



Economic Impact Analysis Virginia Department of Planning and Budget

18 VAC 140-20 – Regulations Governing the Practice of Social Work
Department of Health Professions
March 25, 2013

Summary of the Proposed Amendments to Regulation

The Board of Social Work (Board) proposes to amend its Regulations Governing the Practice of Social Work to 1) allow supervision through the use of real-time, technology that allows visual contact between supervisors and supervisees, 2) facilitate online application submission, 3) permit practice in an exempt setting to count toward the active practice requirements for licensure by endorsement, 4) allow qualified individuals from other states to provide supervision and 5) eliminate required documentation for category II continuing education.

Result of Analysis

Benefits likely outweigh costs for these proposed changes.

Estimated Economic Impact

Current regulations require that both clinical social workers and social workers who are seeking licensure complete a certain number of supervised experience hours with a set number of those hours being supervised face-to-face. Current regulations define face-to-face supervision as “the physical presence of the individuals involved in the supervisory relationship during either individual or group supervision”. The Board now proposes to revise this definition so that individuals who are completing their experience requirements can be supervised face-to-face using real-time visual technology like webcams. All individuals in supervisory relationships are likely to benefit from this change as it gives them greater flexibility to complete the experience requirement in the way that is most efficient for all involved parties. Because hours of face-to-face supervision are not changing, this requirement should remain as effective a means of

training as it currently is. Consequently, no entity should be harmed or incur additional costs on account of this change.

Current regulations require that all documents for an application be submitted at once, that they be submitted 90 days before an applicant takes the licensure exam, that the licensure application be notarized and that school transcripts be delivered in the school's original sealed envelope. The Board proposes to eliminate all of these requirements for submission of application so that applications can be submitted online. No entity is likely to incur any additional costs on account of these regulatory changes. Applicants for licensure will benefit from being able to submit their applications electronically which will likely be both cheaper and more efficient.

Current regulations for licensure by endorsement require that applicants provide verification of active licensed practice in another political jurisdiction for 36 of the 60 months immediately prior to application. The Board proposes to also allow active practice in a setting that was exempted from licensure requirements in the political jurisdiction where they applicant formerly practiced to count toward this active practice requirement so long as the exempt practice was at the same level as the Virginia license being sought; For example, applicants for licensure as licensed clinical social workers would have to have been practicing as clinical social workers in an exempt setting for their exempt experience to count. No entity is likely to incur any costs on account of this regulatory change. Applicant for licensure are likely to benefit from this change as it will increase the likelihood that individuals who have been practicing their craft in another state will qualify for licensure by endorsement in Virginia rather than having to be licensed by examination (which would take longer and be more costly) because their experience accrued in an exempt setting didn't count.

Under current regulations individuals who are seeking approval to be supervisors for licensure applicants who are completing their supervised experience requirements must hold an active, unrestricted license as a licensed clinical social worker with at least three years of post-licensure work experience, must have completed the required hours of training in supervision and may not supervise family members or anyone that they have another relationship with (friends, business relationship, etc.). The Board now proposes to also allow unlicensed individuals from other states that do not require licensure to be supervisors so long as they have

done the job of a clinical social worker for the required amount of time and have training in supervision. No entity is likely to be harmed or incur any costs on account of this regulatory change. Individuals who wish to act as supervisors, but who have practiced in a state that does not require licensure for clinical social worker, will benefit from this change as it will allow them to work at a job from which they are currently barred. Applicants for licensure in the Commonwealth will likely also benefit as this change may broaden the pool of available supervisors making it somewhat easier or cheaper to get the supervision the applicants require.

Current regulations require licensees who are renewing their licenses to provide documentation proving the completion of both Category I and Category II continuing education (CE). Board staff reports that Category I CE consists of education that is verifiable by transcripts and/or certificates of completion whereas Category II CE is intended to be self-study or independent learning activities which are harder to verify. Consequently, the Board proposes to eliminate the requirement to document Category II CE and instead require licensees to attest that they have completed any claimed activities. No entity is likely to incur any costs on account of this regulatory change. Individuals who are renewing their licenses will likely benefit from this change as they will no longer have to incur costs for documenting Category II CE and getting that documentation to Board staff.

Businesses and Entities Affected

The Department of Health Professions (DHP) reports that the Board currently regulates 5,639 licensed clinical social workers and 460 licensed social workers. All of these entities, as well as any individuals who may wish to become licensed in the future, will be affected by these proposed regulations.

Localities Particularly Affected

No locality will be particularly affected by this proposed regulatory action.

Projected Impact on Employment

The loosening of restrictions such as those on experience for individuals applying to be licensed by endorsement and on allowances for electronic supervision in this regulatory action may slightly increase the number of individuals who are eligible for licensure as licensed clinical

social workers and licensed social workers. These actions may increase the pool of individuals who are eligible to practice these professions.

Effects on the Use and Value of Private Property

To the extent that a professional license can be considered valuable private property that entitles an individual to work at a job that unlicensed individuals may not, eliminating or loosening some limitations that then make obtaining licensure easier or less costly will likely slightly increase the value of licensees' private property.

Small Businesses: Costs and Other Effects

Affected small businesses are unlikely to incur costs on account of these proposed changes.

Small Businesses: Alternative Method that Minimizes Adverse Impact

Affected small businesses are unlikely to incur costs on account of these proposed changes.

Real Estate Development Costs

This regulatory action will likely have no effect on real estate development costs in the Commonwealth.

Legal Mandate

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 2.2-4007.H of the Administrative Process Act and Executive Order Number 14 (10). Section 2.2-4007.H requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. Further, if the proposed regulation has adverse effect on small businesses, Section 2.2-4007.H requires that such economic impact analyses include (i) an identification and estimate of the number of small businesses subject to the regulation; (ii) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the regulation, including the

type of professional skills necessary for preparing required reports and other documents; (iii) a statement of the probable effect of the regulation on affected small businesses; and (iv) a description of any less intrusive or less costly alternative methods of achieving the purpose of the regulation. The analysis presented above represents DPB's best estimate of these economic impacts.