2) **[First-time experience as a teacher.] A licensee may accrue up to 15 of the required clock hours per biennium by offering a course or courses in marriage and family therapy or a related field for a regionally accredited college or university if the course is credit-bearing. A one semester credit course is equal to 15 continuing education credits and a one quarter credit course is equal to 10 continuing education credits.**

(3) **[Publications of articles, books and research relating to the practice of marriage and family therapy.] A licensee may accrue up to a total of 15 of the required clock hours per biennium by writing one or more of the following:**

(i) An article relevant to marriage and family therapy published in a professional journal during the current or preceding biennium – 5 clock hours.

(ii) A chapter in a professional text relevant to marriage and family therapy published during the current or preceding biennium – 10 clock hours.

(iii) An entire professional text relevant to marriage and family therapy published during the current or preceding biennium – 15 clock hours.

- (4) Services as a preceptor [, lecturer or speaker].
- (5) A licensee may accrue up to 15 of the required clock hours per biennium through services as a lecturer or speaker.
- (6) A licensee who serves as an instructor in a preapproved or Board-approved course, program or workshop may receive credit for continuing education for a one-time presentation on that topic. Credit will not be awarded for repeating a course in the same renewal period unless the subject matter has substantially changed during that period.

(b) A licensee who wishes to obtain clock hours for credit under subsection (a)(1), (2), ~~or~~ (4), (5) or (6) shall submit, prior to participating in the event, an application for approval along with a fee of \$45 as provided by § 48.34(a) (relating to registration of continuing education providers who offer one course or program). A licensee seeking to obtain clock hours for a publication under subsection (a)(3) shall submit, after the publication of the article, book or research, an application for approval along with a fee of \$45 as provided by § 48.34(a).

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

* * * * *

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

* * * * *

(7) The Board approval number assigned to the course or program unless the provider is preapproved under § ~~[48.36(a)]~~ **48.36a(a)** (relating to preapproved providers of continuing education courses and programs for marriage and family therapists).

* * * * *

§ 48.40. Exemption and waiver.

* * * * *

(b) The Board may grant an extension or waive all or a portion of the continuing education requirement for biennial renewal upon request of a licensee. The request must be made in writing **at least 30 days before the biennial renewal deadline**, with appropriate documentation, and shall include a description of circumstances sufficient to show why compliance is impossible. A waiver or extension request will be evaluated by the Board on a case-by-case basis. Waivers and extensions may be granted for serious illness, military service or other demonstrated hardship. The Board will send written notification of its approval or denial of a waiver or extension request.

CODE OF ETHICAL PRACTICE AND STANDARDS OF PROFESSIONAL CONDUCT

§ 48.71. Code of ethical practice and professional conduct.

[The Board subscribes to the code of ethics and practice standards for licensed marriage and family therapists (licensees) promulgated by American Association for Marriage and Family Therapy (AAMFT) and the] **A licensee shall adhere to the American Association for Marriage and Family Therapy (AAMFT) Code of Ethics (2015), except when they conflict with this chapter. The** Board will use the AAMFT Code of Ethics **(2015)** in resolving ambiguities which may arise in the interpretation of this chapter, except that whenever any conflict exists between this chapter and the AAMFT Code of Ethics **(2015)**, this chapter shall prevail.

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

GENERAL PROVISIONS

§ 49.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

ACA— The American Counseling Association.

Accredited educational institution—A graduate school which is recognized as an institution of higher education or which is accredited by a regional accrediting association recognized by the Council for Higher Education Accreditation.

* * * * *

Doctoral degree in professional counseling—A doctoral degree which is awarded upon successful completion of a program which includes coursework that meets and builds upon the educational requirements in § 49.2.

Electronic Supervision – real time (synchronous) video and audio teleconferencing that allows the supervisor to be in a separate physical location from the supervisee while using a secure, HIPAA-compliant electronic platform. The term “electronic supervision” does not include supervision by telephone, email, instant messaging, online chat or other asynchronous electronic communications.

HIPAA – The Health Insurance Portability and Accountability Act of 1996 (Pub.L. 104-191, 110 Stat. 1936) and associated rules and regulations at 45 CFR Parts 160, 162 and 164, including the HIPAA Privacy Rule and the HIPAA Security Rule.

Immediate family member—A parent/guardian, child, sibling, spouse or other family member with whom the client/patient resides.

* * * * *

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

* * * * *

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

Supervised direct client/patient contact – In person contact or the use of a HIPAA-compliant electronic platform that allows for synchronous audio and video communication between the supervisor, supervisee and client/patient, which does not include supervision or client/patient contact by telephone, email, instant messaging, online chat or other electronic communications that do not include real-time (synchronous) video and audio communications.

