

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2300 Session of
1978

INTRODUCED BY IRVIS, BERSON AND KELLY, APRIL 5, 1978

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, APRIL 5, 1978

AN ACT

1 Relating to the regulation of social workers.

2 The General Assembly of the Commonwealth of Pennsylvania
3 hereby enacts as follows:

4 Section 1. Short title.

5 This act shall be known as the "Regulation of Social Workers
6 Act."

7 Section 2. Legislative intent.

8 Whether the social worker is functioning under the auspices
9 of governmental or private agency, or as a private practitioner,
10 the public need and demand for his or her services is
11 increasing. The function of a qualified social worker is
12 recognized by the Commonwealth as contributing to the social
13 functioning of individuals, groups, and communities. The
14 Commonwealth also recognizes that the practice of social work
15 requires a special knowledge of social resources, social
16 systems, human capabilities and human behavior. The Commonwealth
17 further recognizes that social work profoundly affects the lives
18 of its citizens.

1 In the interest of protecting the public most other groups of
2 individuals practicing a particular profession or trade for
3 which they have been specially educated or trained, are
4 registered, licensed, or certified by the State. Therefore, with
5 the intent of safeguarding the welfare and health of the people
6 of this Commonwealth, the General Assembly is enacting
7 legislation which identifies standards for the professional
8 practice of social work.

9 Section 3. Definitions.

10 The following words and phrases when used in this act shall
11 have, unless the context clearly indicates otherwise, the
12 meanings given to them in this section:

13 "Board." The Pennsylvania State Board for the Regulation of
14 Social Workers established by the act of April 9, 1929 (P.L.177,
15 No.175), known as "The Administrative Code of 1929."

16 "Certified social worker." A social work practitioner who
17 has satisfied the board that it meets the requirements of
18 section 4(a)(1), in accordance with the procedures established
19 by said board for such purposes.

20 "Licensed social worker." A social work practitioner who has
21 satisfied the board that it meets the requirements of section
22 4(a)(2), in accordance with the procedures established by said
23 board for such purposes.

24 "Practice of social work." Rendering and/or offering to
25 render, to individuals, families, groups, organizations,
26 governmental units, and/or the general public, services which
27 are guided by special knowledge of social resources, social
28 systems, social casework, social group work, community
29 organization, social administration, social work education,
30 and/or any other combination of these in accordance with

1 recognized social work ethics, principles and methods.

2 "Registered social work associate." A social work
3 practitioner who has satisfied the board that it meets the
4 requirements of section 4(a)(3), in accordance with the
5 procedures established by said board for such purposes.

6 "Social work practitioner." An individual who, for
7 compensation engages in social work practice, as elsewhere
8 defined in this act.

9 "Social work services." Those services that use accepted
10 social work methods to restore client systems to acceptable
11 levels of functioning, prevent the breakdown of client systems,
12 rehabilitate client systems so that more effective levels of
13 functioning can be maintained and bring about improved general
14 well-being for all of society's members.

15 "Social work specialty." A defined area of social work
16 practice recognized and approved by the board.

17 Section 4. Certified social worker, licensed social worker,
18 registered social work associate - qualifications
19 and eligibility; reciprocity; examinations;
20 exemptions.

21 (a) Qualifications and eligibility:

22 (1) The board shall enroll as a "certified social
23 worker" a social work practitioner who meets the following
24 criteria:

25 (i) has attained an M.S.W. or higher degree from a
26 school of social work accredited by the Council on Social
27 Work Education or a successor accrediting body approved
28 by the board;

29 (ii) has at least two years of acceptable practice
30 experience, as prescribed by the board, under the

1 supervision of a board certified social worker: Provided,
2 That the board shall, by regulation, for instances where
3 such supervision has been verified to be unavailable,
4 establish standards by which equivalencies and waivers
5 are accepted in lieu thereof;

6 (iii) has passed an examination prepared by the
7 board; and

8 (iv) has met other reasonable requirements, as
9 established by the board.

10 The board may offer specialty certification in social
11 work administration, clinical social work, social work within
12 governmental entities, and in other areas defined by the
13 board.

14 (2) The board shall enroll as a "licensed social worker"
15 a social worker practitioner who meets the following
16 criteria:

17 (i) has attained a B.S.W. or higher degree from a
18 school of social work accredited by the Council on Social
19 Work Education or a successor accrediting body approved
20 by the board;

21 (ii) has passed an examination prepared by the
22 board; and

23 (iii) has met other reasonable requirements, as
24 established by the board.

25 A licensed social worker may only practice under the
26 supervision of a certified social worker; and the board
27 shall, by regulation, for instances where such supervision
28 has been verified to be unavailable, establish standards by
29 which equivalencies and waivers are accepted in lieu thereof.

30 (3) The board shall enroll as a "registered social work

1 associate" a social work practitioner who meets the following
2 criteria:

3 (i) has attained an A.A. or higher degree from a
4 program, department or school of social work accredited
5 by the Council on Social Work Education and/or an
6 accrediting body approved by the board; or has four or
7 more years of full-time, supervised and documented
8 experience, as approved by the board; and

9 (ii) has met other reasonable requirements, as
10 established by the board.

