State Board of Social Workers, Marriage and Family Therapists, and Professional Counselors April 23, 2024

BOARD MEMBERS:

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48 49 50 Michelle Santiago, Psy.D., NCC, CCMHC, LPC, Chair Arion R. Claggett, Acting Commissioner, Bureau of Professional and Occupational Affairs Richard Joseph Behun, Ph.D., LPC, NCC, ACS Farida E. Boyer, MS, LMFT, AS - Absent Eric DeCriscio, MA, LPC, ACS Kimberly Early, LSW Erika Evans-Weaver, Ph.D., LMFT, Vice Chair - Absent Linda A. Martin, LCSW, RN

BUREAU PERSONNEL:

22 Carolyn A. DeLaurentis, Esquire, Executive Deputy 23 Chief Counsel, Department of State 24 Cynthia K. Montgomery, Esquire, Deputy Chief 25 Counsel, Counsel Division, Department of State 26 Gregory Darr, Esquire, Assistant Counsel, Office of 27 General Counsel 28 Jacqueline A. Wolfgang, Esquire, Regulatory Counsel 29 Shana M. Walter, Esquire, Senior Board Counsel 30 Sean C. Barrett, Esquire, Board Counsel 31 Heather J. McCarthy, Esquire, Senior Board Prosecutor 32 and Prosecution Liaison 33 Jason T. Anderson, Esquire, Board Prosecutor 34 Patrick M. Greene, Esquire, Board Prosecutor 35 Berk V. Demiral, Esquire, Board Prosecutor 36 Adam J. Williams, Esquire, Board Prosecutor Adrianne Rachelle McClendon, Esquire, Board 37 38 Prosecutor 39 Courtney J. Restemayer, Esquire, Board Prosecutor 40 Sarah E. McNeill, Board Administrator 41 KaVaughn Webb, Board Administrator Andrew LaFratte, MPA, Deputy Policy Director, 42 Department of State 43 44 Michael McDonald, Policy Director, Department of 45 46 Holly Hoffman, Law Clerk, Department of State 47

State Board of Social Workers, Marriage and Family Therapists, and Professional Counselors April 23, 2024

ALSO PRESENT: (cont.)

Shannon Taylor, NCCP, LPC
Eric Owens, President Elect, Pennsylvania Counseling
Association
Jennifer Jones, LCSW, International Obsessive
Compulsive Disorder Foundation

Troy Stevenson, Director of State Advocacy Campaigns,
The Trevor Project
Cindy Engineer on behalf of Michael Bykesh

Cindy Eppinger, on behalf of Michael Pykosh, Dethlefs, Pykosh, & Murphy Attorneys at Law Ashleigh Strange, Executive Director, Governor's

Advisory Commission on LGBTQ Affairs

Edgar Doerr Consultant at Lifespan Family Service

Edgar Doerr, Consultant at Lifespan Family Services
Shannon Snyder
Taylor Dilling Supervisor Lifespan Family Services

Taylor Dilling, Supervisor, Lifespan Family Services Kathleen Hays, LPC, LLC, Counselor, New Horizon Counseling Center

Johanna Byrd, ACSW, IOM, CAE, Executive Director, National Association of Social Workers, Pennsylvania Chapter

Melissa

Sophia Mahoney, Sargent's Court Reporting Service, Inc.

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2 State Board of Social Workers, 3 Marriage and Family Therapists

4 and Professional Counselors

5 April 23, 2024

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7 [Pursuant to Section 708(a)(5) of the Sunshine Act, 8 at 9:00 a.m., the Board entered into Executive 9 Session with Sean C. Barrett, Esquire, Board Counsel, 10 for the purpose of conducting quasi-judicial 11 deliberations on a number of matters currently 12 pending before the Board and to receive the advice of 13 counsel. The Board entered into public session at

15 ***

11:00 a.m.]

The regularly scheduled meeting of the State
Board of Social Workers, Marriage and Family
Therapists, and Professional Counselors was held on
Tuesday, April 23, 2024. Michelle Santiago, Psy.D.,
NCC, CCMHC, LPC, Chair, called the meeting to order
at 11:41 a.m.

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[Sean C. Barrett, Esquire, Board Counsel, informed everyone that the meeting was being recorded, and those who continued to participate were giving their

1 consent to be recorded.

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Mr. Barrett also noted the Board entered into Executive Session for the purpose of conducting quasi-judicial deliberations on a number of matters that are currently pending before the Board and to receive the advice of counsel.]

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8 Roll Call of Board Members/Introduction of Attendees 9 [KaVaughn Webb, Board Administrator, provided a roll

10 call of Board members and introduction of attendees.

11 A quorum of Board members was present.]

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13 Approval of minutes of the March 12, 2024 meeting 14 CHAIR SANTIAGO:

The first item on our agenda is approval of the draft minutes.

Does anybody have any questions or things that we need to correct?

19 Hearing none.

20 MR. BARRETT:

I believe the Board Chair would
entertain a motion to approve the March
12, 2024 draft minutes.

24 DR. BEHUN:

25 So moved.

6 1 MS. EARLY: 2 Second. 3 CHAIR SANTIAGO: 4 Any other discussion, Board members, 5 for our minutes? Seeing none. Could we have the roll call vote, please? 6 7 Santiago, aye; Claggett, aye; Behun, 9 aye; DeCriscio, aye; Early, aye; 10 Martin, aye. 11 [The motion carried unanimously.] * * * 12 13 Report of Prosecutorial Division [Heather J. McCarthy, Esquire, Senior Board 14 15 Prosecutor and Board Prosecution Liaison, introduced new Board attorneys, Patrick Greene, Berk Demiral, 16 17 Courtney Restemayer, and Adrianne McClendon. 18 Chair Santiago welcomed the new Board attorneys.] * * * 19 20 [Jason T. Anderson, Esquire, Board Prosecutor, 21 presented the Consent Agreement for Case No. 23-69-22 017283.] 23 24 [Patrick Greene, Esquire, Board Prosecutor, presented 25 the Consent Agreement for Case No. 20-69-013735.]

1 MR. BARRETT: 2 Based on the presentation of the 3 prosecution division, does any member of the Board wish to enter Executive 4 5 Session for further deliberations? 6 Hearing none. 7 Based on the presentation of prosecution and the discussion in 8 Executive Session, I believe the Board 9 Chair would entertain a motion to 10 approve the Consent Agreement at agenda 11 item 2, Case No. 23-69-017283, and item 12 13 3, Case No. 20-69-013735. 14 For the record, Linda Martin did 15 recuse herself from any discussions or 16 deliberations in this matter. 17 Do we have a motion? 18 DR. BEHUN: So moved. 19 20 MS. EARLY: 21 Second. 22 MR. BARRETT: 23 Could we have a roll call? 24 25 Santiago, aye; Claggett, aye; Behun,

1 aye; DeCriscio, aye; Early, aye;

2 Martin, recuse.

3 | [The motion carried. Linda Martin recused herself

4 from deliberations and voting on the motion for item

5 | 3 on the agenda. The Respondent's name at item 2,

6 Case No. 23-69-017283, is Robert Michael Skamai, LPC.

7 | The Respondent's name at item 3, Case No. 20-69-

8 013735, is Gregory Patrick Miscik, LPC.]

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10 Report of Board Counsel - Matters for Deliberation

11 MR. BARRETT:

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12 Item 4 is Lori Simmons, Case No. 23-69-

13 016106.

14 Based on Executive Session

deliberations, I believe the Board

16 Chair would entertain a motion to

17 direct Counsel to draft an Adjudication

18 and Order consistent with discussions

in Executive Session.

20 CHAIR SANTIAGO:

21 I will entertain that motion. Could I

22 have a motion, please?

23 DR. BEHUN:

So moved.