Supervisee—An individual who is fulfilling the supervised experience requirement for licensure.

Supervisor—An individual providing supervision to a supervisee who meets the criteria in § 49.3 (relating to qualifications for supervisors).

Year—A period consisting of 12 consecutive months.

§ 49.2. Educational requirements.

Educational requirements are as follows:

* * * * *

(9) *Clinical instruction*—**[(Includes 100 clock hours of supervised practicum experience and 600 clock hours of supervised internship experience.) The supervised internship experience shall begin after completion of the supervised practicum experience. Until March 2, 2007, this requirement may be satisfied by completion of a total of 6 semester hours or 9 quarter hours of practicum/internship experience]**
Includes 6 semester hours or 9 quarter hours of supervised practicum/internship experience.

§ 49.3. Qualifications for supervisors of individuals pursuing a professional counselor license.

(a) Education and experience. To qualify as a supervisor, an individual shall meet one of the following criteria:

(1) **[Holds a] Hold an active license as a professional counselor in the state where the supervisee's experience is occurring and [has] have 5 years of post-master's degree experience within the last 10 years as a professional counselor.**

(2) **[Holds a license and has at least a master's degree in a related field and has 5 years experience within the last 10 years in that field.] Hold an active license in a related field in the state where the supervisee's experience is occurring and a master's or doctoral degree in that related field and have 5 years of post-master's experience within the last 10 years in that field.**

(3) Until January 1, 2006, meet the following criteria:

- (i) Practices as a professional counselor.
- (ii) Has 5 years experience within the last 10 years as a professional counselor.

(b) Required education. Prior to serving as a supervisor, the supervisor shall complete supervisor educational training. For individuals who are providing supervision on the effective date of this subsection (), the supervisor educational training shall be completed within two years of the effective date of this subsection (). Supervisor educational training can be satisfied through one of the following:

(1) Graduate level course specific to supervision.

(2) A clinical supervisor certification program.

(3) At least 6 continuing education clock hours on clinical supervision. The 6 continuing education clock hours may be counted as part of the total number of clock hours required in § 49.32 (relating to requirement for biennial renewal).

(Editor's note: In the blank in subsection (b), insert the date of final publication in the Pennsylvania Bulletin.

LICENSURE

§ 49.12. General qualifications for licensure.

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

* * * * *

(3) The applicant has submitted an application for licensure **[on forms furnished by the Board. The application for licensure may be obtained by contacting the Board by mail at: State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, Post Office Box 2649, Harrisburg, Pennsylvania 17105-2649, (717) 783-1389 or by e-mail at: socialwo@pados.dos.state.pa.us] in the manner and format prescribed by the Board.**

- (4) The applicant has submitted the application licensure fee required by the Board **[, by check or money order, payable to the “Commonwealth of Pennsylvania”]**.
- (5) **[The applicant has submitted two certificates of recommendation on forms furnished by the Board.] {Reserved}**.
- (6) The applicant has completed at least 3 hours of training in child abuse recognition and reporting in accordance with § 49.58(a) (relating to child abuse recognition and reporting—mandatory training requirement).
- (7) The applicant has submitted **[an affirmation signed by the applicant] a certification statement** verifying the information on the application.

§ 49.13. Licensed professional counselor.

- (a) *Conditions for licensure.* To be issued a license to hold oneself out as a licensed professional counselor, an applicant shall provide proof satisfactory to the Board, that the applicant has met the following conditions:

* * * * *

- (4) Has met the following experience requirements:
- (i) Individuals who met the educational requirements of paragraph 3(i) or (ii), shall have completed at least 3,000 hours of supervised clinical experience meeting the criteria in subsection (b), obtained after **[the completion of 48 semester hours or 72 quarter hours of graduate coursework] the master’s degree is granted**. Supervision for the supervised clinical experience shall be provided by a supervisor as defined in § 49.1 and § 49.3 (relating to qualifications for supervisors).

* * * * *

(b) *Supervised clinical experience.* Experience acceptable to the Board means experience as a supervisee in a setting that is organized to prepare the applicant for the practice of counseling consistent with the applicant's education and training.

(1) At least [~~one-half~~] **50 %** of the experience shall consist of providing **supervised direct client/patient contact** services in one or more of the following areas:

- (i) Assessment.
- (ii) Counseling.
- (iii) Therapy.
- (iv) Psychotherapy.
- (v) Other therapeutic interventions.
- (vi) Consultation.
- (vii) Family therapy.
- (viii) Group therapy.

