



Virginia Department of Planning and Budget **Economic Impact Analysis**

18 VAC 140-20 Regulations Governing the Practice of Social Work
Department of Health Professions
Town Hall Action/Stage: 5702 / 9354
October 20, 2021

Summary of the Proposed Amendments to Regulation

The Board of Social Work (Board) proposes to reduce the required number of hours of continuing education (CE) in supervision that must be completed by supervisors of persons who are gaining experience necessary to become licensed clinical social workers (LCSWs).

Background

In order to gain licensure, clinical social workers must have supervised experience. In order for someone to qualify to provide such supervision, he or she must hold an active, unrestricted license as a clinical social worker with at least two years of post-licensure clinical social work experience and have completed professional training in supervision. After such initial professional training in supervision, every five years he or she must complete CE in supervision. The current regulation requires 14 hours of such CE every five years. The Board proposes to lower the required number of hours to seven.

Estimated Benefits and Costs

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 would allow a supervisor to take relevant courses without repetition. Additionally, the Board believes that seven hours of CE in supervision is sufficient for continuing competency in supervision.

As stated above, supervisors must hold an active, unrestricted license as clinical social worker. In order to renew such a license he or she must complete 30 hours of CE every two years. CE in supervision does count toward the required 30 hours of CE. Thus, reducing the required number of hours of CE specifically in supervision does not affect the total number of hours of required CE, but does allow the supervisory LCSW to spend more of his or her CE hours on topics he or she may find more personally productive.

Additionally, though the proposed amendment does not effectively reduce the total number of required CE hours, it may allow the licensee to obtain seven hours of the required CE every five years at a lower cost. While the Board accepts coursework offered by other approved providers as listed in 18 VAC 140-20-105,¹ according to the Department of Health Professions (DHP) NASWVA is most commonly used as the source for CE in supervision. Other known courses on supervision are offered by community services boards, the Association of Social Work Boards, or schools of social work.² A seven-hour credit course with NASWVA costs \$151.25 for members and \$192.50 for non-members.³ Thus, the proposed reduction in required CE hours in supervision could save supervisors some or all of that amount in dollars depending on if they substituted a lower-cost means of obtaining the seven hours or a no-dollar-cost method.⁴

According to DHP, there is a need for more LCSWs to serve as clinical supervisors and there is a strong need for more licensees. Reducing the cost of continuing to be a supervisor may encourage more LCSWs to become or remain supervisors. This would be beneficial in that more supervisors would help more LCSW candidates obtain the supervised experience they need to become licensed.

Businesses and Other Entities Affected

The proposed amendment affects the 184 LCSWs registered to provide supervision to supervisees in clinical social work,⁵ providers of CE in supervision, LCSW candidates who are

¹ See <https://law.lis.virginia.gov/admincode/title18/agency140/chapter20/section105/>

² Source: DHP

³ Source: DHP

⁴ Workshops, seminars, conferences, or courses in the behavioral health field offered by federal, state or local social service agencies, public school systems, or licensed health facilities and licensed hospitals would count for CE. Some of these could potentially be offered free of charge. Various other entities may also offer CE if approved by specified organizations. Some of this CE could also be free of charge.

⁵ Data source: DHP

seeking registered supervisors, and entities that employ social workers. According to survey data from a July 2020 report (the most recent available) from the Virginia Healthcare Workforce Data Center,⁶ the primary employers of LCSWs in the Commonwealth are distributed as follows:

Establishment Type	Percentage
Private Practice, Solo	16%
Private Practice, Group	13%
Mental Health Facility, Outpatient	13%
Community Services Board	10%
School (Providing Care to Clients)	7%
Hospital, General	7%
Community-Based Clinic or Health Center	7%
Hospital, Psychiatric	3%
Residential Mental Health/Substance Abuse Facility	2%
Administrative or Regulatory	2%
Academic Institution (Teaching Health Professions Students)	2%
Other Practice Setting	17%

Categorized by sector, the report presents the types of employers of LCSWs in Virginia as follows:

Sector	Percentage
For-Profit	48%
Non-Profit	21%
State/Local Government	22%
Veterans Administration	4%
U.S. Military	3%
Other Federal Government	1%

The proposed amendment would likely lead to reduced revenue for providers of CE in supervision. Adverse impact is indicated if there is any increase in net cost or reduction in net revenue for any entity, even if the benefits exceed the costs for all entities combined. Thus, an adverse impact is indicated.

⁶ See <https://www.dhp.virginia.gov/media/dhpweb/docs/hwdc/behsci/0904LCSW2020.pdf>

Small Businesses⁷ Affected:

Types and Estimated Number of Small Businesses Affected

While NASWVA is most commonly used as the source for continuing education in supervision, according to DHP there are private companies approved to provide CE, including in supervision. The agency is not aware of the specific number of such firms and how many are small businesses.

Costs and Other Effects

The proposed amendment would likely moderately reduce revenue for small businesses that provide CE in supervision.

Alternative Method that Minimizes Adverse Impact

There are no clear alternative methods that both reduce adverse impact and meet the intended policy goals.

Localities⁸ Affected⁹

Local governments that are having difficulty finding enough qualified LCSWs to employ may be particularly affected by the proposed amendment in that it may result in a moderate increase in the supply of LCSWs. The proposed amendment does not appear to introduce costs for local governments.

Projected Impact on Employment

The proposed reduction in required supervision CE hours may encourage more LCSWs to become or remain supervisors. This may in turn allow more LCSW candidates to obtain the supervised experience they need to become licensed. Hence, the proposal may moderately increase the supply of LCSWs, leading to a modest increase in the employment of LCSWs.

Effects on the Use and Value of Private Property

As discussed earlier, the proposed amendment may lead to a moderate increase in the supply of LCSWs. This may moderately reduce the cost to firms of hiring social workers, which may in turn have a small positive impact on their value. As also discussed earlier, the proposed

⁷ 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.”

⁸ “Locality” can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulatory change are most likely to occur.

⁹ § 2.2-4007.04 defines “particularly affected” as bearing disproportionate material impact.

amendment would likely lead to some reduced revenue for providers of CE in supervision. This could have a small negative impact on their value.

The proposed amendments do not affect real estate development costs.

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 14 (as amended, July 16, 2018). 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(D): 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.