25 MS. EARLY:

9 Second. 1 2 CHAIR SANTIAGO: 3 Any additional discussion, Board members? 4 5 6 Santiago, aye; Claggett, aye; Behun, 7 aye; DeCriscio, aye; Early, aye; 8 Martin, aye. 9 [The motion carried unanimously.] 10 Report of Board Counsel - Motion to Deem Facts 11 Admitted 12 13 MR. BARRETT: 14 Item 5 is Melissa Jenereski, Case No. 15 23-69-005541. Chair Santiago and Board 16 member Martin have to recuse themselves from deliberation in this matter; and 17 18 therefore, under the quorum 19 requirements, the Board cannot take any 20 action on this matter at this time. * * * 21 22 Report of Board Counsel - Proposed Adjudication and 23 Order MR. BARRETT: 24 25 Item 6 is Patrick Shea, Case No. 18-69-

10 005228. 1 Based on Executive Session 2 3 deliberations, I believe the Board 4 Chair would entertain a motion to 5 direct Counsel to draft an Adjudication and Order consistent with discussions 6 7 in Executive Session. 8 CHAIR SANTIAGO: 9 I will entertain that motion. Could I 10 have a motion, please? 11 DR. BEHUN: So moved. 12 13 MS. EARLY: 14 Second. 15 CHAIR SANTIAGO: 16 Any additional discussion? Roll call, 17 please. 18 19 Santiago, aye; Claggett, aye; Behun, 20 aye; DeCriscio, aye; Early, aye; 21 Martin, aye. 22 [The motion carried unanimously.] 23 24 Report of Board Counsel - Final Adjudication and 25 Order

11 1 MR. BARRETT: 2 Item 7 is Rowan Levy, Case No. 22-69-3 013905. Based on Executive Session 4 5 deliberations, I believe the Board Chair would entertain a motion to 6 7 approve the Adjudication and Order in this matter. 8 9 CHAIR SANTIAGO: 10 I will entertain a motion. DR. BEHUN: 11 12 So moved. 13 MS. EARLY: 14 Second. 15 CHAIR SANTIAGO: 16 Any additional discussion, Board 17 members? Seeing none. Could we have a 18 roll call vote, please? 19 20 Santiago, nay; Claggett, aye; Behun, 21 aye; DeCriscio, aye; Early, aye; 22 Martin, aye. 23 [The motion carried. Michelle Santiago opposed the 24 motion. 1 25 * * *

1 Report of Board Counsel - Miscellaneous

- 2 | [Sean C. Barrett, Esquire, Board Counsel, referred to
- 3 House Bill 1564 on the agenda, noting it is now Act 4
- 4 of 2024 and was signed into law by the General
- 5 Assembly. He noted the act provides for licenses for
- 6 associate licensed professional counselors and
- 7 associate marriage and family therapists. He
- 8 | mentioned that the licenses are now available and
- 9 could be found on the Pennsylvania Licensing System
- 10 (PALS).
- 11 Ms. Martin asked whether it is considered a
- 12 regulation since it is already in the act or whether
- 13 | it is already law since it is an act, noting the
- 14 Board cannot change anything unless the Board changed
- 15 the law. She commented that an act is a law and then
- 16 the Board writes regulations to enforce the law and
- 17 requested clarification regarding the procedure when
- 18 the Board begins to write regulations.
- 19 Ms. Martin mentioned that the Board has discussed
- 20 being more general in their regulations about items
- 21 like fees, so the Board would not have to open the
- 22 regulations every time a change in fee is decided.
- 23 | She requested an explanation of what the Board can
- 24 and cannot do legally as it begins to write
- 25 | regulations.

Ms. Wolfgang noted Ms. Martin to be correct as far as a fee in the act. She explained that the fee was added to move the act as soon as possible, but noted the Board does have the ability by the regulation to change that fee. She mentioned that the Board could consider that when drafting the regulation.

Ms. Wolfgang informed Board members that the Board drafts regulations based upon this act, noting there are some matters in the act the Board would want to explain, implement, and would have to be included in their regulations.

Ms. Wolfgang noted the need for further Board discussion as to whether it should be a separate regulation or be included as a part of their General Revisions.

Chair Santiago requested a copy of the application and asked whether the license is currently available on PALS.

Acting Commissioner Claggett noted Chair Santiago could be provided with a copy of the application, and the license is currently available.

Ms. Martin asked why the act on the two licenses was considered so urgent and passed through essentially in a way that bypassed the Board.

14 Mr. Barrett stated the General Assembly could 1 2 provide a better answer, because it implemented the 3 act and have procedures for enacting legislation.] 4 5 Legislative Report - No Report * * * 6 7 Report of Board Chairperson - No Report 8 9 Report of Acting Commissioner - No Report * * * 10 Report of Board Administrator - No Report 11 12 13 Review of Applications 14 MR. BARRETT: 15 Based on Executive Session 16 deliberations, I believe the Board 17 Chair would entertain a motion to 18 provisionally deny the Application of 19 Valerie Albro for a Social Worker by Examination. 20 21 CHAIR SANTIAGO: 22 I will entertain a motion for the 23 provisional denial. Could I have a 24 motion, please? 25 DR. BEHUN:

15 1 So moved. 2 MS. EARLY: 3 Second. CHAIR SANTIAGO: 4 5 Any further discussion, Board members? 6 Seeing none. Could we have the roll 7 call vote, please? 9 Santiago, aye; Claggett, aye; Behun, 10 aye; DeCriscio, aye; Early, aye; 11 Martin, aye. 12 [The motion carried unanimously.] 13 * * * 14 MR. BARRETT: 15 Number 10. Based on Executive Session deliberations, I believe the Board 16 17 Chair would entertain a motion to 18 provisionally deny the Application of 19 Abby Squire for a Clinical Social 20 Worker by Examination. CHAIR SANTIAGO: 21 22 I will entertain a motion to 23 provisionally deny the Applicant at 24 number 10. Could I have a motion, 25 please?

16 1 DR. BEHUN: 2 So moved. 3 MS. EARLY: 4 Second. 5 CHAIR SANTIAGO: 6 Any further discussion, Board members? 7 Seeing none. Could we have the roll call? 9 10 Santiago, aye; Claggett, aye; Behun, 11 aye; DeCriscio, aye; Early, aye; 12 Martin, aye. 13 [The motion carried unanimously.] * * * 14 15 MR. BARRETT: Number 11. Based on Executive Session 16 deliberations, I believe the Board 17 18 Chair would entertain a motion to grant 19 the Application of Justin Cipkala-20 Gaffin for a Professional Counselor by Examination. 21 CHAIR SANTIAGO: 22 23 I will entertain a motion to grant the 24 license to the Applicant at number 11. 25 Could I have a motion, please?

17 1 DR. BEHUN: 2 So moved. 3 MS. EARLY: 4 Second. 5 CHAIR SANTIAGO: 6 Any further discussion, Board members? 7 Could we have the roll call, please? 9 Santiago, nay; Claggett, aye; Behun, 10 aye; DeCriscio, aye; Early, aye; 11 Martin, aye. 12 [The motion carried. Michelle Santiago opposed the 13 motion.1 * * * 14 15 MR. BARRETT: Number 12. Based on Executive Session 16 deliberations, I believe the Board 17 18 Chair would entertain a motion to 19 provisionally deny the Application for 20 a Professional Counselor by Examination 21 of Cindy Pilcher. CHAIR SANTIAGO: 22 23 I will entertain a motion to deny the 24 Applicant at number 12. 25 Could I have a motion?

18 1 DR. BEHUN: 2 So moved. 3 MS. EARLY: 4 Second. 5 CHAIR SANTIAGO: 6 Any further discussion? Seeing none. 7 Could we have the roll call, please? 9 Santiago, aye; Claggett, aye; Behun, 10 aye; DeCriscio, aye; Early, aye; 11 Martin, aye. 12 [The motion carried unanimously.] 13 * * * 14 MR. BARRETT: 15 Number 13. Based on Executive Session 16 deliberations, I believe the Board 17 Chair would entertain a motion to 18 provisionally deny the Application of Kathleen Perlman for a Professional 19 20 Counselor by Examination. CHAIR SANTIAGO: 21 22 I will entertain a motion to 23 provisionally deny the Applicant at 24 number 13. 25 Could I have a motion, please?