(2) Supervision for the clinical experience shall be provided by a supervisor as defined in § 49.1. [~~At~~] **However, at** least [$\frac{1}{2}$] **50 %** of the required hours shall be supervised by a supervisor meeting the qualifications in § 49.3(**a**)(1) [~~and~~] **or** (3).

* * * * *

(5) The supervisor, or one to whom supervisory responsibilities have been delegated, shall meet with the supervisee, **either in person or through a HIPAA-compliant electronic platform that allows for synchronous audio and video communication between the supervisor and supervisee,** for a minimum of 2 hours for every 40 hours of

supervised clinical experience. **[At least 1 of the 2 hours shall be with the supervisee individually and in person, and 1 of the 2 hours may be with the supervisee in a group setting and in person.]**

(5.1) At least 1 of the 2 hours in each 40 hours of supervised clinical experience shall be with the supervisee individually. The other hour may be with the supervisee either individually or in a group setting.

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

* * * * *

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

* * * * *

§ 49.14. Standards for supervisors.

Supervisors, and those to whom supervisory responsibilities are delegated under § 49.13(a)(4) (relating to licensed professional counselors) shall comply with this section. Supervisors **[will be asked to] shall** attest to compliance on the verification of experience form which shall **[accompany] be submitted by the supervisor directly to the Board as part of** the supervisee's

application for licensure. **A supervisee may obtain a verification of experience form after initiating an application with the Board.** The Board reserves the right to require a supervisor by documentation or otherwise to establish to the Board's satisfaction that compliance occurred.

* * * * *

(4) The supervisor shall be responsible for ensuring that the requirements of § 49.13(b) are met. **A supervisor engaging in electronic supervision shall ensure that the requirements of § 49.14a (relating to electronic supervision) are met.**

* * * * *

(6) The supervisor shall be empowered to recommend the interruption or termination of the supervisee's activities in providing services to a client/patient and, if necessary, to terminate the supervisory relationship. Hours accumulated for activities not approved by the supervisor will not count towards satisfying the **[3,600] 3,000** hours of supervised experience.

(7) The supervisor shall ensure that the supervisee's status as a supervisee is made known to the supervisee's **[patients] clients/patients**, and also ensure that the supervisee has obtained written permission from each **[patient] client/patient** to discuss his case with the supervisor.

(8) The supervisor, **in conjunction with the supervisee**, shall establish objectives to be achieved by the supervisee during supervision. **The supervisor shall provide the supervisee with a written supervision plan for supervised clinical experience, which includes:**

(i) A description of the work setting.

(ii) A detailed job description of supervisee, including the nature of supervisee duties and responsibilities.

(iii) A detailed description of the supervisor's responsibilities and qualifications.

(iv) Identification of each location where client/patient contact will occur.

(v) Identification of each location where supervision will occur.

(vi) Frequency of supervision planned.

* * * * *

§ 49.14a. Electronic supervision.

(a) A supervisor and supervisee may elect to engage in electronic supervision.

(b) Electronic supervision may be used for individual and group supervision sessions at the discretion of the supervisor for some or all of the supervision hours.

(c) To engage in electronic supervision in this Commonwealth, the supervisor must hold an active license in this Commonwealth.

(d) The setting in which the supervisor and supervisee are located when using electronic supervision must be professional and secure. Electronic supervision may not be conducted from public locations such as coffee shops, libraries, or other locations where inadvertent disclosures of confidential information could occur.

(e) All standards for acceptable supervised clinical experience set forth in §§ 49.13(b) and 49.14 (relating to licensed professional counselor; and standards for supervisors) apply to electronic supervision.

(f) Supervisors and supervisees engaging in electronic supervision shall comply with §§ 49.71-49.80 (relating to code of ethical practice and standards of professional conduct) and Federal and state laws, including laws that provide for client/patient privacy, confidentiality and informed consent.

§ 49.15. [Exemption from licensure examination.

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

- (1) Satisfied the general requirements for licensure of § 49.12 (relating to general qualifications for licensure).**
- (2) Submitted an application provided by the Board and accompanied by the required fee.**
- (3) Submitted an application by February 19, 2002. (Editor's Note: The act of February 13, 2002 (P. L. 83, No. 4) extended the deadline for the filing of an application by 1 year.)**
- (4) Demonstrated proof of practice of professional counseling for at least 5 of the 7 years immediately prior to the date of application for license.**
- (5) Have successfully met one of the following educational requirements:**
 - (i) Holds a doctoral degree in professional counseling from an accredited educational institution.**
 - (ii) Holds a doctoral degree in a field closely related to the practice of professional counseling from an accredited educational institution.**

(iii) Holds a master’s degree of at least 48 semester hours or 72 quarter hours in professional counseling or afield closely related to the practice of professional counseling from an accredited educational institution.

