

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 Health Professions
Town Hall Action/Stage: 4688/7856
April 26, 2017

Summary of the Proposed Amendments to Regulation

The Board of Social Work (Board) proposes to amend its main regulation to: 1) update definitions, 2) require applicants for reinstatement of licensure to provide proof of licensure in another state, if they have been licensed in another state, and a report from the U.S. Department of Health and Human Services' National Practitioner Data Bank (NPDB) and 3) specify the nature of supervision that is required for individuals who are seeking reinstatement and whose licenses have lapsed for 10 or more years.

Result of Analysis

Benefits likely outweigh costs for all proposed changes.

Estimated Economic Impact

Description: This Chapter “establishes qualification for licensure, sets a schedule and fee for renewal and establishes the standard of practice for licensure of social workers.”¹

Current regulation defines “clinical social work services” as: “the application of social work principles and methods in performing assessments and diagnoses based on a recognized manual of mental and emotional disorders or recognized system of problem definition,

¹ The Chapter description, as well as more information on this Chapter, can be found at: <http://townhall.virginia.gov/ViewChapter.cfm?ChapterID=1157>

preventive and early intervention services and treatment services, including but not limited to, psychotherapy and counseling for mental disorders, substance abuse, marriage and family dysfunction, and problems caused by social and psychological stress or health impairment”. The Board now proposes to add “psychosocial interventions”² to the treatment services in this definition. Board staff reports that this change is being proposed to make this definition more reflective of the current scope of practice. No affected entity is likely to incur costs on account of this change. To the extent that it may clarify scope of practice, this change will benefit interested parties who read this regulation.

This regulation currently requires individuals who are applying for reinstatement of licensure more than one year after licensure expiration to provide documentation of having completed continuing education hours during the time their license had lapsed up to a maximum of four years. Such individuals are also required to provide proof of competency by documenting either: 1) active practice in another United States jurisdiction for at least 24 of the 60 months immediately preceding licensure application, 2) active practice in an exempt setting for at least 24 of the 60 months immediately preceding licensure application or 3) practice under supervision for at least 360 hours in the 12 months immediately preceding licensure application.

The Board now proposes to additionally require that individuals who are applying to reinstate their license provide documentation of any other license or certificate held in another political jurisdiction and a current NPDB report. The Board also proposes to limit the requirement that these individuals provide proof of continuing or supervised practice (as laid out above) to only those individuals whose Virginia licenses had been lapsed for 10 years or more.

Requiring documentation of licensure in other jurisdictions and a NPDB report will increase costs for applicants for reinstatement; Board staff reports that political jurisdictions (including Virginia) charge a fee... typically \$25 or less... for licensure verification and that the cost of a NPDB report is \$6. These costs are likely outweighed by the benefit that would likely accrue to the citizens of Virginia because these documents allow the Board to check for disciplinary actions or malpractice claims that applicants may have been subject to.

² Medical-dictionary.com defines psychosocial intervention as a nonpharmacologic maneuver intended to alter a patient's environment or reaction to lessen the impact of a mental disorder.

Board staff reports that the Board proposes to limit the requirement that individuals provide proof of continuing or supervised practice to only those individuals whose licenses have lapsed for 10 years or more in order to reduce the burden of reinstatement costs on individuals who likely have not been out of practice long enough to place doubt on their ability to practice competently. Social workers whose licenses have been lapsed for between one and nine years, and who do not meet the active practice criteria to show continued competency, will likely save time costs, and may save the cost of paying for supervision, on account of this change.

Current regulation requires that individuals reinstating lapsed licenses, and who must undertake supervised practice, complete at least 360 hours of practice under supervision; current regulation does not, however, specify the parameters of that supervision. The Board now proposes to require that these supervised practice hours include at least 60 hours of face-to-face direct client contact and nine hours of face-to-face contact with the supervisor. Board staff reports that these face-to-face requirements are proportional to the requirements for initial licensure. Board staff further reports that the Board does not anticipate any supervisee incurring additional costs on account of these changes. These changes will provide the benefit of clarity for individuals who may have been confused about what is required under supervised practice.

Businesses and Entities Affected

These proposed regulatory changes will affect all clinical social workers as well as all individuals who apply for reinstatement of licensure. Board staff reports that the Board currently licenses 6,458 clinical social workers. Board staff does not have an estimate of the number of individuals who might be affected by the changes to rules for reinstatement.

Localities Particularly Affected

No locality should be particularly affected by these proposed regulatory changes.

Projected Impact on Employment

These proposed regulatory changes are unlikely to significantly affect employment in the Commonwealth.

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

Individuals seeking reinstatement of Virginia licensure, who plan to practice as individual proprietors or in a small practice setting, will likely incur some additional costs on account of being required to provide a current NPDB reports and proof of licensure or certification in other political jurisdictions.

Alternative Method that Minimizes Adverse Impact

There are likely no alternative methods that would both meet the Board’s aims and further lower costs for applicants.

Adverse Impacts:

Businesses:

Individuals seeking reinstatement of Virginia licensure, who plan to practice as independently rather than seeking employment in another business, will likely incur some additional costs on account of being required to provide a current NPDB reports and proof of licensure or certification in other political jurisdictions.

Localities:

No localities are likely to incur costs on account of these proposed regulatory changes.

Other Entities:

These proposed regulatory changes are unlikely to adversely affect other entities in the Commonwealth.

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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