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Final Regulation Agency Background Document

Agency name	Board of Social Work, Department of Health Professions
Virginia Administrative Code (VAC) citation(s)	18VAC140-20-10 et seq.
Regulation title(s)	Regulations Governing the Practice of Social Work
Action title	Regulatory review changes
Date this document prepared	2/22/17

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

Regulations are amended to: 1) require submission of an application for licensure within two years of completion of supervised experience; and 2) require registration of supervision whenever there is a change in the supervisor, the supervised practice, or clinical services or location. The goal of the proposal is to address issues with supervision and a lack of clarity about maintenance of applications.

Acronyms and Definitions

Please define all acronyms used in the Agency Background Document. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.

N/A

Statement of final agency action

Please provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

On February 3, 2017, the Board of Social Work amended 18VAC140-20-10 et seq., Regulations Governing the Practice of Social Work.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including: 1) the most relevant citations to the Code of Virginia or General Assembly chapter number(s), if applicable; and 2) promulgating entity, i.e., agency, board, or person. Your citation should include a specific provision authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency/board/person's overall regulatory authority.

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. ...*

Purpose

Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Describe the specific reasons the regulation is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.

Clarification of the regulations for supervised experience will ensure that supervisees are appropriately supervised in the provision of clinical services and therefore offer more protection for clients and the general public. Protection from unprofessional conduct by a licensee is the primary goal of this action.

Substance

Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both.

Regulations are amended to: 1) require submission of an application for licensure within two years of completion of supervised experience; and 2) require registration of supervision whenever there is a change in the supervisor, the supervised practice, or clinical services or location.

Issues

Please identify the issues associated with the proposed regulatory action, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please indicate.

1) The primary advantage to the public is more explicit rule about supervision and submission of applications. There are no disadvantages to the public;
 2) There are no advantages and disadvantages to the agency or the Commonwealth; and
 3) There are no other pertinent matters of interest to the regulated community, government officials, and the public. The Director of the Department of Health Professions has reviewed the proposal and performed a competitive impact analysis. The Board is authorized under 54.1-2400 to “promulgate regulations in accordance with the Administrative Process Act which are reasonable and necessary to administer effectively the regulatory system.” There is no restraint on competition as a result of promulgating this regulation.

Requirements more restrictive than federal

Please identify and describe any requirement of the proposal which is more restrictive than applicable federal requirements. Include a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements or no requirements that exceed applicable federal requirements, include a statement to that effect.

There are no applicable federal requirements.

Localities particularly affected

Please identify any locality particularly affected by the proposed regulation. Locality particularly affected means any locality which bears any identified disproportionate material impact which would not be experienced by other localities.

There are no localities particularly affected.

Family impact

Please assess the impact of this regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

There is no impact on the family.

Changes made since the proposed stage

*Please list all changes that made to the text of the proposed regulation and the rationale for the changes; explain the new requirements and what they mean rather than merely quoting the proposed text of the regulation. *Please put an asterisk next to any substantive changes.*

There were no changes made in the text of the proposed regulation.

Public comment

Please summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. If no comment was received, please so indicate. Please distinguish between comments received on Town Hall versus those made in a public hearing or submitted directly to the agency or board.

There was a comment period from 10/3/16 to 12/2/16, and a public hearing was conducted on 10/14/16. No public comment was received.

All changes made in this regulatory action

Please list all changes that are being proposed and the consequences of the proposed changes. Describe new provisions and/or all changes to existing sections. Explain the new requirements and what they mean rather than merely quoting the proposed text of the regulation

Current section number	Current requirement	Proposed change, intent, rationale, and likely impact of proposed requirements
40	Sets out the requirements for licensure by examination as a	The amendment adds a requirement for an applicant to apply within two years of completion of supervised

	<p>licensed clinical social worker.</p>	<p>experience. <i>The amendment is intended to encourage applicants to take the licensure examination and complete the licensure process in a timely manner. To extend the process indefinitely makes it difficult to verify supervised experience and less likely the applicant can effectively meet the requirements for licensure.</i></p>
<p>50</p>	<p>Sets out the requirements for supervised experience for a licensed clinical social worker</p>	<p>The amendment will require registration with the Board whenever there is an additional or change of supervised practice, supervisor, clinical social work services or location of supervision. <i>Board approval of the supervisor and supervised experience is based on the qualification of the supervisor and the services being provided at a particular location. Any change or addition potentially changes the approval of the Board. Notification and board approval is essential to ensure that the applicant is meeting requirements for supervised experience; otherwise he or she may spend months and a lot of money engaged in an experience that does not meet the Board's requirements and will not be counted in applying for licensure.</i></p>