19 1 DR. BEHUN: 2 So moved. 3 MS. EARLY: 4 Second. 5 CHAIR SANTIAGO: Any discussion? Seeing none. Could we 6 7 have the roll call vote? 9 Santiago, aye; Claggett, aye; Behun, 10 aye; DeCriscio, aye; Early, aye; 11 Martin, aye. 12 [The motion carried unanimously.] 13 MR. BARRETT: Number 14. Based on Executive Session 14 15 deliberations, I believe the Board 16 Chair would entertain a motion to 17 provisionally deny the Application of 18 Nilsa Ulerio for a Professional Counselor by Examination. 19 20 CHAIR SANTIAGO: I will entertain a motion to 21 22 provisionally deny the Applicant at 23 number 14. 24 Could I have a motion? 25 DR. BEHUN:

20 1 So moved. 2 MS. EARLY: 3 Second. CHAIR SANTIAGO: 4 5 Any further discussion, Board members? Seeing none. Could we have the roll 6 7 call, please? 8 9 Santiago, aye; Claggett, aye; Behun, 10 aye; DeCriscio, aye; Early, aye; 11 Martin, aye. 12 [The motion carried unanimously.] 13 * * * 14 Review of Applications - Act 41 Review 15 MR. BARRETT: Based on Executive Session 16 deliberations, I believe the Board 17 18 Chair would entertain a motion to table 19 agenda numbers 15 and 16 on the agenda. 20 CHAIR SANTIAGO: 21 I will entertain a motion to table 22 number 15 and 16. 23 DR. BEHUN: 24 So moved. 25 MS. EARLY:

21 Second. 1 CHAIR SANTIAGO: 2 3 Any discussion? Could we have the roll 4 call vote, please? 5 6 Santiago, aye; Claggett, aye; Behun, 7 aye; DeCriscio, aye; Early, aye; 8 Martin, aye. 9 [The motion carried unanimously.] * * * 10 11 MR. BARRETT: Based on Executive Session 12 13 deliberations, I believe the Board 14 Chair would entertain a motion to 15 approve the Application for Licensure 16 of a Professional Counselor by 17 Endorsement of Courtney Purslow. 18 CHAIR SANTIAGO: I will entertain a motion to approve 19 20 the Applicant at number 17. 21 Could I have a motion, please? 22 DR. BEHUN: 23 So moved. 24 MS. EARLY: 25 Second.

22 CHAIR SANTIAGO: 1 2 Any further discussion? Seeing none. 3 Could we have the roll call, please? 4 5 Santiago, aye; Claggett, aye; Behun, aye; DeCriscio, aye; Early, aye; 6 7 Martin, aye. 8 [The motion carried unanimously.] 9 10 MR. BARRETT: 11 Number 18. I placed this on the agenda 12 just to have further discussions with 13 the Board relating to the rationale of 14 the previous decision since I was not 15 Counsel, so the Board does not need to 16 take any further action at that number. 17 The same thing goes for number 19 18 as well. That was already previously 19 considered by the Board. I just needed 20 to confirm with them on that, so there 21 is no further action on that. 22 23 MR. BARRETT: 24 Number 20 and 21. Based on Executive

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Session deliberations, I believe the

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23 Board Chair would entertain a motion to 1 table the discussion for number 20 and 2 3 21 on the agenda. CHAIR SANTIAGO: 4 5 I will entertain a motion to table number 20 and number 21. 6 7 Could I have a motion? 8 DR. BEHUN: 9 So moved. 10 MS. EARLY: 11 Second. CHAIR SANTIAGO: 12 13 Any other discussion, Board members? 14 Seeing none. Could we have the vote, 15 please? 16 17 Santiago, aye; Claggett, aye; Behun, 18 aye; DeCriscio, aye; Early, aye; 19 Martin, aye. 20 [The motion carried unanimously.] * * * 21 22 Review of Applications - Continuing Education 23 Applications MR. BARRETT: 24 25 Number 23. Based on Executive Session

deliberations, I believe the Board 1 2 Chair would entertain a motion to 3 approve the Continuing Education Application for CES for the Soul. 4 5 will note that Board Chair Santiago did 6 recuse herself from any deliberations 7 and discussion in this matter. 8 CHAIR SANTIAGO: 9 I will entertain a motion to approve 10 the Applicant at number 23. Any additional discussion? Seeing none. 11 12 Could we have the roll call, 13 please? 14 15 Santiago, recuse; Claggett, aye; Behun, 16 aye; DeCriscio, aye; Early, aye; Martin, nay. 17 18 [The motion carried. Michelle Santiago recused herself from deliberations and voting on the motion. 19 20 Linda Martin opposed the motion.] 21 22 MR. BARRETT: 23 Based on Executive Session 24 deliberations, I believe the Board 25 Chair would entertain a motion to

25 1 approve the Application to be a 2 Preapproved Provider of Center for 3 Anxiety and Behavior Therapy. CHAIR SANTIAGO: 4 5 I will entertain that motion. That is the Application under agenda item 6 7 number 22. Could I have a motion? 8 9 DR. BEHUN: 10 So moved. MS. EARLY: 11 Second. 12 13 CHAIR SANTIAGO: Any discussion, members? Seeing none. 14 15 Could we have the roll call, please? 16 Santiago, aye; Claggett, aye; Behun, 17 18 aye; DeCriscio, aye; Early, aye; 19 Martin, aye. 20 [The motion carried unanimously.] * * * 21 22 MR. BARRETT: 23 Number 24 on the agenda. Based on 24 Executive Session deliberations, I 25 believe the Board Chair would entertain

26 1 a motion to approve the Preapproved 2 Provider Application of Ed Compass LLC 3 DBA Mindful Continuing Education. CHAIR SANTIAGO: 4 5 I will entertain that motion to approve 6 the Applicant at agenda item number 24. 7 Could I have a motion, please? 8 DR. BEHUN: 9 So moved. 10 MS. EARLY: 11 Second. CHAIR SANTIAGO: 12 13 Any further discussion? Seeing none. 14 Could we have the roll call, please? 15 16 Santiago, aye; Claggett, aye; Behun, 17 aye; DeCriscio, aye; Early, aye; 18 Martin, aye. 19 [The motion carried unanimously.] * * * 20 21 MR. BARRETT: 22 Moving to number 25. Based on 23 Executive Session deliberations, I 24 believe the Board Chair would entertain 25 a motion to approve the CLE Course

27 Application for CGRC. 1 CHAIR SANTIAGO: 2 3 I approve that motion at number 25. 4 Could I have a motion, please? 5 DR. BEHUN: So moved. 6 7 MS. EARLY: 8 Second. 9 CHAIR SANTIAGO: 10 Any further discussion, Board members? Seeing none. Could we have the voice 11 12 vote, please? 13 14 Santiago, aye; Claggett, aye; Behun, 15 aye; DeCriscio, aye; Early, aye; 16 Martin, aye. 17 [The motion carried unanimously.] * * * 18 19 MR. BARRETT: 20 Based on Executive Session deliberations, I believe the Board 21 22 Chair would entertain a motion to 23 approve the CLE Course at agenda item 24 26 for Lancaster/Lebanon IU13. 25 CHAIR SANTIAGO:

28 I will entertain that motion for the 1 Application at number 26 on the agenda. 2 3 Could I have a motion? DR. BEHUN: 4 5 So moved. MS. EARLY: 6 7 Second. 8 CHAIR SANTIAGO: 9 Any further discussion, Board members 10 on item 26? Seeing none. Could we have the roll call, please? 11 12 13 Santiago, aye; Claggett, aye; Behun, 14 aye; DeCriscio, aye; Early, aye; 15 Martin, aye. 16 [The motion carried unanimously.] * * * 17 18 MR. BARRETT: 19 Based on Executive Session 20 deliberations, I believe at agenda item 27 the Board Chair would entertain a 21 22 motion to approve the application for a 23 CLE Course of Lakeside Global 24 Institute. 25 CHAIR SANTIAGO:

29 1 I will entertain a motion to approve 2 the Applicant at agenda item number 27. 3 Could I have a motion, please? DR. BEHUN: 4 5 So moved. MS. EARLY: 6 7 Second. 8 CHAIR SANTIAGO: 9 Any discussion, Board members? Seeing 10 none. Could we have the roll call 11 vote, please? 12 13 Santiago, aye; Claggett, aye; Behun, 14 aye; DeCriscio, aye; Early, aye; 15 Martin, aye. 16 [The motion carried unanimously.] * * * 17 18 MR. BARRETT: Based on Executive Session 19 20 deliberations at agenda item 28, I believe the Board Chair would entertain 21 22 a motion to approve the CLE Course of 23 Optimized Aging, LLC. 24 CHAIR SANTIAGO: 25 I will entertain that motion for the

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                  Application at number 28.
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                       Could I have a motion, please?
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   DR. BEHUN:
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                  So moved.
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   MS. EARLY:
6
                  Second.
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   CHAIR SANTIAGO:
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                  Any further discussion, Board members?
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                  Seeing none. Could we have the vote,
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                  please?
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                  Santiago, aye; Claggett, aye; Behun,
13
                  aye; DeCriscio, aye; Early, aye;
14
                  Martin, aye.
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   [The motion carried unanimously.]
16
   Miscellaneous
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   MR. BARRETT:
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                  Based on Executive Session
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                  deliberations, I believe the Board
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                  Chair would entertain a motion to grant
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                  the Exception Request related to
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                  Section 49.13(b)(6) of the LPC
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                  Regulations.
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   CHAIR SANTIAGO:
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31 1 I will entertain that motion to grant 2 the Exception Request for agenda item 3 29. 4 Could I have a motion, please? 5 DR. BEHUN: 6 So moved. 7 MS. EARLY: 8 Second. 9 CHAIR SANTIAGO: 10 Any discussion, Board members? Seeing 11 none. Could we have the vote, please? 12 13 Santiago, aye; Claggett, aye; Behun, 14 aye; DeCriscio, aye; Early, aye; 15 Martin, aye. 16 [The motion carried unanimously.] 17 18 Regulatory Report - April Regulatory Report 19 [Jacqueline A. Wolfgang, Esquire, Regulatory Counsel, 20 provided a Regulatory Status Report for the month of 21 April for the Board's review.] 22 23 Regulatory Report - Conversion Therapy Statement of 24 Policy 25 [Jacqueline A. Wolfgang, Esquire, Regulatory Counsel,

1 noted the Statement of Policy sets forth guidelines
2 that should be considered by licensees regarding
3 conversion therapy on minors.