(iv) Holds a master’s degree of less than 48 semester hours or 72 quarter hours but not less than 36 semester hours or 54 quarter hours in professional counseling or a field closely related to the practice of professional counseling and has within the past 10 years completed sufficient continuing education satisfactory to the Board to equal the number of hours needed to achieve a total of 48 semester hours or 72 quarter hours at a ratio of 15 continuing education hours equaling 1 semester hour. Continuing education satisfactory to the Board shall meet the following requirements:

(A) Master’s level difficulty.

(B) Excludes courses in office management or practice building.

(C) Any course approved by NBCC, CRC, CBMT, AATA, ADTA, the Pennsylvania Certification Board (PCB) or NADT, or which is approved for continuing education credit for licensed psychologists or licensed social workers, and which does not include a course in office management or practice building.

(6) Demonstrated holding one of the following:

(i) The National Certified Counselor (CC) certification from NBCC and having passed the National Counselor Examination given by the NBCC.

(ii) CRC certification from the CRCC and having passed the CRC Examination given by the CRCC.

- (iii) The Registered Art Therapist (ATR) certification from the ATCB and having passed the Board Certification Examination given by the ATCB.**
- (iv) The Academy of Dance Therapists Registered (ADTR) certification from the ADTA and having passed the National Counselor Examination given by the NBCC.**
- (v) The Music Therapist-Board Certified certification from CBMT and having passed the Board Certification Examination given by the CBMT.**
- (vi) The Registered Drama Therapist (RDT) certification from NADT and having passed the National Counselor Examination given by NBCC.**
- (vii) The Certified Clinical Mental Health Counselor (CCMHC) certification from the Academy of Certified Clinical Mental Health Counselors (ACCMHC) and having passed the credentialing examination given by ACCMHC.**
- (viii) The Nationally Certified Psychologist (NCP) certification from the NAMP, and having passed the Practice Exam of Psychological Knowledge given by NAMP.**
- (ix) The Certified Addictions Counselor Credential (CAC) from PCB, and having passed the Advanced Alcohol and Other Drug Abuse Counselor Examination given by the IC & RC/AODA.**
- (x) The Master's Addictions Counselor Credential from NBCC, and having passed the Examination for Master's Addictions Counselors given by NBCC.**
- (xi) The Master Addiction Counselor credential from the National Association of Alcoholism and Drug Abuse Counselors (NAADAC) and having**

passed the examination for Master Addiction Counselors given by NAADAC.]

{Reserved}.

PROFESSIONAL CORPORATIONS AND FICTITIOUS NAMES

§ 49.20. Professional corporations.

(a) An individual licensed by the Board as a professional counselor may professionally incorporate with other licensed professional counselors or with licensed bachelor social workers, social workers, clinical social workers, marriage and family therapists, or with licensed chiropractors, medical doctors, nurses, optometrists, doctors of osteopathy, pharmacists, podiatrists, veterinarians, dentists, nursing home administrators, physical therapists, psychologists, occupational therapists, audiologists, speech-language pathologists, if the incorporation is also authorized by Chapter 5, 16, 21, 23, 25, 27, 29, 31, 33, 39, 40, 41, 42, 45, 47 or 48.

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

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

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

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

§ 49.20a. Fictitious names.

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

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

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

(d) A licensed professional counselor practicing under the terms of this section shall notify the Board of changes in the name of the business and shall secure Board approval of these changes before practicing under a new name.

CONTINUING EDUCATION

§ 49.32. [Requirement] Requirements for biennial renewal.

The Board requires, as a condition of biennial renewal of a professional counselor's license, the completion during the preceding biennium of 30 clock hours of continuing education in acceptable courses and programs offered by approved providers. **[Up to 20 clock hours may be obtained by home study]**. Excess clock hours may not be carried over to the next biennium. At least 3 of the required 30 clock hours must be related to ethical issues, **[and]** at least 2 of the required 30 clock hours must be completed in child abuse recognition and reporting in accordance with § 49.58(b) (relating to child abuse recognition and reporting—mandatory training requirement) **and at least 1 clock hour must be in the assessment, treatment and management of suicide risks.**

§ 49.33. Acceptable continuing education courses and programs.

