

**The Department of Health Professions
Board of Social Work
Proposed Regulations**

Background

- The proposed regulations require at least 30 continuing education hours biennially for all licensed social workers in the Commonwealth. The effect on both the Virginia Department of Social Services and local agencies will be minimal. Social workers employed by the Commonwealth and by local agencies are exempt from licensure, based on § 54.1-3701 “Exemption from requirements of licensure,” which states:

“The requirements for licensure provided for in this chapter shall not be applicable to:
...4. Persons employed as salaried employees or volunteers of the federal government, the Commonwealth, a locality, or of any agency established or funded, in whole or part, by any such governmental entity or of a private, nonprofit organization or agency sponsored or funded, in whole or part, by a community-based citizen group or organization.”

- Social workers employed by the Commonwealth and localities often work in collaboration with licensed social workers and licensed clinical social workers. This collaboration and client service could be enhanced by the licensed social workers and clinical social workers attending continuing education programs.

Response: DHP agrees with the comments above.

- Requiring continuing education could make the social work profession comparable to psychologists, who are already mandated to earn continuing education hours. As listed on the table that follows, 12 other states require continuing education for renewal of clinical social worker licenses. Of these 12 states, 3 states require 30 CEUs, the same number as Virginia’s proposed regulation; 4 states require more than 30 hours and 5 states require less than 30 hours.

Response: Information on other states is incorrect - see attached chart from the American Association of Social Work Boards. As was stated in the agency document, there are now 42 states that require continuing education.

Issues/Suggestions

- The issues about the regulations include the following:
 - 18 VAC 140-20-105 B.1.(page 2) requires that academic courses to be in a “behavioral health discipline.” Licensed clinical social workers are directly involved in behavioral health, but many licensed social workers are involved in administration. The behavioral health category seems too limiting and could be better worded as “social work discipline” to address both client and non-client courses.

Response: Courses in a "social work discipline" would be more restrictive than the proposed language of "behavioral health discipline," which could include CE from other disciplines and

organizations, such as the American Psychological Association. The Board's intention is to be as inclusive as possible. Social workers are licensed not because they engage in "administration" but as providers of clinical services. To encourage CE in an area of administration would not contribute to the primary goal of assuring competency to practice.

- The regulation, or accompanying policy, could clarify how seminars, conferences, workshops, and classes may be approved as continuing education programs. Also, "participation in an Association of Social Work Boards item writing workshop" would benefit from clarification or explanation.

Response: Only hours in Category I must be offered by an "approved sponsor." The proposed regulation lists the national, state and local entities that are approved by regulation and provides for approval of any others through the Association of Social Work Boards. Persons in the profession know that an "item writing workshop" is for the licensure examination, but the word "examination" may be added for clarity.

- The regulation would be clearer if it stated whether participation at in-service training, as either a volunteer or an employee, is required for the licensee. Maine, Indiana, and Texas allow participation in in-service training to count towards CEU hours. CE (?)

Response: In-service training is not "required for the licensee" but is accepted for continuing education - see 18 VAC 140-20-105 B 1 c. Credit in Category II is also offered for formal staffings.

Punctuation Suggestions, Agency Background Document

Response: The highlighted text from the review recommends "corrections" in punctuation and grammar in text cited verbatim from the Code of Virginia. Neither DHP or any other agency has the authority to make changes in the Code. To make a change in the grammar in this section would necessitate introduction of a bill in the General Assembly.

- In 1, line 1—add a comma after *certification*.
- In 3, line 1—add a comma after *certify*.
- In 4, only line—add a comma after *certification*.
- In 5, lines 1 and 3—add a comma after *certification* in the first line, and after *Professions* in the third line.
- In 7, line 1—add a comma after *license* in the first line.
- Bold § 54.1-2400 at beginning of the section.
- Need to use *fewer than* instead of *less than*

RULE: From The Gregg Reference Manual—*Fewer* refers to number and is used with *plural* nouns. *Less* refers to degree or amount and is used with *singular* nouns. Examples (from the book):

Fewer accidents (a smaller number) were reported than was expected.

Less effort (a smaller degree) was put forth by organizers, and thus *fewer* people (a smaller number) attended.

NOTE: The expression *less than* (rather than *fewer than*) precedes plural nouns referring to periods of time, amounts of money, and quantities. Examples (from the book):

less than ten years ago fewer than 60 people

- In 10, line 1—use *no fewer than two members* instead of *not less than two members*.
- In 11, line 2—use *fewer than five members* instead of *less than five members*.