Ms. Wolfgang noted the Shapiro Administration and Department of State are strongly committed to protecting the rights and well-being of lesbian, gay, bisexual, transgender, queer or questioning, intersex, asexual/aromantic/agender (LGBTQIA+) Pennsylvanians, especially young members of those communities.

Ms. Wolfgang stated Governor Shapiro is calling on the licensing boards to adopt statements of policy clarifying that the practice of conversion therapy may constitute a disciplinable offense.

Ms. Wolfgang referred to Executive Order 2022-02, which was adopted by Governor Wolf in August 2022 to protect Pennsylvanians from conversion therapy and supporting LGBTQIA+ Pennsylvanians.

Ms. Wolfgang noted Executive Order 2022-02 indicates that conversion therapy has been rejected by the scientific, medical, and educational communities, and numerous professional organizations have denounced conversion therapy due to its lack of scientific validation and negative and dangerous impact on the health and well-being of LGBTQIA+

persons and communities, along with the specific harm it causes to the mental health of LGBTQIA+ children.

Ms. Wolfgang stated all agencies of the Governor's jurisdictions were directed to protect Pennsylvanians, including children and youth, from conversion therapy. She noted the Executive Order specifically directs the Department of State to discourage the practice and inform the public of mechanisms to report licensed professionals who cause harm to patients as a result of practicing conversion therapy.

Ms. Wolfgang also stated a recent report by a national research and advocacy organization found that conversion therapy is practiced by licensed professionals across the country, including Pennsylvania.

Ms. Wolfgang provided information regarding the role of the statement of policy as compared to a regulation. She explained that a statement of policy is a guidance document and basically an announcement to the public of a policy an agency or Board intends to implement in future adjudications. She noted it also serves as a notice to licensees.

Ms. Wolfgang explained that any agency applying the statement of policy in a particular situation

must be prepared to support the policy as if the
statement of policy had never been issued. She
mentioned that a statement of policy is not a rule to
be used in adjudication or a case. She explained
that a regulation establishes a standard of conduct
which has the force of law, whereas a statement of
policy does not create that binding norm.

Ms. Wolfgang explained that the Conversion
Therapy Statement of Policy provides guidelines that
should be considered by licensees to ensure
compliance with the practice act and the Board's
regulations. She noted the Statement of Policy
explains that being lesbian; gay; bisexual;
transgender; queer; questioning; intersex; or asexual
is not a disease, disorder, illness, deficiency, or
shortcoming.

Ms. Wolfgang explained that the Statement of Policy also announces that a licensee who uses conversion therapy on a minor may be subject to discipline by the Board. She requested the Board adopt the Statement of Policy.]

22 MR. BARRETT:

Based on presentation of Regulatory
Counsel, I believe the Board Chair
would entertain a motion to adopt the

35 1 Conversion Therapy Statement of Policy 2 at 16A-6926. 3 CHAIR SANTIAGO: 4 I will entertain a motion to adopt 16A-5 6926 dealing with conversion therapy. 6 Could I have a motion, please? 7 DR. BEHUN: 8 So moved. 9 MS. EARLY: 10 Second. 11 CHAIR SANTIAGO: 12 Any further discussion, Board members? 13 Seeing none. Could we have the vote, 14 please? 15 16 Santiago, aye; Claggett, aye; Behun, aye; DeCriscio, aye; Early, aye; 17 18 Martin, aye. 19 [The motion carried unanimously.] * * * 20 21 Regulatory Report - Act 4 22 [Jacqueline A. Wolfgang, Esquire, Regulatory Counsel, 23 addressed Act 4, noting the Board requested 24 information concerning the background of the act in 25 the proposed bills. She referred to the memorandum

stating that Pennsylvania is in a mental health crisis with increased incidents of depression, anxiety, and suicidal thoughts in adults and children due to isolation caused by forced business closures and remote learning resulting from COVID-19 pandemic.

Ms. Wolfgang noted it also states that measures to educate and encourage Pennsylvanians to care for their mental health while meeting the ongoing demand for mental health care providers is imperative. She explained that the legislation would create a licensed associate marriage and family therapist credential for the Commonwealth to add crucial resources for mental health care providers.

Ms. Wolfgang stated the credential would enhance access to mental health services by increasing employment opportunities for new marriage and family therapists with masters and/or doctorate training that have yet to meet the 3000 hours of clinical supervision, which is required for full licensure as a licensed marriage and family therapist.

Ms. Wolfgang reported that 26 states have established this credential to permit licensed marriage and family therapists to work with individuals, children, couples, and families under direct supervision of licensed clinical marriage and

family therapist supervisors.

Ms. Wolfgang stated holding the credential assures patients and healthcare employers that the licensed associate marriage and family therapist (LAMFT) is properly trained and pursuing full licensure while allowing them to engage with patients.

Ms. Wolfgang recommended the Board draft regulations with respect to the supervision part of the act requirements and the qualifications with respect to the fee. She mentioned that the fee in the act is the same fee for other professionals, noting the Board could review the \$75 and the \$95 for biennial renewal.

Ms. Martin commented that the Board has been working on revising regulations for over six years and made the decision to take out the specific amount of fees, where the applicant will pay the fee adopted by the Board, so the Board did not have to return to the regulation for changes. She mentioned that the new regulation for associate licensees was the change the Board were getting ready to make and would automatically be changing that as well.

Ms. Wolfgang referred to the General Revisions and sections within the regulations that refers to

the fee adopted by the Board, but noted that the fees
adopted by the Board are in § 47.4 and is a regulatory
schedule of fees, where the Board cannot just put
something on the website and say it is the new fee.
The change has to go through the regulatory process.

Ms. Martin asked whether the Board cannot make that particular change.

Ms. Wolfgang did not see that change in the regulations but did note the Board had referred back to the applicable fee, and the applicable fee is in § 47.4 of the regulations. She offered to review that in more detail, but noted it was not her understanding of what the Board was planning to do or had the authority to do.

Ms. Martin referred to the preparations for the meeting and wanted to make sure Ms. Wolfgang and the Board have the same copy of General Revisions.

Ms. Wolfgang stated she has made revisions and incorporated changes to 16A-6923 regarding the General Revision package and hoped to get a vote and send it out for an exposure draft. She also hoped to have a discussion regarding Act 4 and those requirements and whether the Board would need to incorporate those requirements into the General Revision package.

1 Ms. Wolfgang mentioned that the General Revision 2 package has numerous revisions within the supervision

- 3 and qualification sections, and it is a huge
- 4 challenge to run two separate packages because the
- 5 revisions may overlap. She suggested the Board
- 6 choose the specific regulations needed for Act 4 and
- 7 decide as to whether those regulations would be
- 8 incorporated into those revisions with the General
- 9 Revisions.
- 10 Ms. Martin commented that it would be helpful for
- 11 | the Board to consider the upcoming requirements
- 12 before it votes.
- 13 Ms. Wolfgang mentioned that the Board had
- 14 discussions over the last few meetings but offered to
- 15 further discuss any issues or concerns when reviewing
- 16 that part of the regulatory discussion.
- 17 Chair Santiago referred to the supervision plan
- 18 | in Act 4, noting the Board does not currently have a
- 19 supervision plan and does not know the details. She
- 20 asked when it would happen when the application is
- 21 | already live.
- 22 Mr. Barrett stated the applications are coming in
- 23 on a rolling basis and believed the supervision plan
- 24 is reviewed by staff.
- 25 Ms. McNeill noted reviewing the applications to

realize the type of questions that may arise. She
mentioned following the requirements of the
regulations as far as the supervision plan. She
explained that somebody who only has a licensed
clinical social worker (LCSW) supervisor has to
confirm that their understanding of the need for at
least half of their hours with a licensed
professional counselor (LPC).