* * * * *

(d) [A licensee may accrue up to 20 of the required clock hours in home study courses offered by approved providers if the home study course] A licensee may obtain credit for online or home study courses offered by approved providers if the online or home study course has specific learning objectives which the provider evaluates to assure that learning has taken place. [Home study courses must be indicated as such on the certificates of attendance.]

§ 49.35. Standards for courses and programs.

(a) A provider or licensee seeking Board approval of a course or program shall present evidence that the course or program is geared toward the master's level practitioner and has the following:

* * * * *

(5) A minimum total duration of at least **[2 clock hours; however, the hours need not be contiguous]** 1 clock hour. The Board will not approve partial credit for a course or program.

* * * * *

§ 49.36. [Preapproved providers of continuing education courses and programs for professional counselors.

(a) In addition to providers approved under § 49.34 (relating to registration of continuing education providers who offer one course or program), the Board finds the following entities have currently met the standards in § 49.35 (relating to standards for courses and programs). Accordingly, the following are approved providers:

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

- (2) The Association of Social Work Boards.**
- (3) Accredited colleges and universities (graduate level courses and continuing education programs).**
- (4) Graduate and postgraduate training programs accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE).**
- (5) Graduate programs accredited by the Council for Accreditation of Counseling and Related Educational Programs (CACREP).**
- (6) The following groups and the providers, courses or workshops approved by them:**
 - (i) The National Association of Social Workers (NASW) and its state and local affiliates.**
 - (ii) The Clinical Social Work Association (CSWA) and its state and local affiliates.**
 - (iii) The National Board for Certified Counselors, Inc. (NBCC).**
 - (iv) The Commission on Rehabilitation Counselor Certification (CRCC).**
 - (v) The Certification Board for Music Therapists (CBMT).**
 - (vi) The American Art Therapy Association (AATA).**
 - (vii) The American Dance Therapy Association (ADTA).**
 - (viii) The National Association for Drama Therapy (NADT).**
 - (ix) The American Psychological Association (APA).**

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

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

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

(i) The Child Welfare League of America.

(ii) The National Association of Black Social Workers.

(iii) The Family Service Association of America.

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

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

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

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

(viii) The Council of Nephrology Social Workers.

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

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

(xi) The American School Counselor Association (ASCA)

(xii) The American Counseling Association (ACA).

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

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

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

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

(d) The Board may approve participation in other continuing education courses or programs for credit so long as the licensee submits, prior to attendance, an application for program approval and supporting documentation provided in § 49.35, and upon completion of the course or program submits verification of attendance.] {Reserved}.

§ 49.36a. Preapproved providers of continuing education courses and programs for professional counselors.

(a) The Board finds the following entities have currently met the standards in § 49.35 (relating to standards for courses and programs).

(1) The following entities are preapproved providers and may provide, sponsor or co-sponsor, but may not approve, continuing education courses or programs:

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

(ii) The Association of Social Work Boards.

- (iii) Accredited colleges and universities (graduate level courses and continuing education programs).
- (iv) Graduate and postgraduate training programs accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE).
- (v) Graduate programs accredited by the Council for Accreditation of Counseling and Related Educational Programs (CACREP).
- (2) The following entities are preapproved providers and may provide, sponsor, co-sponsor or approve continuing education courses, programs or workshops:

 - (i) The National Association of Social Workers (NASW) and its state and local affiliates.
 - (ii) The Clinical Social Work Association (CSWA) and its state and local affiliates.
 - (iii) The National Board for Certified Counselors, Inc. (NBCC).
 - (iv) The Commission on Rehabilitation Counselor Certification (CRCC).
 - (v) The Certification Board for Music Therapists (CBMT).
 - (vi) The American Art Therapy Association (AATA).
 - (vii) The American Dance Therapy Association (ADTA).
 - (viii) The North American Drama Therapy Association (NADTA).
 - (ix) The American Psychological Association (APA).
 - (x) The Approved Continuing Education (ACE) Program developed by the Association of Social Work Boards.
 - (xi) The American Nurses Credentialing Center (ANCC).

(3) The following entities and their regional, state, and local affiliates are preapproved providers and may sponsor and co-sponsor, but may not approve, continuing education courses and programs:

(i) The Child Welfare League of America.

(ii) The National Association of Black Social Workers.

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

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

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

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

(vii) The Council of Nephrology Social Workers.

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

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

(x) The American School Counselor Association (ASCA)

(xi) ACA.

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

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

(b) The Board will consider for approval, as Board-approved providers, other organizations who offer multiple courses and programs for professional counselors. The application for approval shall be submitted to the Board along with a \$65 fee. Approvals are valid for the biennial renewal period in which the application is approved.

