



Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Board of Social Work, Department of Health Professions
Virginia Administrative Code (VAC) citation	18 VAC 140-20-10 et seq.
Regulation title	Regulations Governing the Practice of Social Work
Action title	Continuing education for licensed social workers
Document preparation date	June 20, 2007

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Purpose

Please describe the subject matter and intent of the planned regulatory action. Also include a brief explanation of the need for and the goals of the new or amended regulation.

The Board intends to consider amendments to requirements for continuing education for those persons licensed as social workers. Both licensed social workers and licensed clinical social workers are required to complete a minimum of 30 contact hours of continuing education for each biennial licensure renewal. Licensed social workers do case work and licensed clinical social workers practice independently, so the work functions and skill levels are different.

Therefore, the Board will consider a reduction in the hours of continuing education required for licensed social workers.

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 number(s), 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 specific statutory mandate for continuing education for social workers is:

§ 54.1-3708. Continuing education requirements.

The Board shall establish in regulations requirements for the continuing education of licensed social workers.

The Board may approve persons who provide continuing education or accredit continuing education programs in order to accomplish the purposes of this section.

Substance

Please detail any changes that will be proposed. For new regulations, include a summary of the proposed regulatory action. Where provisions of an existing regulation are being amended, explain how the existing regulation will be changed. Include the specific reasons why the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of citizens. Delineate any potential issues that may need to be addressed as the regulation is developed.

Currently the Board’s regulations require a minimum of 30 contact hours of continuing education for each biennial licensure renewal. A minimum of two of those hours must pertain to the standards of practice and laws governing the profession of social work in Virginia, or the Code of Ethics of one of the social work professional associations listed in the regulation. The hours may be obtained from a combination of board-approved activities in the two categories - Category I. Formally Organized Learning Activities with a minimum of 20 hours; and Category II. Individual Professional Activities with a maximum of 10 of the required 30 hours.

The majority of the courses and activities available in social work pertain primarily to the practice of a licensed clinical social worker (LCSW), defined in § 54.1-3700 as 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.” While the decisions and activities of a licensed social worker (LSW) are important to the client for whom services are being provided, the complexity of the cases and the client issues seen by a licensed clinical social worker require a higher level of education and training and demand a greater depth of knowledge, skills and abilities. Therefore, it is necessary (and statutorily mandated) to retain

continuing education regulations for LSW's, but the health, safety and welfare of the public may continue to be protected with a somewhat reduced CE requirement.

Alternatives

Please describe all viable alternatives to the proposed regulatory action that have been or will be considered to meet the essential purpose of the action.

There is precedence with other health professions for a differential in the amount of continuing education for persons licensed in the same profession but at a different level of competency and autonomy. In Medicine, radiologic technologists-limited are required to have half the amount of continuing education required for radiologic technologist. In Physical Therapy, the same is true for physical therapy assistants versus physical therapists.

While the Code of Virginia mandates continuing education for all types of social workers, it does not specify the number of hours or the content of those hours, which are determined by regulations promulgated by the Board. Following public comment on the NOIRA, the Board will consider a number of factors in recommending proposed amendments to the continuing education requirements, including the availability of coursework in a variety of subjects, the number of ethics hours and their applicability to social work practice, and the ratio of Category I and Category II hours required.

Family impact

Assess the potential impact of the proposed regulatory action on the institution of the family and family stability.

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