Ms. McNeill also explained that an LPC would provide information on the supervision, such as individual versus group, and where the supervision and experience will occur.

Chair Santiago commented that it is something the Board should know, because the administrative staff and people who review applications are also reviewing what is deemed an appropriate supervision plan when the Board has never seen it. She asked how often those plans are being checked for compliance.

Mr. Barrett stated the Board has the regulations concerning what is required in supervision, and it does not change the process as long as the plans are meeting the requirements of an approved supervisor. He noted that staff has been reviewing applications and making determinations without coming to the Board, and any issues with a supervision plan would

come back before the Board.

Mr. Barrett noted the act has items the applicant has to submit, including meeting the educational experience, and can be read in with the supervision regulation requirements currently in terms of what is expected. He believed a regulatory package will make that clear to applicants and also allow the Board to have more standard fixed posts relating to the associate license types themselves.

Chair Santiago stated the Board would like to review the application and the regulations being plugged into the supervision plan, along with an outline of the evaluation process.

Chair Santiago referred to Chapter 47 and asked how people are now applying for this when there are matters currently in the process of being written, rewritten, deleted, or changed around.

Ms. Wolfgang explained that anything the Board is writing or drafting is a proposed regulation and is not a law or regulation. She noted the existing regulations are in effect and are the law with respect to qualifications and supervision or anything else that is in the regulations.

Chair Santiago asked whether the Board could have some certainty that their changes would be passed

through as fast as the associate license.

Ms. Wolfgang explained that Act 4 is a law, and regulations take longer because it is part of the regulatory processes. She asked whether the Board agreed with the changes and requested a vote from the Board to be able to send the act out as an exposure draft. She suggested the Board review the application and look at Act 4 in more detail and then reconvene and discuss what needs to be in the regulations.

Ms. Wolfgang mentioned that the Board can always add it and then send it out as an additional exposure draft, so it does not have to delay those regulations if the Board decides the regulations need to be part of the General Revisions. She mentioned that the application could always be modified by making a recommendation to the Commissioner's staff.

Ms. Martin commented that she has only seen House Bill 1564 but never saw the act.

Mr. Barrett explained House Bill 1564 is on the agenda, because it is the same language from the Act 4 that was voted on by both houses and signed by Governor Shapiro.

Ms. Martin again referred to item 8 on the agenda regarding the associate LPC and associate MFT

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licenses and believed there were good intentions but also believed it caused problems with the way this was processed and how the regulations started being written in the act.

Ms. Martin commented that the LMFT and LPC licenses have been round for 20 years and did not see the reason for the urgency for the licensed associates. She believed bypassing the Board was a mistake and disrupted the whole legislative process, noting that acts get written and are sent to the Board and the Board starts to write the regulations.

Ms. Martin stated it is unfortunate the General Assembly decided to bypass the Board and try to write the regulations into this Act. She mentioned that the time it takes the Board to get regulations passes or revised is a systemic problem that needs to be fixed.]

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19 Regulatory Report - 16A-6923

20 | [Jacqueline A. Wolfgang, Esquire, Regulatory Counsel,

21 addressed 16A-6923 regarding the General Revisions

22 | package. She noted making all of the revisions

23 requested by the Board. She mentioned not being

24 involved in the original drafting and asked why the

25 Board thought it needed a definition of the term

"year."

Chair Santiago explained that defining the year was in place when she and Ms. Martin came on the Board and did not come from the current Board members.

Mr. Barrett mentioned that there are limitations in certain situations on how many years someone could earn supervision hours and may be a change to keep them as a consecutive block, where someone could not say they were supervised for four months in 2020, four months in 2024, and then another four months in 2018. He believed the definition is constructed to keep "year" to mean 12 consecutive months versus any other computation.

Ms. Martin commented that the initial regulations had language in it like social workers would need three years of supervision, but when the hours were included, it was only two years' worth of actual hours. She mentioned being very involved in reviewing and writing some of the early regulations before she was on the Board and noted that it would be helpful to have the questions in advance.

Ms. Wolfgang stated the questions are on the annex on the Board's agenda and offered the Board more time before voting. She noted the particular

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1 issue is more for her understanding, so she can
2 explain it in the preamble and asked the Board to get
3 back with her.

Ms. Wolfgang addressed § 47.1a regarding qualifications for supervisors, noting it is applicable to Chapter 47, Chapter 48, and Chapter 49. She referred to 47.1a(a)(1) and asked whether a supervisor is required to have a PA license for electronic supervision as opposed to in-person supervision. She noted making a distinction on that because electronic supervision requires a PA license. She asked why there were different standards.

Chair Santiago believed the Board agreed that anyone supervising a person in Pennsylvania is required to have a Pennsylvania license, and Board members agreed.

Ms. Wolfgang referred to (a) education and experience, where it states to qualify as a supervisor, an individual shall meet one of the following criteria, including hold an active license as a clinical social worker in the state where the supervisee's experience is occurring. She asked whether that is not what the Board intended to have in that separation section. She asked whether the Board wanted to change that to Pennsylvania.

Chair Santiago noted that it should be changed to Pennsylvania, because their whole discussion revolved around how someone would know the rules and regulations for licensure in another state.

Ms. Wolfgang asked whether there is no requirement for PA licensure.

Mr. Barrett explained that there is no requirement for a supervisor generally, where someone getting their supervision in New Jersey even by a New Jersey licensed supervisor, as long as that individual met the qualifications and the requirements, then that would be acceptable. He noted reviewing several applications from people who received their degree in a different state, received their supervision in a different state, and then come to Pennsylvania to apply for licensure, which would be accepted.

Mr. Barrett commented that he understands saying if a person is getting their hours in Pennsylvania or being supervised in Pennsylvania that the person must hold a license but is kind of a tricky way to mesh it with the other situations, where if someone is in person, it is not a requirement. He explained that if he is being evaluated by someone in Ohio and doing his hours in Ohio and physically in Ohio, that is

fine, but if that same person is supervising him in
Pennsylvania via electronic supervision that it is
not acceptable and creates a rift between the two
provisions.

Ms. Wolfgang noted it to be more restrictive by requiring Pennsylvania in the electronic supervision

She mentioned that if the Board is considering changing all supervision to Pennsylvania, that it is not what is being suggested in the regulation at this time.

Ms. Wolfgang stated it would be a little tricky, because people are currently getting their experience in other states who are with supervisors in other states and would possibly require an effective date at a different time as those people might have several years of experience that would not be counted.

Mr. DeCriscio commented that an applicant doing their work in Pennsylvania under supervision should come from a licensed PA professional, but if that individual is serving clients outside of the state of Pennsylvania, then that would be a different scenario.

Ms. Wolfgang referred to (1) Hold an active license as a clinical social worker in the state

where the supervisee's experience is occurring, where if it is in Pennsylvania, they have to be licensed in Pennsylvania, and if it is in New Jersey, then they have to be licensed in Jersey.

Ms. Martin believed that is why it was changed to include out-of-state supervision, which was recently written into their new regulations.

Ms. Wolfgang referred to § 47.12f regarding the electronic supervision provision. She noted the discussion regarding the above section, where the supervisor would have to be in the state where the experience is occurring. She referred to § 47.12f under electronic supervision, where the supervisor must hold an active license in this Commonwealth.

Ms. Wolfgang asked why the Board is suggesting a different standard for electronic supervision than in person and requiring the supervisor to hold an active license in the Commonwealth.

Ms. Wolfgang mentioned that there was not an overwhelmingly number of people who want to be supervisors and mentioned that it may have a detrimental effect on people who want to be licensees because the Board would be requiring a supervisor who has a license in the Commonwealth no matter where the individual is getting that experience.

Mr. DeCriscio commented that the way she explained it did not fit with what the Board agreed to overall. He mentioned that whether it is in person, virtual, or electronic, if someone is working and seeing clients in Pennsylvania, the supervisor should be a Pennsylvania licensed professional. He did not know where the Board meant to make that distinction between the two.

Chair Santiago explained that the Board started to talk about it at the start of COVID, because people were from another state supervising a Pennsylvania person who wanted a license not knowing the rules and regulations of the state of Pennsylvania.

