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## Notice of Intended Regulatory Action (NOIRA) Agency Background Document

<b>Agency name</b>	Board of Social Work, Department of Health Professions
<b>Virginia Administrative Code (VAC) citation</b>	<u>18</u> VAC <u>140</u> - <u>20</u>
<b>Regulation title</b>	Regulations Governing the Practice of Social Work
<b>Action title</b>	Changes to Requirements for Licensure
<b>Document preparation date</b>	June 15, 2005

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Purpose

*Please describe the subject matter and intent of the planned regulatory action. Also include a brief explanation of the need for and the goals of the new or amended regulation.*

The Board intends to amend existing regulation to allow for examination of prospective licensed social work applicants upon completion of the required education and prior to completion of the required supervised experience in the regulations of this Board.

### Legal basis

*Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.*

Section 54.1-2400 establishes the authority of the Board of Social Work to establish necessary qualifications for registration, certification or licensure, to ensure the competence and integrity of regulated practitioners, to examine applicants, to establish renewal schedules, to administer fees to cover the administrative expenses of the regulatory program, to take disciplinary action for violations of law and regulations and to establish requirements for an inactive licensure status.

§ 54.1-2400. *General powers and duties of health regulatory boards.*

*The general powers and duties of health regulatory boards shall be:*

- 1. To establish the qualifications for registration, certification or licensure in accordance with the applicable law which are necessary to ensure competence and integrity to engage in the regulated professions.*
- 2. To examine or cause to be examined applicants for certification or licensure. Unless otherwise required by law, examinations shall be administered in writing or shall be a demonstration of manual skills.*
- 3. To register, certify or license qualified applicants as practitioners of the particular profession or professions regulated by such board.*
- 4. To establish schedules for renewals of registration, certification and licensure.*
- 5. To levy and collect fees for application processing, examination, registration, certification or licensure and renewal that are sufficient to cover all expenses for the administration and operation of the Department of Health Professions, the Board of Health Professions and the health regulatory boards.*
- 6. To promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 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 statutory authority for licensure and regulation of social workers is found in Chapter 37 of Title 54.1 of the Code of Virginia:*

§ 54.1-3705. *Specific powers and duties of the Board.*

*In addition to the powers granted in § [54.1-2400](#), the Board shall have the following specific powers and duties:*

- 1. To cooperate with and maintain a close liaison with other professional boards and the community to ensure that regulatory systems stay abreast of community and professional needs.*
- 2. To conduct inspections to ensure that licensees conduct their practices in a competent manner and in conformance with the relevant regulations.*
- 3. To designate specialties within the profession.*
- 4. [Expired.]*

§ 54.1-3706. *License required.*

*In order to engage in the practice of social work, it shall be necessary to hold a license.*

## Substance

*Please detail any changes that will be proposed. For new regulations, include a summary of the proposed regulatory action. Where provisions of an existing regulation are being amended, explain how the existing regulation will be changed. Include the specific reasons why the agency has determined that*

*the proposed regulatory action is essential to protect the health, safety, or welfare of citizens. Delineate any potential issues that may need to be addressed as the regulation is developed.*

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The Board intends to amend existing regulations sections 18 VAC 140-20-40 and 18 VAC 140-20-60 to allow Bachelors education (BSW) applicants to take the basic level examination for Licensed Social Worker (LSW) designation prior to completion of 3,000 hours of post-bachelor's experience set out in 18 VAC 140-20-60 B2a.

This change will not lessen the requirements for LSW licensure nor will it result in applicants obtaining licensure without completing all existing requirements. This change will allow applicants to take the required examination upon completion of the educational requirements as set out in 18 VAC 140-20-60. The Board's reason for proposing this change is threefold. First, the Virginia Chapter of the National Association of Social Workers (NASW-VA) approached the Board about making this change. NASW-VA believes that by allowing students to take the examination upon graduation, more will opt to take it. Second, and closely related to the first reason, the Board has heard from several students that they would prefer to take the examination shortly after graduating while the information is still fresh in their minds. It takes roughly two years to obtain the 3,000 hours of supervision. The basic examination is primarily non-clinical in nature, therefore obtaining the 3,000 hours of supervision does not improve the candidates chances of successfully passing the examination. Third, this change would bring Virginia in line with the surround jurisdictions (District of Columbia and Maryland) in terms of requirement for basic level licensure. Candidates for LSW level licensure are able to sit for the required examination in those jurisdictions upon completion of the necessary educational requirements.

### Alternatives

*Please describe all viable alternatives to the proposed regulatory action that have been or will be considered to meet the essential purpose of the action.*

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As an alternative, the Board considered retaining existing requirements and continuing to require that bachelor's level applicants (BSW) for the Licensed Social Worker (LSW) designation complete the required supervision prior to taking the basic examination. This alternative was not accepted due to the diverse consumer groups who have requested the change.

### Family impact

*Assess the potential impact of the proposed regulatory action on the institution of the family and family stability.*

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There is no impact on the institution of the family and family stability.