



## Fast Track 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>	Continuing education for licensed social workers
<b>Document preparation date</b>	October 29, 2007

This information is required for executive review ([www.townhall.state.va.us/dpbpages/apaintro.htm#execreview](http://www.townhall.state.va.us/dpbpages/apaintro.htm#execreview)) and the Virginia Registrar of Regulations ([legis.state.va.us/codecomm/register/regindex.htm](http://legis.state.va.us/codecomm/register/regindex.htm)), pursuant to the Virginia Administrative Process Act ([www.townhall.state.va.us/dpbpages/dpb\\_apa.htm](http://www.townhall.state.va.us/dpbpages/dpb_apa.htm)), Executive Orders 21 (2002) and 58 (1999) ([www.governor.state.va.us/Press\\_Policy/Executive\\_Orders/EOHome.html](http://www.governor.state.va.us/Press_Policy/Executive_Orders/EOHome.html)), and the *Virginia Register Form, Style and Procedure Manual* ([http://legis.state.va.us/codecomm/register/download/styl8\\_95.rtf](http://legis.state.va.us/codecomm/register/download/styl8_95.rtf)).

### Brief summary

*In a short paragraph, please summarize all substantive changes that are being proposed in this regulatory action.*

The number of hours of continuing education required for biennial renewal by a licensed social worker will be reduced from 30 to 15.

### Statement of agency final 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 October 12, 2007, the Board of Social Work took action to amend 18VAC140-20-10 et seq., Regulations Governing the Practice of Social Work, through the fast-track regulatory process.

**Legal basis**

*Please identify the state and/or federal source of legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including General Assembly bill and chapter numbers, if applicable, and (2) promulgating entity, i.e., the agency, board, or person. Describe the scope of 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.*

**Purpose**

*Please explain the need for the new or amended regulation by (1) detailing the specific reasons why this regulatory action is essential to protect the health, safety, or welfare of citizens, and (2) discussing the goals of the proposal and the problems the proposal is intended to solve.*

The Board has adopted 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 has reduced the number of hours of continuing education required for licensed social workers by one-half.

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.

**Rationale for using fast track process**

*Please explain why the fast track process is being used to promulgate this regulation.*

*Please note: If an objection to the use of the fast-track process is received within the 60-day public comment period from (1) 10 or more persons, (2) any member of the applicable standing committee of either house of the General Assembly or (3) any member of the Joint Commission on Administrative Rules, the agency shall (i) file notice of the objection with the Registrar of Regulations for publication in the Virginia Register, and (ii) proceed with the normal promulgation process with the initial publication of the fast-track regulation serving as the Notice of Intended Regulatory Action.*

The fast-track process is being used to promulgate the amendments because there is general agreement with the change proposed. The action is not controversial, as it is reflected by the fact that there was no public comment on a Notice of Intended Regulatory Action filed by other boards within the Department of Health Professions. This action is the result of a request from the Virginia Chapter of the National Association of Social Workers to reduce the CE hours required of a licensed social worker.

**Substance**

*Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. (More detail about these changes is requested in the “Detail of changes” section.)*

The proposed action reduces the requirement for licensed social workers to complete from a minimum of 30 hours to 15 contact hours of continuing education for each biennial licensure renewal. For licensed clinical social workers, the requirement remains at 30 hours.

Likewise, the minimum number of documented, category I hours is reduced from 20 to 10 hours for licensed social workers. The other 5 hours may be in individual professional activities as specified in the regulation.

**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 the regulatory action poses no disadvantages to the public or the Commonwealth, please so indicate.*

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- 1) There are no advantages or disadvantage to the public. A reduction in the regulatory burden may encourage some persons who are providing social work services but are not mandated to have a license to become licensed – thus placing them within the jurisdiction of the board and subject to the professional standards of practice. There is no concern that a reduction in continuing education hours will be detrimental to the practice of licensed social workers, since much of the continuing education available is not specific to their practice.
  - 2) There are no advantages or disadvantages to the agency or the Commonwealth.
  - 3) There are no other matters of interest.

**Economic impact**

<p><b>Projected cost to the state to implement and enforce the proposed regulation, including (a) fund source / fund detail, and (b) a delineation of one-time versus on-going expenditures</b></p>	<p>a) As a special fund agency, the Board must generate sufficient revenue to cover its expenditures from non-general funds, specifically the renewal and application fees it charges to practitioners for necessary functions of regulation; b) The agency will incur some one-time costs (less than \$1,000) for mailings to the Public Participation Guidelines mailing lists, conducting a public hearing, and sending notice of final regulations to regulated entities. Every effort will be made to incorporate those into anticipated mailings and Board meetings already scheduled. There are no additional costs to the agency for conducting informal fact-finding by a subordinate.</p>
<p><b>Projected cost of the regulation on localities</b></p>	<p>None</p>
<p><b>Description of the individuals, businesses or other entities likely to be affected by the regulation</b></p>	<p>The entities that are likely to be affected by these regulations would be persons licensed by the Board.</p>

<p><b>Agency’s best estimate of the number of such entities that will be affected. Please include an estimate of the number of small businesses affected.</b> Small business means a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.</p>	<p>Currently, there are:                  Licensed social workers (LSW) 379                  It is unlikely any small businesses would be affected. Only Licensed Clinician Social Workers can practice autonomously; LSW’s typically practice in school systems, health systems and social service agencies.</p>
<p><b>All projected costs of the regulation for affected individuals, businesses, or other entities. Please be specific. Be sure to include the projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses.</b></p>	<p>There would be no cost for compliance. There would be a cost-reduction for those persons licensed as LSW’s.</p>

**Alternatives**

*Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets 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.

**Family impact**

*Please assess the impact of the proposed regulatory action on the institution of the family and family stability.*

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

**Detail of changes**

*Please detail all changes that are being proposed and the consequences of the proposed changes.*

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale

105	n/a	Establishes the hours and coursework requirements for continuing education in social work	<p>Reduces the requirement for licensed social workers to complete a minimum of 15 contact hours of continuing education for each biennial licensure renewal. For licensed clinical social workers, the requirement remains at 30 hours.</p> <p>Likewise, the minimum number of documented, category I hours is reduced from 20 to 10 hours for licensed social workers. The other 5 hours may be in individual professional activities as specified in the regulation.</p>
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