Ms. Wolfgang referred to § 47.1a and asked whether the language the Board is adding in (1), Hold an active license in clinical social work in the state where the supervisees experience is occurring, gets the Board where it wanted to be, because if the electronic experience is happening in Pennsylvania, then the person would have to have a licensed supervisor in Pennsylvania.

Ms. Martin commented that these are qualifications for supervisors in Pennsylvania and the supervisor must be licensed in Pennsylvania. She

1 | noted the qualifications for a Pennsylvania

- 2 supervisor is that the individual be licensed in
- 3 | Pennsylvania and should be licensed in New Jersey too
- 4 | if the individual would supervise someone in New
- 5 Jersey.
- 6 Ms. Wolfgang again referred to § 47.12f(c) and
- 7 | suggested the addition, to engage in electronic
- 8 | supervision in this Commonwealth, the supervisor must
- 9 hold an active license in this Commonwealth. She
- 10 noted it would not be a general requirement to
- 11 | maintain a license in the Commonwealth for all
- 12 | supervision, only when the individual is supervising
- 13 in the Commonwealth.
- 14 Mr. Barrett commented that the addition makes it
- 15 clear, so having someone in New Jersey who got any
- 16 amount of their supervision potentially
- 17 electronically even in New Jersey by a New Jersey
- 18 | licensed supervisor, the Board could potentially say
- 19 that the New Jersey supervisor also needed to have a
- 20 Pennsylvania license because it was done with
- 21 electronic supervision. He noted the addition of
- 22 getting the experience in the Commonwealth would
- 23 eliminate the issue that could happen with outside of
- 24 the state licensees.
- 25 Ms. Wolfgang referred to 47.1a(3), until January

1 | 1, 2016, the following criteria to qualify for a
2 | supervisor. She asked whether the provision is still
3 | relevant.

Ms. McNeill informed Ms. Wolfgang that it is rare but do see it occasionally.

Chair Santiago noted the Board wrote five years as a professional counselor into their regulations for supervisors and asked whether the five years start the first two years that someone is still under supervision or after the license is in their hand.

Mr. Barrett agreed it is vague, and there could legally be an argument made that someone could count two years of actually being supervised. He suggested adding language to clarify that the time not be counted when the individual is directly under supervision or post-licensure.

Chair Santiago referred to 47.1a(a)(1), where it says 5 years of postmaster's experience within the last 10 years as a clinical social worker.

Johanna Byrd, ACSW, IOM, CAE, Executive Director, National Association of Social Workers Pennsylvania Chapter, stated it is fairly standard, noting her years of experience from working in Florida, where the rule was five years of experience, two of which must be post Florida license, so those two years in

training were included.

Ms. Byrd also mentioned that their regulations did not specify postlicensure or post Pennsylvania licensure and just said five years of clinical experience, where somebody could get their Pennsylvania license, and presuming the individual already had five years of experience upon arrival, the individual would be qualified to supervise the next day.

Ms. Wolfgang read the law concerning qualifications of a license, where a supervisor shall hold a current and active license to practice or practice in a related field as approved by the Board and shall have no less than five full-time years of experience.

Mr. DeCriscio noted prior Board discussion where some Board members stated professional experience should begin after licensure and some stated it should begin after graduation and starting their clinical experience under supervision. He reported it is simply five years of clinical experience in most states, where the experience begins once an individual graduates and starts their employment.

Mr. DeCriscio mentioned that some states started the years of clinical experience when an individual

- 1 started their practicum and reduced it even further.
- 2 He commented that across licensures and
- 3 certifications that it typically starts once an
- 4 | individual began their clinical experience and does
- 5 | not have to start after they have earned their
- 6 licensure.
- 7 Ms. Wolfgang mentioned that postmaster's
- 8 experience as opposed to just experience may have
- 9 been to clarify that provision, and Board members
- 10 agreed.
- 11 Ms. Wolfgang referred to § 47.1a(b) under
- 12 required continuing education, where a supervisor
- 13 | shall complete at least six continuing education
- 14 clock hours on clinical supervision before beginning
- 15 as a supervisor for individuals who are providing
- 16 supervision on the effective date of this section,
- 17 the six continuing education clock hours shall be
- 18 completed by the end of the next biennial renewal
- 19 cycle.
- 20 Ms. Wolfgang pointed out that it could
- 21 potentially be close to four years and wanted to make
- 22 | sure that everyone agreed.
- 23 Ms. Martin addressed the history and noted
- 24 differences between the professions on this because
- 25 social work has not had a requirement to be certified

1 in supervision like licensed marriage and family 2 therapists (LMFTs). She believed it was written into 3 the regulations, because it was not part of the social work professional background. 4 She noted the 5 effort of regulators was to get all the professions sort of consistent in their requirements. 6 She noted 7 the Board encourages supervisors to take courses on supervision but has not been part of their 9 professional standards where someone has to be 10 certified to be a supervisor.

Mr. DeCriscio noted the current language as it stands would not be acceptable. He believed an individual should meet the requirements before becoming a certified supervisor. He noted the Commonwealth does not have that certification specific to a supervisor in the state of Pennsylvania, but many states have that.

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Ms. Wolfgang wanted to be clear that it would be the requirement in the first sentence, but the second sentence deals with individuals who are currently providing supervision on the effective date of the regulation and what then transpires. She mentioned two years, noting there is more than likely going to be a deadline within a biennial period.

Ms. McNeill expressed concern with how the Board

would verify or track it and whether they would have to submit certificates for staff to review. She noted somebody who is going to be a supervisor does not apply. She mentioned the Board did not get anything from supervisors until the applicant's experience is complete and their experience is verified by the Board.

Ms. Wolfgang mentioned that the question should probably go on the biennial renewal application, so there is a record of the person indicating that an individual served as a supervisor and have or have not taken the course if there is an audit.

Ms. Wolfgang also mentioned another solution, where an individual could say by the end of the next renewal cycle unless that cycle ends within six months of the effect date of that cycle in which case another renewal cycle could be approved, noting it may be a little complicated and cumbersome.

Ms. Wolfgang suggested going with the straight two years to see how that goes.

Ms. Martin noted everyone could ask for an exemption to get more time.

Mr. Barrett explained that the Board would have to write that into the regulation. He noted the point is to get everyone doing the CE credit before

becoming a supervisor and does not know why they
would need more than two years.

Ms. Early commented that it only applies to someone who is currently supervising when the regulations take effect.

Ms. Wolfgang stated the Board could send an email blast notifying the licensee population that the regulation passed and have a certain amount of time if they are currently supervising. She noted that the email blast would be sent after the regulation is published as final.

Acting Commissioner Claggett approved the email blast.

Ms. Wolfgang noted clarifying the term "clinical supervisor certification program" and asked Board members whether it is accurate.

Mr. DeCriscio mentioned that it is more than 6 continuing education clock hours. He noted the program was 30 continuing education clock hours when he obtained a certified clinical supervisor certificate, which was substance abuse addiction specific, through the International Certification and Reciprocity Consortium (IC&RC) Board.

Chair Santiago asked whether taking a 3-credit graduate level course at 44 hours or taking it

through another organization at 30 hours matters.

Ms. Wolfgang did not believe it mattered because the guidepost is 6 continuing education clock hours, and the Board is just saying that if they met certain requirements, they met the requirements. Board members agreed with the language.

Ms. Wolfgang addressed § 47.12d standards for supervisors, where supervisors and those to whom supervisory responsibilities are delegated under 47.12c(a)(5) relating to licensed clinical social worker shall comply with the standards in this section. Supervisors shall test to compliance on the verification of experience form, which shall be submitted by the supervisor directly to the Board as part of the supervisees application for licensure. A supervisee may obtain a verification of experience form after applying with the Board.

Ms. Wolfgang requested information regarding the administrative process to reflect the current process.

Ms. McNeill noted it is within the PALS application process, and it is accurate. She stated, as soon as an individual has paid the fee to submit their application, there is a button next to verification of supervised clinical experience to

1 download the form. She noted it is prepopulated with

- 2 | a barcode if they are mail that can get attached to
- 3 their application, and it has all their demographic
- 4 information prepopulated, so the supervisor just
- 5 needs to fill out their part and send it to the
- 6 Board.
- Ms. Wolfgang informed Board members that she
- 8 | would change the language to reflect that it can be
- 9 obtained online.
- 10 Ms. Wolfgang referred to § 47.21 under
- 11 professional corporations, where an individual
- 12 licensed by the Board as a bachelor social worker,
- 13 social worker, or clinical social worker may
- 14 professionally incorporate with other licensed
- 15 bachelor social workers, social workers, clinical
- 16 social workers, marriage and family therapists,
- 17 professional counselors, or with licensed
- 18 | chiropractors, medical doctors, nurses, optometrists,
- 19 doctors of osteo, pharmacists, podiatrists,
- 20 veterinarians, dentists, nursing home administrators,
- 21 physical therapists, psychologists, occupational
- 22 | therapists, audiologists, and speech-language
- 23 pathologists.
- Ms. Wolfgang stated the Board is suggesting to
- 25 delete teachers of hearing impaired and asked why

1 those individuals are being deleted from this
2 provision.

