



## Final Regulation Agency Background Document

<b>Agency name</b>	Board of Social Work, Department of Health Professions
<b>Virginia Administrative Code (VAC) citation</b>	18 VAC 140-20
<b>Regulation title</b>	Regulations Governing the Practice of Social Work
<b>Action title</b>	Clinical course of study
<b>Date this document prepared</b>	April 21, 2010

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 36 (2006) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Brief summary

*Please provide a brief summary (no more than 2 short paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation. Also, please include a brief description of changes to the regulation from publication of the proposed regulation to the final regulation.*

The regulatory action will specify the educational requirements necessary to qualify a candidate to sit for the licensed clinical social work examination in Virginia. The amendments incorporate language currently adopted as Guidance Document 140-6, effective April 17, 2009.

They specify the specific clinical course requirements by general categories, the minimum number of field placement/practicum hours that should be included, and accreditation standard for master's level clinical programs.

There were no changes to the regulations from publication of the proposed.

### Statement of final agency action

*Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.*

On April 16, 2010, the Board of Social Work adopted final amendments to 18VAC140-20-10 et seq., Regulations Governing the Practice of Social Work.

### Legal basis

*Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter numbers, if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.*

Regulations are promulgated under the general authority of Chapter 24 of Title 54.1 of the Code of Virginia. Section 54.1-2400, which provides the Board of Social Work the authority to promulgate regulations to administer the regulatory system:

**§ 54.1-2400 -General powers and duties of health regulatory boards**

*The general powers and duties of health regulatory boards shall be:*

...

*6. To promulgate regulations in accordance with the Administrative Process Act (§ 9-6.14:1 et seq.) which are reasonable and necessary to administer effectively the regulatory system. Such regulations shall not conflict with the purposes and intent of this chapter or of Chapter 1 (§ [54.1-100](#) et seq.) and Chapter 25 (§ [54.1-2500](#) et seq.) of this title. ...*

The statutory definition of a clinical social worker is found in:

§ [54.1-3700](#). *Definitions.*

*As used in this chapter, unless the context requires a different meaning:*

*"Clinical social worker" means a social worker who, by education and experience, is professionally qualified at the autonomous practice level to provide direct diagnostic, preventive and treatment services where functioning is threatened or affected by social and psychological stress or health impairment.*

### Purpose

*Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons it is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.*

The Board has adopted amendments to further define a clinical course of study in the educational requirements for licensure as a clinical social worker. Currently section 50 of the Board's regulations requires that an applicant for licensure as a clinical social worker be a graduate of a degree program that includes a graduate clinical course of study or provide documentation of having completed specialized experience, course work or training acceptable to the board as "equivalent to a clinical course of study." Section 10 provides a general definition of a "clinical

course of study” as “graduate course work which includes specialized advanced courses in human behavior and social environment, social policy, research, clinical practice with individuals, families, groups and a clinical practicum which focuses on diagnostic, prevention and treatment service.”

Since someone licensed as a *clinical social work* is “*professionally qualified at the autonomous practice level to provide direct diagnostic, preventive and treatment services where functioning is threatened or affected by social and psychological stress or health impairment*”, it is imperative for the health and safety of future clients that the Board ensure that an applicant has minimal competencies leading to an autonomous clinical practice. Through promulgation of regulations, the Board intends to specify the content of an educational program that would be considered a clinical course of study in order to provide additional guidance to programs and applicants on coursework acceptable for clinical licensure.

### Substance

*Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. A more detailed discussion is required under the “All changes made in this regulatory action” section.*

A new section is proposed to set out the educational requirements for licensed clinical social workers. It consists of the minimum course requirements in explanatory theory (12 semester hours), practice theory (12 semester hours), psychopathology (3 semester hours), social work practice research (3 semester hours) and elective hours in diversity issues, social justice, culture, and at-risk populations as part of a Master of Social Work educational program. Additionally, there is a 600-hour requirement for a practicum or field placement supervised by a qualified clinical social worker. Regulations allow for certain hours earned in a BSW program to be counted toward to clinical course requirements and for any deficit in the field placement hours to be made up in the post-graduate supervised experience. Finally, the master of social work program must be accredited by the Council on Social Work Education.

### Issues

*Please identify the issues associated with the proposed regulatory action, including:*

- 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
- 2) the primary advantages and disadvantages to the agency or the Commonwealth; and*
- 3) other pertinent matters of interest to the regulated community, government officials, and the public.*

*If there are no disadvantages to the public or the Commonwealth, please indicate.*

1) There are no disadvantages to the public. The specificity of a clinical course of study will help ensure that persons licensed as *clinical social workers* are appropriately educated and trained to do diagnosis and treatment. There is also an advantage to persons interested in licensure as a clinical social worker because they will have a clear educational standard to follow

rather than waiting for review of the educational credentials at the time of applying for registration to begin supervision. Currently, applicants who have completed a MSW program may not have pursued a “clinical course of study” and therefore do not qualify for a clinical license.

2) The primary advantage to the agency is greater clarity in the regulations, which will provide the regulatory framework now addressed in a guidance document. There are no advantages or disadvantages to the Commonwealth.

3) There are no other matters of interest.