11 A registered social work associate may only practice
12 under the supervision of a licensed or certified social
13 worker; and, the board shall, by regulation, for instances
14 where such supervision has been verified to be unavailable,
15 establish standards by which equivalences and waivers are
16 accepted in lieu thereof.

17 (b) Reciprocity.--The board may enroll as a certified,
18 licensed or certified social worker, without examination, a
19 social work practitioner who makes application under procedures
20 established by the board, and who satisfies the board that he or
21 she possesses a valid, unsuspended and unrevoked enrollment with
22 a duly constituted regulatory body of social work practitioners
23 under the laws of any other state or territory of the United
24 States or the District of Columbia which, in the judgment of the
25 board, has requirements substantially equivalent to those
26 prescribed by this act, provided the regulatory body accepts for
27 enrollment, on substantially the same basis, certified and
28 licensed social workers enrolled by the board. Such persons
29 applying for enrollment as registered social work associates
30 shall be enrolled by the board, upon compliance with subsection

1 (a)(3).

2 (c) Examinations.--Except as otherwise specifically provided
3 herein, each individual enrolled as a certified and/or licensed
4 social worker shall demonstrate professional competence by
5 satisfactorily passing a written, oral or practical examination
6 free of cultural bias and appropriate to the category of
7 enrollment sought; the administration, subject matter, scope and
8 review of the examination shall be within the sole purview of
9 the board. The board shall offer such examinations at least
10 twice a year.

11 (d) Exemptions.--

12 (1) As soon as is practical, the board shall establish
13 the rules, regulations, and other administrative matters
14 necessary to its functioning, and, upon completion of the
15 same, shall immediately issue public notice of its readiness
16 to accept applications for enrollment. Provided, That, said
17 notice shall issue no later than six months after the
18 effective date of this act.

19 (2) At any time within one year from the date the board
20 issues official and public notice of its readiness to accept
21 applications for enrollment, the board shall waive the
22 examination for the certified and licensed social worker;
23 provided the applicant meets the other requirements
24 established by this act and the board.

25 (3) At any time within one year from the date the board
26 issues official and public notice of its readiness to accept
27 applications for enrollment, the board shall waive the
28 requirements, set out in subsection (a)(3), for registered
29 social work associates provided the applicant has at least
30 six months of practice experience in the field of social

work, such experience is documented by at least three letters of reference from persons actively engaged in the field of social work, and the applicant meets the other requirements established by this act and the board.

Section 5. Application procedure.

(a) Each applicant for enrollment under this act shall submit to the board, on a form provided by the board, satisfactory evidence that:

(1) he or she is at least 18 years of age;

(2) he or she is a resident of and/or employed within this Commonwealth;

(3) he or she is of good moral character, and is in good professional standing;

(4) he or she has the requisite qualifications of education and experience for the category of enrollment sought; and

(5) any other evidentiary data reasonably required by the board.

(b) Each application must be accompanied by the requisite enrollment fee, the amount of which is set by the board or otherwise established by law.

Section 6. Board created; composition and appointment of members; terms; powers and duties; vacancies, removal; expenses.

(a) Board created.--There is hereby created the Pennsylvania State Board for the Regulation of Social Workers.

(b) Board; composition and appointment of members.--

(1) The board shall consist of seven members, five members of whom shall be persons who are social work practitioners enrolled pursuant to the provisions of this

1 act, and two of which shall represent the public and
2 consumers.

3 (2) The members of the board shall be appointed by the
4 Governor, with the advice and consent of the Senate.

5 (c) Board; terms of members; initial terms.--

6 (1) The term of office of each member shall be three
7 years, except as specifically provided herein.

8 (2) Notwithstanding provisions herein to the contrary,
9 of the members initially appointed, three shall be appointed
10 for three year terms, two for two year terms, and two for one
11 year terms.

12 (d) Board; powers and duties.--The board shall have the
13 power:

14 (1) To adopt and revise such rules and regulations not
15 inconsistent with this act as may be necessary to enable it
16 to carry out the provisions of this act.

17 (2) To review and evaluate applications for
18 registration, licensing and certification at least twice a
19 year, including the preparation and administration of
20 examinations.

21 (3) To raise, collect and account for all fees
22 prescribed to be paid for registration, licensing,
23 certification and renewal of licenses and certificates.

24 (4) To promulgate a code of ethics under which the
25 professional activities of persons regulated shall be
26 conducted.

27 (5) To investigate complaints concerning the conduct of
28 any person whose activities are regulated by this act.

29 (6) To reprimand, suspend, revoke or refuse to renew any
30 license issued under this act, to a person, who:

1 (i) has obtained or attempted to obtain a license or
2 certificate by fraud or deception;

3 (ii) has committed any gross negligence,
4 incompetence or misconduct in the practice of social
5 work, as a registered social work associate or as a
6 licensed or certified social worker;

7 (iii) has been judged by a court to be mentally
8 incompetent;

9 (iv) has been convicted of a felony or of any
10 offense involving moral turpitude;

11 (v) is unable to perform the functions of the
12 profession of social work by reason of mental or physical
13 illness which substantially interferes with the
14 professional duties; or

15 (vi) has been found to be in violation of any of the
16 provisions of this act, of the rules and regulations
17 promulgated hereunder, or of the Code of Ethics
18 established by the board.

