



## 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>	18 VAC 140-20-10 et seq.
<b>Regulation title</b>	Regulations Governing the Practice of Social Work
<b>Action title</b>	Clinical course of study
<b>Document preparation date</b>	February 4, 2008

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 consider amendments to further define a clinical course of study in the educational requirements for licensure as a clinical social worker. Currently section 50 of the Board's regulations requires that an applicant for licensure as a clinical social worker be a graduate of a degree program that includes a graduate clinical course of study or provide documentation of having completed specialized experience, course work or training acceptable to the board as "equivalent to a clinical course of study." Section 10 provides a general definition of a "clinical course of study" as "graduate course work which includes specialized advanced courses in human behavior and social environment, social policy, research, clinical practice with individuals, families, groups and a clinical practicum which focuses on diagnostic, prevention and treatment service."

Since someone licensed as a *clinical* social work is "*professionally qualified at the autonomous practice level to provide direct diagnostic, preventive and treatment services where functioning is threatened or affected by social and psychological stress or health impairment*", it is imperative that the Board ensure that an applicant has minimal competencies leading to an autonomous clinical practice. Through promulgation of regulations, the Board intends to specify the content of an educational program that would be considered a clinical course of study in

order to provide additional guidance to programs and applicants on coursework acceptable for clinical licensure.

### 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.*

Regulations are promulgated under the general authority of Chapter 24 of Title 54.1 of the Code of Virginia. Section 54.1-2400, which provides the Board of Social Work the authority to promulgate regulations to administer the regulatory system:

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

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

...

*6. To promulgate regulations in accordance with the Administrative Process Act (§ 9-6.14:1 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 definition of a clinical social worker is found in:

§ [54.1-3700](#). *Definitions.*

*As used in this chapter, unless the context requires a different meaning:*

*"Clinical social worker" means a social worker who, by education and experience, is professionally qualified at the autonomous practice level to provide direct diagnostic, preventive and treatment services where functioning is threatened or affected by social and psychological stress or health impairment.*

### 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.*

While the Board has not determined the changes that will be proposed, a working draft presented for discussion at January 2008 meeting of the Regulatory Committee was similar in nature to current regulations of the Board of Counseling for licensed professional counselors, who are also autonomous clinical practitioners. Section 51 of Chapter 115-20-10 et seq. provides coursework requirements consisting of 60 semester hours or 90 quarter hours of graduate study in specified core areas with a minimum of three semester hours or 4.5 quarter hours in each of twelve areas identified in regulation. The regulation provides that if 60 graduate hours in counseling were

completed prior to the effective date of the regulations, the board may accept those hours if they meet the regulations in effect at the time the 60 hours were completed.

In the working draft discussed at the Committee meeting, there were content areas specified with the number of credit hours required in each of those areas – explanatory theory, practice theory, psychopathology, ethics and values, evaluation and research, as well as course work in social justice, diversity and at-risk populations. Though the Committee recognized the draft as a working paper, it agreed that the regulations should be written in a manner to provide more specificity and direction on course content.

## 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.*

To address the need for further definition of a “clinical course of study,” the Regulatory Committee requested that Dolores Paulson, a member of the Board, research the issue and develop a summary of educational coursework necessary to lead to licensure as a clinical social worker. She presented a working draft to the Committee at a public meeting on January 10, 2008. Representatives from all the accredited schools of social work with master’s programs in Virginia were specifically invited to attend - George Mason University, Norfolk State University, Radford University, and Virginia Commonwealth University. Virginia Commonwealth University and George Mason University attended the meeting and participated in the discussion about the minimal coursework necessary to be considered a clinical concentration. Clarification of coursework necessary in the foundation year as opposed to the clinical concentration year was requested. Additionally, the Committee noted the need for more specific requirements for field experience and designation of a minimum number of hours for a clinical field placement.

While the Social Work Program at Radford University did not participate in person with the Committee discussion, it reported by email that it has had several incidents this year alone in which a graduate of their program, seeking licensure from the states of New York or Florida, finds that the MSW degree from our accredited School of Social Work with a clinical emphasis (“family-based community practice”) is not enough proof of clinical content when applying for licensure. Consequently, the School has been forced to provide a letter explaining the clinical content of our program, internship documentation of “clinical placements,” past syllabi for the determination of “clinical content,” etc. It is a tremendous burden to provide this documentation per graduate student. Therefore, there may be a need to determine more explicitly what constitutes a clinical course of study so applicants are acceptable for licensure in this and other states.

One alternative would be to continue to consider each applicant on a case-by-case basis. The Board does not believe that is an adequate solution because it can result in denial of licensure for someone who has invested several years of education and supervised experience in a course of study not deemed appropriately clinical in nature. Another solution would be to have the Council on Social Work Education (CSWE), the national accrediting body for social work education identify which programs of social work or specialized tracks meet the requirements for

clinical licensure. To date, CSWE has not taken that action, so the Board intends to continue working with the accredited programs to achieve a consensus about a clinical course of study. Any changes in the definition that may likely affect how and what accredited schools provide in their curriculum at Virginia universities would have input from social work programs and would likely have a delayed effective date to allow those programs to adjust their curricula and clinical practica accordingly.

### 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.