Chair Santiago recalled that it changed back in 2018, because everything else on the list requires a master's degree.

Ms. McNeill noted being the Board administrator for the Speech Board, and the Speech Board used to regulate the teachers of the hearing impaired but no longer regulate them.

Ms. Wolfgang noted she would research and include that in the preamble.

Ms. Wolfgang addressed § 47.32 under requirements for biennial renewal. She noted prior discussion regarding a law that was passed a few years back giving the Board specific authority to carry over CE if the Board choose to do so. She noted current regulations indicate excess clock hours may not be carried over to the next biennium and asked whether the Board wished to consider carryover. Board members agreed that clock hours should not be carried over.

Ms. Wolfgang referred to § 47.35a under preapproved providers. She informed Board members that former Board Counsel rearranged the existing regulations, and she deleted § 47.36 and rewrote it

under § 47.35a, because there were so many instances where items needed to be moved.

Ms. Martin commented that she is not sure why all of the changes were made. She noted two groupings of preapproved providers and some repetition. She mentioned that it is confusing as to whether an approved provider can also sponsor or cosponsor.

Ms. Wolfgang explained that the Board wanted the amendments and referred to § 47.35a(a)(1), where the entities are preapproved providers and may sponsor or cosponsor but may not approve CE courses. She also referred to § 47.35a(a)(2), where entities are preapproved providers and may provide; sponsor; cosponsor; and approve continuing education courses, programs, and workshops.

Ms. Wolfgang also referred to § 47.35a(a)(3), where entities and their regional, state, and affiliate preapproved providers may sponsor cosponsor, or approve continuing education courses. She noted the entities in (2) were formerly in the regulations but now added entities and their regional, state, and local affiliates that are now going to be able to approve continuous education courses, which is new.

Ms. Wolfgang stated the Board has to justify in

the preamble why it believes these entities
specifically are capable of approving continuing
deducation courses and programs.

Ms. Martin commented that some of those items were changed but did not believe the Board had much discussion.

Chair Santiago also did not remember any discussion with the exception of one whose names had changed, and the names were already on the list when she became a Board member

Ms. Wolfgang referred to \$47.36, noting it is the current regulation, and \$47.35a with respect to their preapproved providers.

Ms. Martin mentioned that the Child Welfare

League of America, National Association of Black

Social Workers, Clinical Social Work Association, and
other ones following were previously on the list but
then put into this new category for some reason.

Ms. Wolfgang requested information regarding the approval language and why the Board is giving providers the ability to approve continuing education courses. She mentioned that the Office of General Counsel and maybe the Office of Attorney General might take a look at this. She wanted to make sure everybody is on the same page as far as why the Board

thinks it is necessary to approve it as proposed.

Ms. Martin believed a lot of these entities may predate licensing or regulations, noting professional organizations have been providing continuing education for members for a long time. She mentioned that the Board decided to make standards for continuing education, and the National Association of Social Workers (NASW), Association of Social Work Boards, and marriage and family therapy and counseling boards and organizations all have been providing continuing education.

Ms. Wolfgang informed Board members that it is just an exposure draft and could be distributed for public comment. She mentioned that the Board should get more information on the entities being added that were not currently given that approval power, including the Child Welfare League of America and Wesley Family Services, to make sure they are appropriate entities to engage in the approval process.

Mr. DeCriscio commented that there are two entities, the National Board for Certified Counselors (NBCC) and the American Counseling Association (ACA) and their affiliates, who should be considered preapproved providers. He noted that adding the

1 additional agencies as an approval component is a 2 mistake.

Ms. Wolfgang referred to (2) and further explained that the existing regulations gives the entities and national associations the ability to approve continuing education programs or workshops. She explained that the regulation is giving other regional, state, and local affiliates that same approval power.

Ms. Martin commented that there are entities that were on the list, including the National Association of Black Social Workers, American Family Therapy Association, Clinical Social Work Association that would certainly be included as preapproved providers that could approve other CEUs. She mentioned that they are national associations that meet and uphold standards, along with writing standards.

Ms. Wolfgang explained that the Board could include the entities in (3) but that the Board and counsel would need to review those entities and look at their approval process if the Board would want to give them that additional ability to approve continuing education courses.

Ms. Martin asked why the Board is redoing this when it was already written into their changes. She

referred to (3), where following entities and their regional, state, and local affiliates, preapproved providers, and they sponsor, cosponsor, and approve.

She stated it is already written into their changes made to their regulations and asked why they are

going back and revisiting this.

Ms. Wolfgang explained that they are draft regulations and would have to be approved through the process. She informed Board members that she is just giving it one last look over because she was not involved in drafting it. She noted that it is not their current regulations but what was drafted, and she did not have any insight as to why it was drafted this way or why the entities have this additional approval process.

Ms. Wolfgang mentioned that the Board has to do its due diligence when giving entities the ability to approve continuing education.

Ms. Martin again noted the Board already revisited this, and it is already in the regulations. She mentioned this will never get done if the Board kept going back and questioning what it did before.

Mr. Barrett stated the goal is to move forward but explained that counsel has to go before

Independent Regulatory Review Commission (IRRC)

and be able to explain why the Board is making
certain changes. He noted the Board cannot go before
IRRC and explained what the Board did in 2018. He
further explained that they are not saying to remove
the providers, but more time is needed to look into
them and make sure the approval process is
appropriate for the Board.

Ms. Wolfgang informed Board members that she would not be able to send it out as an exposure if the Board cannot decide.

Mr. DeCriscio commented that he would not give Wesley Family Services the power to approve CEUs. He mentioned that the Board approved them as a provider but did not think they were a qualified entity. He mentioned that a large majority of the population they serve are folks with intellectual developmental disabilities.

Mr. DeCriscio stated they do have some programs that do work with counseling folks considered to have serious and persistent mental illnesses but do not seem to be a comparable. He noted Wesley Family Services to be an agency that provides services but did not believe they can adequately approve a provider and believed that with any agency.

Mr. Barrett commented that these organizations

are potentially specific to certain populations and could potentially approve programming in areas outside the community they typically serve or have expertise in. He noted that other ones on the list could provide but could not approve providers.

Mr. DeCriscio commented that he did not have a problem with national organizations, Clinical Social Work Association, or National Association of Black Social Work if they have given them the ability to provide, noting some of the agencies on the list do not add up.

Ms. Martin mentioned that it may be a professional differences issue because social workers have a very wide scope of practice and do not just practice in mental health settings, where they practice in children and youth settings and developmentally delay agency settings.

Ms. Martin reminded everyone that the Board was originally only the Board of Social Work, noting they have been trying, you know to meld their professions together.

Mr. DeCriscio stated professional differences is not the issue, and some of them may have a wonderful reputation in western Pennsylvania for providing services to certain populations, noting counselors

also provide services to a wide range of clientele, including folks with intellectual developmental disabilities as well.

Ms. Wolfgang suggested having the entities submit some sort of application telling the Board what they do in terms of their approval process. She recommended taking out that approval component so the Board could look into those entities because it will take some time for approval, and Board members agreed.

Ms. Wolfgang asked whether Wesley Family Services is a new name for Family Service Association of America of a new entity. She referred to what would be deleted under § 47.36, noting the entity that is no longer on the list is Family Service Association of America. She asked why the Board is deleting that entity and substituting it with Wesley Family Services.

Ms. Martin stated it has been Wesley Family
Services for a long time and did not know anything
about the other entity. She mentioned that it is
discouraging that all of those entities were already
vetted and part of their regulations, noting it is a
mistake to delete them. She believed it would be
better to go with what had been approved instead of

debating it again.

Ms. Wolfgang explained that they are not taking anything away, and the entities are still preapproved providers and may sponsor or cosponsor. She noted it is just the approval component that is new to these providers that would not be included in the regulation.