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

(d) The Board may approve participation in other continuing education courses or programs for credit so long as the licensee submits, prior to attendance, an application for program approval, supporting documentation provided in § 49.35 and a \$65 fee.

§ 49.37. Other sources of continuing education.

(a) Clock hours may be granted by the Board on a case-by-case basis for the following:

(1) [Participation] A licensee may accrue up to 15 of the required clock hours per biennium for participation in clinical conferences, clinical rounds or training under a preceptor provided through hospitals, medical centers, schools and universities.

(2) [First-time experience as a teacher.] A licensee may accrue up to 15 of the required clock hours per biennium by teaching a course or courses in professional counseling or a related field for a regionally accredited college or university if the course is credit-bearing. A one semester credit course is equal to 15 continuing education credits and a one quarter credit course is equal to 10 continuing education credits.

(3) [Publications of articles, books and research relating to the practice of professional counseling.] A licensee may accrue up to a total of 15 of the required clock hours per biennium by writing one or more of the following:

(i) An article relevant to professional counseling published in a professional journal during the current or preceding biennium – 5 clock hours.

(ii) A chapter in a professional text relevant to professional counseling published during the current or preceding biennium – 10 clock hours.

(iii) An entire professional text relevant to professional counseling published during the current or preceding biennium – 15 clock hours.

(4) Services as a preceptor [, lecturer or speaker].

(5) A licensee may accrue up to 15 of the required clock hours per biennium through services as a lecturer or speaker.

(6) A licensee who is an instructor in a preapproved or Board-approved course, program or workshop may receive credit for continuing education for a one-time presentation on that topic. Credit will not be awarded for repeating a course in the same renewal period unless the subject matter has substantially changed during that period.

(b) A licensee who wishes to obtain clock hours for credit under subsection (a)(1), (2), ~~(3)~~ **[or] (4), (5) or (6)** shall submit, prior to participating in the event, an application for approval along with a fee of \$45 as provided by § 49.34(a) (relating to registration of continuing education providers who offer one course or program). A licensee seeking to obtain clock hours for a publication under subsection (a)(3), shall submit, after the publication of the article, book or research, an application for approval along with a fee of \$45 as provided by § 49.34(a).

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

* * * * *

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

* * * * *

(7) The Board approval number assigned to the course or program unless the provider is preapproved under [§ 49.36(a)] § 49.36a(a) (relating to preapproved providers of continuing education courses and programs for professional counselors).

* * * * *

§ 49.40. Exemption and waiver.

* * * * *

(b) The Board may grant an extension or waive all or a portion of the continuing education requirement for biennial renewal upon request of a licensee. The request must be made in writing **at least 30 days before the biennial renewal deadline** with appropriate documentation, and shall include a description of circumstances sufficient to show why compliance is impossible. A waiver or extension request will be evaluated by the Board on a case-by-case basis. Waivers and extensions may be granted for serious illness, military service or other demonstrated hardship. The Board will send written notification of its approval or denial of a waiver or extension request.

* * * * *

CODE OF ETHICAL PRACTICE AND STANDARDS OF PROFESSIONAL CONDUCT

§ 49.71. Code of ethical practice and professional conduct.

(a) [The Board subscribes to the code of ethics and practice standards for licensees promulgated by the American Counseling Association (ACA). Licensed professional

counselors (licensees)] A licensee shall adhere to the ACA Code of Ethics **(2014)**, except when the ACA Code of Ethics **(2014)** conflict with this chapter. The Board will use the ACA Code of Ethics **(2014)** in resolving ambiguities that may arise in the interpretation of this chapter, except that whenever any conflict exists between this chapter and the ACA Code of Ethics **(2014)**, this chapter shall prevail.

* * * * *



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
**STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY
THERAPISTS AND PROFESSIONAL COUNSELORS**
Post Office Box 2649
Harrisburg, Pennsylvania 17105-2649
1-833-367-2762

February 3, 2026

The Honorable George D. Bedwick, Chairman
INDEPENDENT REGULATORY REVIEW COMMISSION
Forum Place
555 Walnut Street, Suite 804
Harrisburg, PA 17101

Re: Proposed Rulemaking
State Board of Social Workers, Marriage and Family Therapists and Professional
Counselors
16A-6923: General Revisions

Dear Chairman Bedwick:

Enclosed is a copy of a proposed rulemaking package of the State Board of Social Workers,
Marriage and Family Therapists and Professional Counselors pertaining to General Revisions.

The Board will be pleased to provide whatever information the Commission may require
during the course of its review of the rulemaking.

