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Final Regulation Agency Background Document

Agency name	Board of Social Work, Department of Health Professions
Virginia Administrative Code (VAC) Chapter citation(s)	18VAC140-20
VAC Chapter title(s)	Regulations Governing the Practice of Social Work
Action title	Continuing education hours for supervisors
Date this document prepared	June 3, 2022

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1VAC7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

The Board is amending this regulation to reduce the number of continuing education ("CE") hours necessary to continue operating as an approved supervisor of candidates for clinical social work licensure. The regulation will retain the requirement for 14 hours of CE for initial registration as a supervisor. Thereafter, a supervisor will only have to obtain 7 hours of CE related to provision of supervision every five years. Currently, a supervisor must obtain 14 hours of CE related to the provision of supervision every five years to continue operating as an approved supervisor.

Acronyms and Definitions

Define all acronyms used in this form, and any technical terms that are not also defined in the "Definitions" section of the regulation.

CE = continuing education

Statement of Final Agency Action

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 June 3, 2022, the Board of Social Work adopted final amendments to the Regulations Governing the Practice of Social Work.

Mandate and Impetus

List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding the mandate for this regulatory change, and any other impetus that specifically prompted its initiation. If there are no changes to previously reported information, include a specific statement to that effect.

There is no mandate for this regulatory change. The impetus comes from a recommendation of the Board of Social Work’s Regulatory Committee, which intended to eliminate a burdensome requirement.

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency’s overall regulatory authority.

Regulations of the Board of Social Work are promulgated under the general authority of Chapter 24 of Title 54.1 of the Code of Virginia. Virginia Code § 54.1-2400(6) specifically states that the general powers and duties of health regulatory boards shall be “[t]o promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) that are reasonable and necessary to administer effectively the regulatory system.”

Purpose

Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it’s intended to solve.

The regulatory change is intended to reduce the burden on supervisors of persons who are gaining experience necessary to become licensed clinical social workers by lowering the number of continuing education requirements needed every five years. The purpose of this regulatory change is to protect the public health and safety in the clinical practice of social work by ensuring that licensed clinical social workers who are responsible for supervisees and the clients they serve are appropriately trained and knowledgeable.

Substance

Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the "Detail of Changes" section below.

The Board adopted an amendment to 18VAC140-20-50(B)(2) to reduce the number of continuing education hours a supervisor of licensed clinical social workers must obtain from fourteen hours within five years immediately preceding registration of supervision to seven hours every five years.

Issues

Identify the issues associated with the regulatory change, 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, include a specific statement to that effect.

- 1) The primary advantage to private citizens is that persons seeking supervisors for clinical experience in order to become licensed in Virginia may find a greater supply of supervisors if the CE requirements are less burdensome and expensive. There are no disadvantages to the public.
- 2) There are no primary advantages or disadvantages to the agency or the Commonwealth.
- 3) The Director of the Department of Health Professions has reviewed the proposal and performed a competitive impact analysis. Any restraint on competition as a result of promulgating these regulations is a foreseeable, inherent, and ordinary result of the statutory obligation of the Board to protect the safety and health of citizens of the Commonwealth. The Board is authorized under § 54.1-2400 "[t]o promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 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 promulgated regulations do not conflict with the purpose or intent of Chapters 1 or 25 of Title 54.1.

Requirements More Restrictive than Federal

List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding any requirement of the regulatory change which is more restrictive than applicable federal requirements. If there are no changes to previously reported information, include a specific statement to that effect.

There are no applicable federal requirements.

Agencies, Localities, and Other Entities Particularly Affected

List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding any other state agencies, localities, or other entities that are particularly affected

by the regulatory change. If there are no changes to previously reported information, include a specific statement to that effect.

Other State Agencies Particularly Affected – none

Localities Particularly Affected – none

Other Entities Particularly Affected – none

Public Comment

Summarize all comments received during the public comment period following the publication of the previous stage, and provide the agency response. Include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. If no comment was received, enter a specific statement to that effect.

There were no public comments.

Detail of Changes Made Since the Previous Stage

*List all changes made to the text since the previous stage was published in the Virginia Register of Regulations and the rationale for the changes. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. * Put an asterisk next to any substantive changes.*

There have been no changes since the previous stage.

Detail of All Changes Proposed in this Regulatory Action

*List all changes proposed in this action and the rationale for the changes. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. * Put an asterisk next to any substantive changes.*

Current chapter-section number	Current requirements in VAC	Change, intent, rationale, and likely impact of updated requirements
20-25	Sets out the supervised experience requirements for licensure as a licensed clinical social worker, including requirements for supervisors in subsection B.	18VAC140-20-50(B)(2) is amended to reduce the number of hours of continuing education required within the five years immediately preceding registration of supervision from 14 hours to 7 hours. A supervisor is still required to have a graduate course or 14 hours of continuing education to be initially registered as a supervisor.

		<p>Thereafter, only seven hours every five years will be required to continue as a supervisor in clinical social work.</p> <p>Licensees who provided supervision for persons seeking to qualify for licensure have noted that the requirement for 14 hours of continuing education is burdensome and often results in repetitive coursework.</p> <p>The National Association of Social Workers – Virginia (NASWVA) offers a variety of courses to meet the training requirements for supervisors. The Foundation of Supervision (14-hour course) is recommended for first- time supervisors. Then NASWVA offers several seven- hours courses to “expand the participant’s evidence- based knowledge of best practices in supervision. Reducing the requirement to seven hours within a five- year period will allow a supervisor to take relevant courses without repetition.</p> <p>While the Board accepts coursework offered by approved providers as listed in section 105, NASWVA is most commonly used as the source for continuing education in supervision. Other courses are offered by Community Services Boards, the Association of Social Work Boards, or schools of social work.</p>
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