**Changes made since the proposed stage**

*Please describe all changes made to the text of the proposed regulation since the publication of the proposed stage. For the Registrar’s office, please put an asterisk next to any substantive changes.*

There were no changes to the regulations from publication of the proposed.

**Public comment**

*Please summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. If no comment was received, please so indicate.*

<b>Commenter</b>	<b>Comment</b>	<b>Agency response</b>
Mark O’Shea for the Va. Society for Clinical Social Work	Strongly supports; referenced research about the disconnect between what is being taught and what clinicians experience in private practice.	The Board concurs with the comment.

**All changes made in this regulatory action**

*Please detail all changes that are being proposed and the consequences of the proposed changes. Detail new provisions and/or all changes to existing sections.*

<b>Proposed new section</b>	<b>Proposed change and rationale</b>
49	A. The applicant shall be a graduate of a Master or Doctor of Social Work Program in a clinical course of study. An applicant with a non-clinical concentration shall complete additional graduate level academic course work and field placement to meet all requirements for a clinical course of study.  <i>Since it is not always possible to clearly identify a program as <u>clinical</u>; the</i>

*regulation specifies that anyone who does not have the minimum coursework and practicum requirements set out in subsections B and C would have to remediate the deficiencies prior to approval for licensure.*

B. The minimum course requirements for a clinical course of study shall include graduate level courses consisting of:

1. Twelve credit hours of explanatory theory;
2. Twelve credit hours of practice theory;
3. Three credit hours of psychopathology including assessment, diagnosis and treatment;
4. Three credit hours of social work practice research; and
5. Coursework in diversity issues, social justice, culture, and at-risk populations.

*Master of Social Work programs are typically 60 semester hours with some of those hours waived for Advanced Standing students with BSW degrees. The core or foundational coursework for a clinical course of study proposed by the Board consists of 30 semester hours with additional coursework in other subject areas addressed in electives or dispersed in the curriculum.*

C. The requirement for a supervised field placement in clinical social work services shall be a minimum of 600 hours, which shall be integrated with clinical course of study coursework and supervised by a person who is a licensed clinical social worker or who holds master's or doctor's degree in social work and has a minimum of three years of experience in clinical social work services after earning the graduate degree. An applicant who has otherwise met the requirements for a clinical course of study but who did not have a minimum of 600 hours in a supervised field placement/practicum in clinical social work services may meet the requirement by obtaining an equivalent number of hours of supervised practice in clinical social work services in addition to the experience required in section 50 of this chapter.

*Some MSW programs exceed 900 hours of supervised field placement and practicum, but the minimum number of hours is set at 600 in the proposed regulation. An applicant who graduated from a program that did not have at least 600 hours (some out-of-state schools) may add the deficit hours to the supervised post-graduate experience required for licensure.*

D. Graduates of a bachelor of social work program who earn advanced standing in the masters program shall meet all minimum course requirements for a clinical course of study, except advanced standing students may count up to six hours of explanatory theory and up to six hours of practice theory completed during the bachelor degree program towards meeting the requirements.

*Since most MSW programs award Advanced Standing to students with a BSW degree who meet certain academic standards, the proposed regulation would allow those students to fulfill half of the core curriculum in explanatory theory*

	<p><i>and practice theory in the bachelor level program.</i></p> <p>E. A master of social work program shall include foundation course work, common for all social work students, and advanced course work for student specialization; it shall be accredited by the Council on Social Work Education. A Doctor of Social Work program shall, at a minimum, meet all requirements for the advanced course requirements for a clinical course of study; it shall be accredited by the appropriate regional academic accrediting body (i.e., Southern Association of Colleges and Schools).</p> <p><i>The accrediting bodies for the MSW and the doctoral programs are the acceptable standard for a minimally qualified educational program in Social Work. All the MSW programs in Virginia are currently accredited.</i></p> <p><i>MSW requirements in Schools of Social Work in Virginia:</i></p> <ol style="list-style-type: none"> <li><i>1. Radford requires a minimum of 61 credit hours (adv. standing students complete min. 37 credit hours). Practicum is 480 hours first year, 600 hours second year.</i></li> <li><i>2. VCU (both Richmond campus and Northern VA campus) requires 60 credit hours (adv. standing is 39 credit hours). VCU’s practicum is 14 hours per week first year, 21 hours per week 2<sup>nd</sup> year – their literature says that they “meet or exceed the minimum 900 hours of field instruction” specified by CSWE for graduate programs.</i></li> <li><i>3. GMU requires a minimum of 60 credits (adv. standing students complete min. 33 credit hours). Practicum is 1050 hours (adv. standing students complete 600 hours of supervised field practicum)</i></li> <li><i>4. Norfolk State requires a minimum of 60 credit hours (adv. standing students complete a min. of 40 – 60 credit hours). Practicum is 420 hours first year, 504 hours 2<sup>nd</sup> year.</i></li> </ol>
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**Regulatory flexibility analysis**

*Please describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.*

The board has already addressed the issue through the adoption of a guidance document, but that is not enforceable in a credentialing decision in which a course of study is reviewed for clinical content. The board involved all interested parties in the development of the guidance document, which is the substance of the regulatory proposal.

**Family impact**

*Please assess the impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

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There is no impact of the regulatory action on the institution of the family and family stability.