- In the **Purpose** section (page 4), I suggest the following changes:
 - Paragraph 1, line 4—add a comma after *providers*.
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Response: In a listing, a comma after the word that comes before "and" or "or" is not necessary. It is not written that way by the writers of the Code.

- Paragraph 2, line 1—capitalize *board* (should be Board).

Response: In writing regulations, the word "board" should not be capitalized - see Virginia Register Form, Style and Procedure Manual, § 5.29)

- Paragraph 2, line 3—add a comma after *safety*. **(See note above)**

- In the **Substance** section (page 5), I suggest this punctuation change:
 - Only paragraph, line 4—remove the comma after *status* and add *to* before *instruct*. (I am not sure if there is a rule for this, but it makes the sentence smoother.)

Response: Agreed

- In the **Issues** section (pages 5-6), I suggest the following changes:
 - **Advantages to the licensees** section, only paragraph, line 4—add *to* before administer.

Response: The word "administer" is not found in that paragraph.

- **Disadvantages to the licensees** section, only paragraph, line 1—change *involved in* to *in which they would be involved*.

Response: The wording is grammatically correct; it is the choice of the writer.

- **Disadvantages to the licensees** section, only paragraph, line 5—delete *per contact hour* after \$20 (it is redundant).

Response: Agreed

- **Advantages to the public** section, only paragraph, lines 1 and 2—change *practitioners they are receiving services from to practitioners from whom they are receiving services.*

Response: Change is unnecessary, as the sentence is grammatically correct.

- **Advantages or disadvantages to government agencies** section, in the title, there appears to be a space between the second *e* and second *n* in government. Looks like: governme nt.

Response: There is no space in the source document submitted to and displayed on the Townhall. This is apparently a result of converting the file to a different software format.

- In the **Fiscal Impact** section, I suggest the following changes:
 - **Projected cost to the state to implement and enforce** section, (iii), second paragraph, line 1—eliminate hyphen in *ongoing*.

Response: Agreed

- **Projected cost of the regulation to the affected individuals** section, only paragraph, lines 8-9, delete *per contact hour* after \$20 (it is redundant). It is sufficient to say: “The cost per contact hour for university coursework or workshops offered by professional associations ranges from \$10 to \$20, which would total . . .”

Response: Agreed

- **Projected cost of the regulation to the affected individuals** section, only paragraph, line 9—spell out 20. I think this should be written as “*twenty-hour requirement*” or “*requirement of twenty hours.*”

Response: See Register Manual, § 5.30 - "Arabic numbers are used for numbers greater than nine. Numbers from one to nine are spelled out."

- **Projected cost of the regulation to the affected individuals** section, only paragraph, lines 14-17—reword the sentence: “The Board addressed other training which would not involve travel (for example, distance learning and use of the Internet and videos). (Question: What is “distance learning?)) Then begin a new sentence: *The Board also made sure that the regulation would not preclude these* (use *these* instead of *those*) *types of training, provided the training is offered by an approved organization.* If the original sentence is used, then internet needs to be capitalized.

Response: The sentence is grammatically correct. "Distance learning" implies its plain meaning. It is learning that occurs where a student is in a remote location from an instructor.

- In the **Detail of Changes** section, I suggest the following changes:
 - **18 VAC 140-20-100. Biennial renewal of licensure.**
 - Page 8, 2nd line—might be easier to read if commas were added after *who* and after *country*.

Response: The sentence is grammatically correct; to add or not add commas is a choice of the writer.

- **18 VAC 140-20-105. Continued competency requirements for renewal of an active license.**
 - Page 8, title line—add a period after *licensure*.

Response: Agreed, if the word is "license", not "licensure".

- Page 9, paragraph 3, line 1—add *one-* (*one and a hyphen*) before third; line 2—replace comma with a semi-colon after *article*; line 3—add comma after *workshop*; replace comma with a semi-colon after *program*; line 3—replace comma with a semi-colon after *instruction*; line 4—replace comma with a semi-colon after *activities*; line 4—add a semi-colon after *staffings*.

Response: The sentence is grammatically correct.

- In the Family Impact Statement, I suggest the following changes:
 - Page 11, paragraph 1, line 2—add a comma after *nurturing*.

Response: The sentence is grammatically correct. Placement of a comma is optional in such a circumstance. See response above.