Sincerely,
Michelle L. Santiago
Michelle L. Santiago, Psy.D., NCC, CCMHC, LPC,
Chairperson
State Board of Social Workers, Marriage and Family
Therapists and Professional Counselors

MLS/jaw/ms
Enclosure

cc: Arion Claggett, Acting Commissioner of Professional and Occupational Affairs
K. Kalonji Johnson, Deputy Secretary for Regulatory Programs
Robert Beecher, Policy Director, Department of State
Andrew LaFratte, Deputy Policy Director, Department of State
Jason C. Giurintano, Deputy Chief Counsel, Department of State
Jacqueline A. Wolfgang, Senior Regulatory Counsel, Department of State
Thomas M. Davis, Board Counsel, State Board of Social Workers, Marriage and Family
Therapists and Professional Counselors
State Board of Social Workers, Marriage and Family Therapists and Professional Counselors

Sheehe, Melanie

From: Monoski, Jesse <Jesse.Monoski@pasenate.com>
Sent: Tuesday, February 3, 2026 8:42 AM
To: Sheehe, Melanie; Dimm, Ian; Kelly, Joseph; Vazquez, Enid
Cc: Worthington, Amber; Roland, Joel
Subject: Re: DELIVERY NOTICE OF: REGULATION # 16A-6923 General Revisions

February, 3, 2026

Notice received.

Thank you,

Jesse Monoski
Executive Director
Office of Senator Lisa M. Boscola

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From: Sheehe, Melanie <msheehe@pa.gov>
Sent: Tuesday, February 3, 2026 8:30:37 AM
To: Monoski, Jesse <jesse.monoski@pasenate.com>; Dimm, Ian <ian.dimm@pasenate.com>; Kelly, Joseph <joseph.kelly@pasenate.com>; Vazquez, Enid <enid.vazquez@pasenate.com>
Cc: Worthington, Amber <agontz@pa.gov>; Roland, Joel <joeroland@pa.gov>
Subject: DELIVERY NOTICE OF: REGULATION # 16A-6923 General Revisions

EXTERNAL EMAIL

Please be advised that the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors (Board) is electronically delivering the below-identified proposed rulemaking today **Tuesday, February 3, 2026**.

- **16A-6923 General Revisions**

This proposed regulation is the result of the board's comprehensive review of its regulations relating to qualifications for licensure, supervisor qualifications, supervision of clinical experience, including the provision of supervision through electronic means, codes of ethics, professional corporations and fictitious names and continuing education. The purpose of this rulemaking is to eliminate outdated provisions, update standards to reflect modern technology, current standards and laws, eliminate unnecessary requirements and barriers to licensure and to modernize the board's processes relating to licensure and continuing education.

The Board is requesting a written (email) confirmation of receipt of this delivery from the designated contact person(s) from your office for the Majority or Minority Chair of your office effectuating the electronic delivery.

Thank you for your attention to this matter.



Melanie A. Sheehe
Legal Assistant II – Department of State
Governor's Office of General Counsel

2400 Thea Drive, Suite 201 | Harrisburg, PA 17110
Mailing address: P.O. BOX 69523 | Harrisburg, PA 17106-9523
Phone 717.710.2749 | Fax: 717.787.0251
msheehe@pa.gov | www.dos.pa.gov

Preferred Pronouns: She, Her, Hers

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Independent Regulatory
Review Commission

February, 3, 2026

Sheehe, Melanie

Independent Regulatory
Review Commission

From: Orchard, Kari L. <KOrchard@pahouse.net>
Sent: Tuesday, February 3, 2026 9:50 AM
To: Sheehe, Melanie; Barton, Jamie; Brett, Joseph D.
Cc: Worthington, Amber; Roland, Joel
Subject: RE: DELIVERY NOTICE OF: REGULATION # 16A-6923 General Revisions

Received. Thank you!

Kari Orchard

Executive Director (D) | House Professional Licensure Committee
Chairman Frank Burns, 72nd Legislative District

From: Sheehe, Melanie <msheehe@pa.gov>
Sent: Tuesday, February 3, 2026 8:31 AM
To: Orchard, Kari L. <KOrchard@pahouse.net>; Barton, Jamie <JBarton@pahouse.net>; Brett, Joseph D. <JBrett@pahouse.net>
Cc: Worthington, Amber <agontz@pa.gov>; Roland, Joel <joeroland@pa.gov>
Subject: DELIVERY NOTICE OF: REGULATION # 16A-6923 General Revisions
Importance: High

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Governor's Office of General Counsel
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Mailing address: P.O. BOX 69523 | Harrisburg, PA 17106-9523
Phone 717.710.2749 | Fax: 717.787.0251
msheehe@pa.gov | www.dos.pa.gov

Sheehe, Melanie

Independent Regulatory
Review Commission

From: Nicole Sidle <Nsidle@pahousegop.com>
Sent: Tuesday, February 3, 2026 9:49 AM
To: Sheehe, Melanie; Cindy Sauder
Cc: Worthington, Amber; Roland, Joel
Subject: RE: [EXTERNAL]: DELIVERY NOTICE OF: REGULATION # 16A-6923 General Revisions

February, 3, 2026

This has been received. Thank you.