Ms. Wolfgang referred to (b), noting the providers are going to be individual providers that are approved by the Board on a case-by-case biennial basis labeled as Board-approved providers to keep that separate. She referred to where the Board may approve participation in other continuing education courses or programs for credits so long as the licensee submits prior to attendance an application for program approval and supporting documentation provided in § 47.35 and upon completion of the course or program submits verification of attendance.

Ms. Wolfgang asked whether it is consistent with how the Board administers other programs. She asked whether the Board would have them submit certificates of attendance or just be caught on audits like other programs.

Ms. McNeill explained that they do not have to have verification of attendance because they are

1 applying before they take it.

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- 2 Ms. Wolfgang noted that she would remove the 3 verification part.
 - Ms. Wolfgang stated most of the questions she had for Chapter 48 and Chapter 49 are similar to what was discussed in Chapter 47 and will make the same changes in those chapters.
 - Ms. Wolfgang referred to § 48.14(6) under standards for supervisors, where the supervisor shall be empowered to recommend the interruption of termination of the supervisee's activities in providing services to a client/patient and, if necessary, to terminate the supervisory relationship.

Any hours accumulated for activities not approved by

- 15 the supervisor will not count toward satisfying
- 16 33,000 hours of supervised experience.
- Ms. Wolfgang explained that the Board is deleting the 3600 hours and changing it to 3000 hours and asked the Board to provide background information as to why it is being changed.
- Chair Santiago stated the Board never wanted it to be 3600 hours, noting 3000 is the standard in other states.
- Ms. Martin further explained that it was
 initially written in a confusing way that said they

needed 3 years of supervision but did not say how many hours that was and then another part of the regulations talked more about the hours, where they could do the hours in 2 years' time and not 3 years.

Ms. Wolfgang referred to § 48.36a(a)(2)(xi) under preapproved providers, noting American Nurses

Credentialing Center was highlighted by former counsel and asked if there were any outstanding issues. She mentioned the entity is currently in the regulations for the same authority.

Ms. McNeil remembered prior Board discussion regarding those preapproved providers, and the Board wanted to remove that entity but did not know why.

Ms. Wolfgang asked whether it would be acceptable to deal with this issue when the Board deals with the other providers in a different regulation.

Acting Commissioner Claggett informed Ms.

Wolfgang that it would be acceptable to deal with the issue at that time because Board members did not have a comment.

Ms. Wolfgang referred to § 49.13(b) under supervised clinical experience, where experience acceptable to the Board means experience as a supervisee in a setting that is organized to prepare the applicant for practice of counseling consistent

with the applicant's education and training. At least 50% of the experience shall consist of providing supervised direct client/patient contact services in one of the following areas.

Ms. Wolfgang referred to § 49.13(b)(v), other therapeutic interventions, noting the addition of term "psychoeducation." She asked whether the Board is saying that is the only matter that other therapeutic interventions include or was it meant to be an example.

Ms. Martin explained that it was meant to be a general sort of statement because they do not know what other interventions will come along.

Ms. Wolfgang stated putting psychoeducation in the parentheses means that it is equivalent of the other therapeutic interventions and is limiting it.

Ms. Martin did not remember putting psychoeducation in there, and they have other therapeutic interventions so that it is not something that can change over time. Board members agreed to delete psychoeducation.

Ms. Wolfgang wanted to make the revisions in Chapter 48 and Chapter 49. She noted the revisions discussed are very limited, and the Board could vote to send it out as an exposure draft as discussed

during public session with the revisions instructed
by the Board or she can provide a revised final
version. She informed Board members that if they do
the exposure draft that revisions could be made
before it goes to proposed.

Chair Santiago provided Ms. Wolfgang with information regarding the number of exams listed for professional counselors and preferred the draft goes out with only the two listed exams.

Ms. Wolfgang asked why the Board is deleting so many examinations because it is going to change the landscape of people who are eligible. She noted they could put it out as an exposure draft but that she would need to provide a sufficient explanation as to why those examinations are being deleted.

Ms. Wolfgang mentioned that the Board may need to have an effective date that is different than the effective date on the regulation to give individuals who were set to take that exam some time to do that without just dropping a new regulation on them.

Chair Santiago informed Board members that she send an email to Ms. Wolfgang last night. She noted Pennsylvania is the only state that has 10 or 12 different exams people can take for their LPC. She mentioned that everybody either asks for the National

- Counselor Examination (NCE), National Clinical Mental
 Health Counseling Examination (NCMHCE), both, or one
 plus the jurisprudence.
- Mr. DeCriscio commented that some states allow
 the Certified Rehabilitation Counselor Examination,
 but most states are now requiring individuals to pass
 the NCE to earn the licensed associate counselor. He
 noted that anyone who wants to get their LPC must
 pass the National Clinical Mental Health Counseling
 Examination.
 - Ms. Wolfgang informed Board members that she may circle back for more specific guidance and justification on removing the exams when she begins writing the preamble.

- Ms. Wolfgang asked whether the Board wanted to see the regulation again before they send it out as an exposure draft or send it out as an exposure draft.
- Ms. Martin mentioned that the exposure draft is for public comment, and the comments would come back to the Board for a chance to review them and see if they influence the Board.
- Ms. Wolfgang explained that it is a public comment period before the public comment period that they will have again in the proposed rulemaking. She

explained that there is an Executive Order that requires the Board to do outreach to the regulated community prior to basically initiating the proposed regulation.

Ms. Wolfgang further explained that the exposure draft basically satisfies that, where it would have 30 days of public comment and then sent to stakeholders who want to receive any type of pending regulation or proposed regulation. Board members agreed to send out the regulation as an exposure draft.

Ms. Wolfgang informed Board members that she would place all of the public comments received on the Board agenda for discussion and then the Board could decide whether to make revisions based upon the public comments received.]

* * *

18 MR. BARRETT:

Based on the discussion in open session today, I believe the Board Chair would entertain a motion to direct Counsel to send out an exposure draft with the changes discussed and directed in open session today of the Proposed Annex of 16A-6923.

75 CHAIR SANTIAGO: 1 2 I'm going to entertain that motion as 3 presented by counsel. 4 May I have a motion, please? 5 DR. BEHUN: 6 So moved. 7 MS. EARLY: 8 Second. 9 CHAIR SANTIAGO: 10 Any additional discussion, Board 11 members? Seeing none. Could we have 12 the vote, please? 13 14 Santiago, aye; Claggett, aye; Behun, 15 aye; DeCriscio, aye; Early, aye; 16 Martin, aye. [The motion carried unanimously.] 17 * * * 18 Public Comment 19 20 [Eric DeCriscio, MA, LPC, ACS, commented he was not 21 against Wesley Family Services or any other provider, 22 but did not believe providers are in the business of 23 or specialize in approving providers and believed 24 that for any providers.] * * * 25

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   Adjournment
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 2
   CHAIR SANTIAGO:
 3
                   Could I have a motion to adjourn the
 4
                   meeting?
 5
   DR. BEHUN:
 6
                   So moved.
 7
   MS. EARLY:
 8
                   Second.
 9
   CHAIR SANTIAGO:
10
                   Thank you everyone for all of your
11
                   input and work.
12
                                * * *
13
    [There being no further business, the State Board of
14
   Social Workers, Marriage and Family Therapists, and
15
   Professional Counselors Meeting adjourned at
16
   2:45 p.m.]
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I hereby certify that the foregoing summary minutes of the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors meeting, was reduced to writing by me or under my supervision, and that the minutes accurately

summarize the substance of the State Board of Social

CERTIFICATE

Workers, Marriage and Family Therapists and Professional Counselors meeting.

Sophia Mahoney,

Minute Clerk

Sargent's Court Reporting Service, Inc.

STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS, AND PROFESSIONAL COUNSELORS REFERENCE INDEX April 23, 2024

1 2 3 4 5 6 7 8 9 10 11 21 31 41 5 16 17 18 19 20 21 22 22 24 25 26 27 26 27 27 27 27 27 27 27 27 27 27 27 27 27		STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS, AND PROFESSIONAL COUNSELORS REFERENCE INDEX
		April 23, 2024
	TIME	AGENDA
	9:00 11:00	Executive Session Return to Open Session
	11:41	Official Call to Order
	11:43	Roll Call of Board Members
	11:43	Introduction of Attendees
	11:43	Approval of Minutes
	11:47	Report of Prosecutorial Division
	11:53	Report of Board Counsel
	12:03	Review of Applications
	12:19	Miscellaneous
	12:20	Regulatory Report
	2:44	Public Session
	2:45	Adjournment

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