

Adverse impact notification sent to Joint Commission on Administrative Rules, House Committee on Appropriations, and Senate Committee on Finance (COV § 2.2-4007.04.C): Yes Not Needed

If/when this economic impact analysis (EIA) is published in the *Virginia Register of Regulations*, notification will be sent to each member of the General Assembly (COV § 2.2-4007.04.B).



Virginia Department of Planning and Budget Economic Impact Analysis

18 VAC 140-20 – Regulations Governing the Practice of Social Work
Department of Professional and Occupational Regulation
Town Hall Action/Stage: 4442/7381
January 27, 2016

Summary of the Proposed Amendments to Regulation

The Board of Social Work (Board) proposes to amend its regulation to: 1) require applicants for licensure to submit a current malpractice and disciplinary history report from the National Practitioner Data Bank, 2) decrease the number of months of active practice required to qualify for licensure by endorsement, 3) make rules for hours of face-to-face client contact during supervision, and for supervision in general, less restrictive and complicated and 4) clarify that disciplinary rules apply to registered supervisees and well as Board licensees.

Result of Analysis

Benefits likely outweigh costs for these proposed regulatory changes.

Estimated Economic Impact

Current regulation requires applicants for licensure to submit varying types of documents/information depending on whether the applicant is seeking licensure by examination or licensure by endorsement. The Board proposes to require applicants on both licensure paths to additionally submit a current report from the U. S. Department of Health and Human Services National Practitioner Data that will show their malpractice and disciplinary history (if any). This report will cost applicants \$5 and is not duplicative of other information that is already required. Requiring this report will allow the Board to weed out potential licensees that might do harm to

their future clients if licensed in Virginia. Given this, the benefits of requiring this report likely outweigh the costs of doing so.

Current regulation requires, in two of its experience options, that applicants for licensure by endorsement provide evidence of active practice for 36 of the 60 months immediately preceding application for licensure. The Board now proposes to lower this requirement so that applicants meeting one of these options will only have to have actively practiced for 24 of the preceding 60 months. This change will still allow the Board assurance that the applicant has practiced for a substantial period of time without issues while allowing a greater number of social workers from other states to qualify for licensure in Virginia. This will likely benefit those individuals as well as providing more choices to Virginians seeking these licensed services.

Currently, the Board requires individuals who are completing the supervised practice necessary for licensure to, among other things, 1) get pre-approval of supervision (so that supervision will count toward licensure requirements), 2) complete 15 hours of face-to-face client contact per 40 hours of work experience, 3) complete all supervised experience in the delivery of clinical social work services and 4) complete all required supervised work experience within four years unless the Board approves an extension for the supervisee. The Board currently requires supervisors to have at least three years of post-licensure work experience. In order to both simplify these rules and make them less restrictive, the Board proposes to 1) allow an exception for Board pre-approval of supervision for individuals who obtained their supervised work experience in another U.S. state or territory and met the requirements of that jurisdiction, 2) be less proscriptive about the ratio of face-to-face contact hours to total supervised experience by only specifying that face-to-face contact hours must be obtained throughout the hours of supervision, 3) allow supervised experience in ancillary services that support the delivery of clinical social work services to also count toward supervision requirements and 4) specify that supervisees may obtain an extension of 12 months to complete supervised experience requirements. The Board also proposes to only require licensees to have completed two (rather than three) years of post-licensure work experience in order to qualify to provide supervision. Taken together all of these changes will tend to make the rules of supervision easier to understand and easier to meet. Both supervisors and supervisees will benefit from these changes. In particular, decreasing the number of years of post-licensure work experience required will allow more licensees to qualify as supervisors which will, in turn, make it easier for individuals

working to meet licensure requirements to find a supervisor. Allowing supervision completed in other U.S. jurisdictions to count toward licensure requirements will likely allow more individuals moving into the state to qualify for licensure more quickly (as they would not have to re-do supervised experience already obtained in another state).

In addition to the substantive changes above, the Board also proposes to clarify that supervisees, as individual regulated by the Board, are also subject to Board discipline. Toward this end, the Board proposes to add supervisees to the disciplinary rule that discourages licensees from treating individuals with whom they have another pre-existing relationship so that supervisees know that they are also expected to follow this rule. No entity is likely to incur costs on account of this change. To the extent that this change reinforces to supervisees that they should not engage in dual relationships, this change will provide a benefit to those supervisees.

Businesses and Entities Affected

Board staff reports that the Board currently licenses 5,933 clinical social workers and 581 social workers. Additionally, the Board currently has 1,459 registered supervisees. All of these entities, as well as any future licensees and supervisees, will be affected by these regulatory changes. Based on survey data collected by the Healthcare Workforce Data Center at the Department of Health Professions, approximately 38% of clinical social workers (approximately 2,255 of the currently licensed clinical social workers) are in solo or group private practice and would likely qualify as small businesses.

Localities Particularly Affected

No locality will be particularly affected by this regulatory change.

Projected Impact on Employment

Requiring fewer months of active practice for licensure by endorsement may make a greater number of social workers and clinical social workers who have practiced in other states eligible for licensure in Virginia.

Effects on the Use and Value of Private Property

These proposed regulatory changes are unlikely to affect the use or value of private property in the Commonwealth.

Real Estate Development Costs

These proposed regulatory changes are unlikely to affect real estate development costs in the Commonwealth.

Small Businesses:

Definition

Pursuant to § 2.2-4007.04 of the Code of Virginia, small business is defined as “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.”

Costs and Other Effects

Small businesses are unlikely to incur any costs on account of these proposed regulatory changes.

Alternative Method that Minimizes Adverse Impact

Small businesses are unlikely to incur any costs on account of these proposed regulatory changes.

Adverse Impacts:

Businesses:

Businesses are unlikely to incur any costs on account of these proposed regulatory changes.

Localities:

Localities in the Commonwealth are unlikely to see any adverse impacts on account of this proposed regulatory change.

Other Entities:

Individuals seeking licensure in the Commonwealth as social workers and clinical social workers will incur an additional \$5 fee for obtaining a current malpractice and disciplinary history report from the National Practitioner Data Bank.

Legal Mandates

General: The Department of Planning and Budget has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Code of Virginia (Code) and Executive Order Number 17 (2014). Code § 2.2-4007.04 requires that such economic impact analyses determine the public benefits and costs of the proposed

amendments. Further the report should include but not be limited to: (1) the projected number of businesses or other entities to whom the proposed regulatory action would apply, (2) the identity of any localities and types of businesses or other entities particularly affected, (3) the projected number of persons and employment positions to be affected, (4) the projected costs to affected businesses or entities to implement or comply with the regulation, and (5) the impact on the use and value of private property.

Adverse impacts: Pursuant to Code § 2.2-4007.04(C): In the event this economic impact analysis reveals that the proposed regulation would have an adverse economic impact on businesses or would impose a significant adverse economic impact on a locality, business, or entity particularly affected, the Department of Planning and Budget shall advise the Joint Commission on Administrative Rules, the House Committee on Appropriations, and the Senate Committee on Finance within the 45-day period.

If the proposed regulatory action may have an adverse effect on small businesses, Code § 2.2-4007.04 requires that such economic impact analyses include: (1) an identification and estimate of the number of small businesses subject to the proposed regulation, (2) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the proposed regulation, including the type of professional skills necessary for preparing required reports and other documents, (3) a statement of the probable effect of the proposed regulation on affected small businesses, and (4) a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation. Additionally, pursuant to Code § 2.2-4007.1, if there is a finding that a proposed regulation may have an adverse impact on small business, the Joint Commission on Administrative Rules shall be notified.

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