From: Sheehe, Melanie <msheehe@pa.gov>
Sent: Tuesday, February 3, 2026 8:31 AM
To: Nicole Sidle <Nsidle@pahousegop.com>; Cindy Sauder <Csauder@pahousegop.com>
Cc: Worthington, Amber <agontz@pa.gov>; Roland, Joel <joeroland@pa.gov>
Subject: [EXTERNAL]: DELIVERY NOTICE OF: REGULATION # 16A-6923 General Revisions
Importance: High

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Melanie A. Sheehe
 Legal Assistant II – Department of State
 Governor's Office of General Counsel
 2400 Thea Drive, Suite 201 | Harrisburg, PA 17110
 Mailing address: P.O. BOX 69523 | Harrisburg, PA 17106-9523
 Phone 717.710.2749 | Fax: 717.787.0251
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Preferred Pronouns: She, Her, Hers

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Sheehe, Melanie

Independent Regulatory
Review Commission

From: Smeltz, Jennifer <jmsmeltz@pasen.gov>
Sent: Tuesday, February 3, 2026 8:39 AM
To: Sheehe, Melanie
Subject: RE: DELIVERY NOTICE OF: REGULATION # 16A-6923 General Revisions

Received.

*Jen Smeltz, Executive Director
Consumer Protection and Professional Licensure Committee
Office of Senator Pat Stefano
Phone: (717) 787-7175*

From: Sheehe, Melanie <msheehe@pa.gov>
Sent: Tuesday, February 3, 2026 8:31 AM
To: Smeltz, Jennifer <jmsmeltz@pasen.gov>
Cc: Roland, Joel <joeroland@pa.gov>; Worthington, Amber <agontz@pa.gov>
Subject: DELIVERY NOTICE OF: REGULATION # 16A-6923 General Revisions
Importance: High

CAUTION : External Email

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Thank you for your attention to this matter.



Melanie A. Sheehe
Legal Assistant II – Department of State
Governor's Office of General Counsel
2400 Thea Drive, Suite 201 | Harrisburg, PA 17110

Sheehe, Melanie

Independent Regulatory
Review Commission

From: Bulletin <bulletin@palrb.us>
Sent: Tuesday, February 3, 2026 10:01 AM
To: Sheehe, Melanie; Leah Brown; Adeline E. Gaydosh
Cc: Roland, Joel; Worthington, Amber
Subject: [External] Re: DELIVERY NOTICE OF: REGULATION # 16A-6923 General Revisions

February 3, 2026

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Good morning Melanie!

Thank you for submitting this Proposed Rulemaking 16A-6923 for publication in the Pennsylvania Bulletin. A member of our staff will be in touch regarding the publication date of this Proposed Rulemaking.

Thank you! Have a wonderful week!

Leah D. Brown
Legal Assistant
Pa. Code and Bulletin Office
501 North 3rd Street
647 Main Capitol Building
Harrisburg, PA
(717) 783-2272 (Direct Line)
(717) 783-1530 (Main Line)

From: Sheehe, Melanie <msheehe@pa.gov>
Sent: Tuesday, February 3, 2026 9:52 AM
To: Bulletin <bulletin@palrb.us>; Leah Brown <lbrown@palrb.us>; Adeline E. Gaydosh <agaydosh@palrb.us>
Cc: Roland, Joel <jroerland@pa.gov>; Worthington, Amber <agontz@pa.gov>
Subject: DELIVERY NOTICE OF: REGULATION # 16A-6923 General Revisions

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Thank you for your attention to this matter.



Melanie A. Sheehe

Legal Assistant II – Department of State

Governor's Office of General Counsel

2400 Thea Drive, Suite 201 | Harrisburg, PA 17110

Mailing address: P.O. BOX 69523 | Harrisburg, PA 17106-9523

Phone 717.710.2749 | Fax: 717.787.0251

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Preferred Pronouns: She, Her, Hers

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February, 3, 2026

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