



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: 5632 / 9103
December 1, 2020

Summary of the Proposed Amendments to Regulation

The Board of Social Work (Board) proposes to eliminate the requirement that a supervisee notify the Board whenever there is a change of location or supervised experiences, and clarify that the definition of “face-to-face” may include the use of technology in the contact between a supervisor and a supervisee as well as between a supervisee and a client.

Background

This regulation contains rules for the provision of clinical services in social work under supervision. The impetus for the proposed changes comes from recommendations of the Regulation Committee to eliminate burdensome requirements, to clarify current provisions, and to eliminate any ambiguity in the regulations.

Estimated Benefits and Costs

One of the proposed amendments would eliminate the requirement that a supervisee notify the Board whenever there is a change of location or supervised experiences. Currently, a supervisee must notify the Board whenever there is an addition or change of supervised practice, supervisor, clinical social work services, or location. Each notification of such changes must be accompanied by a \$25 fee. The amendment would eliminate three of the four required notifications: a change or addition of supervised practice, services, or location. The required notification for the change in supervisor would remain the same. According to the Department of Health Professions (DHP), it was determined that the only change that is pertinent is a change in supervisor because that is the person who is accountable to the Board for the services of a supervisee to a client.

DHP reports that 611 notifications were received in 2019 and estimates that half of these notifications were for non-supervisor related changes, which would no longer be required under the proposed language. Thus, this change would eliminate approximately 305 notifications, provide \$7,625 in fee avoidances for the supervisees as well as the time and effort to file these notifications, and reduce the Board's revenues and administrative workload by an equivalent amount.

The Board also proposes to (a) clarify that the definition of "face-to-face" may include the use of interactive technology in the contact between a supervisee and a client and (b) add a definition for a "supervisory contract." These changes would essentially clarify that the use of technology is allowed in the contact between a supervisor and a supervisee as well as between a supervisee and a client. DHP points out that these clarifications are in keeping with current practice: the regulation does not prohibit the use of interactive technology in the delivery of services or supervision, and the use of technology is already believed to be a common practice among the regulated community. However, Board staff receive questions about whether such a practice is allowed, and thus this clarification would be beneficial by addressing such questions and eliminating the need to contact Board staff. A benefit would also be conferred to the extent these changes cause practitioners who are not aware of this option to elect to provide services through interactive means.

Other proposed amendments in the action would clarify that the educational requirements must be completed before a person begins their post-graduate supervised experience and reiterate that a person must remain under supervision until issued a license. These changes are not expected to create any significant economic effects other than clarifying existing requirements.

Businesses and Other Entities Affected

This regulation primarily affects persons who are currently approved to provide supervision for clinical social work practice and those persons who want to begin their supervised experience. There are currently 2,697 registered clinical supervisees and the Board received 730 initial applications to begin supervised experience in 2019.¹ No supervisees appear to be adversely² or disproportionately affected.

¹ Data source: DHP

² 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.

Small Businesses³ Affected:

The proposed amendments do not appear to adversely affect small businesses.

Localities⁴ Affected⁵

The proposed amendments do not introduce costs for local governments. Accordingly, no additional funds would be required

Projected Impact on Employment

The proposed amendments do not appear to affect total employment.

Effects on the Use and Value of Private Property

One of the proposed changes would eliminate approximately 305 notifications, provide \$7,625 in fee avoidances for the supervisees as well as the time and effort to file these notifications. Consequently, to the extent a supervisee has an ownership interest in a business they may be working for, the asset value of such a business may moderately increase.

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

³ 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.”

⁴ “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.

⁵ § 2.2-4007.04 defines “particularly affected” as bearing disproportionate material impact.

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.