19 (7) To publish an annual roster of all social workers
20 registered, licensed and certified under this act each year,
21 no later than 60 days following the deadline date for renewal
22 of licenses.

23 (8) To take responsibility for the biannual preparation,
24 administration, and evaluation of an appropriate written,
25 oral or practical examination, free of cultural bias, to
26 ascertain the qualifications and fitness of applicants for
27 enrollment under the provisions of this act.

28 (9) To recommend to the Governor three candidates for
29 appointment as secretary to the board, who may be enrolled
30 under any of the three categories of this act.

1 (e) Board; vacancies.--Vacancies shall be filled by the
2 Governor, for the unexpired term.

3 (f) Board; removal from office.--The Governor may, upon
4 recommendation by the board and upon proof after a hearing and
5 notice, remove any member for incompetence or misconduct of
6 office.

7 (g) Board; expenses.--For every day on which any member is
8 engaged in the official duties of the board, that member shall
9 be entitled to per diem compensation, travel and subsistence
10 expenses, as provided by law for members of professional and
11 occupational boards.

12 (h) Board; organization, officers, meetings, quorum.--

13 (1) Within 120 days from the effective date of this act,
14 and annually thereafter, in the month designated by the
15 board, the board shall meet to elect a chairperson and a
16 vice-chairperson from among its members.

17 (2) Regular meetings shall be held as the rules of the
18 board shall provide; special meetings may be held at the call
19 of the chairperson, the Department of State or the
20 administrative unit which has jurisdiction over the board, or
21 upon written request of three members. A simple majority of
22 the board shall constitute a quorum.

23 Section 7. Enrollment of members and certificate of enrollment.

24 (a) Enrollment.--The board shall enroll each person who has
25 met the requirements for such enrollment as set forth herein,
26 and shall mail or cause to be mailed to each person so enrolled
27 a certificate of enrollment attesting such enrollment within one
28 of the categories herein prescribed for a one year period and
29 the date of expiration of the same, subject to other provisions
30 contained in this act.

1 (b) Certificate of enrollment.--The issuance of a
2 certificate of enrollment by the board is prima facie evidence
3 that the enrollee is entitled to all the rights and privileges
4 of the category within which such certificate holder is
5 enrolled, while said certificate remains unrevoked and/or
6 unexpired.

7 (c) Renewal.--Each enrollee shall be notified, by regular
8 mail, at the enrollee's last known address, at least two months
9 in advance of the date of expiration, of the date of expiration
10 of his or her certificate of enrollment and the amount of the
11 fee required for its renewal: Provided, That, at the time of
12 renewal, the board shall require the enrollee to produce
13 evidence of current and continued competency in the profession
14 and, where relevant, in the area of specialization for which the
15 enrollee has been approved: Provided further That, upon denial
16 of issuance or reissuance of a certificate of enrollment, the
17 fee deposited shall be retained as an application fee,
18 notwithstanding the board's decision to issue or reissue or to
19 deny the same.

20 (d) Fees.--The fee for enrollment and for annual renewal
21 shall be in the amount of \$30 for certified social workers, \$20
22 for licensed social workers, and \$10 for registered social work
23 associates; or as otherwise established by the board: Provided
24 That fees collected under the purview of this act shall be first
25 applied to cover the cost related to the operation of the board
26 and the administration of the provisions of this act by the
27 Bureau of Professional and Occupational Affairs.

28 (e) Roll.--On or before the 61st day following the deadline
29 date for annual renewal of licenses each year, the board shall
30 publish a list of persons enrolled under the provisions of this

1 act, including indication of the category of enrollment and area
2 of specialization, and shall make copies of the list available
3 to the public.

4 Section 8. Duties and responsibilities of enrollees; prohibited
5 acts.

6 (a) Rights and responsibilities.--

7 (1) Any person who possesses a valid, unexpired,
8 unsuspended certificate as an enrollee within a category of
9 practice, as herein defined, shall have the right to practice
10 and to use the title related to such category of enrollment,
11 limited by the restrictions contained in this act and others
12 as may be reasonably established by the board.

13 (2) Any person who is enrolled to practice pursuant to
14 the provisions of this act shall abide by the principles of
15 the Code of Ethics established by the board.

16 (b) Prohibited acts.--After the effective date of this act,
17 a person may not intentionally:

18 (1) Practice or offer to practice, as a social worker or
19 social work associate within this Commonwealth, without being
20 duly enrolled in accordance with this act.

21 (2) Engage in social work practice within this
22 Commonwealth, without being duly enrolled in accordance with
23 this act.

24 (3) Present or attempt to use the license or seal of
25 another person who is enrolled under this act.

26 (4) Give false or forged evidence of any kind to the
27 board or any member, is obtaining or attempting to obtain a
28 license.

29 (5) Impersonate falsely any other person enrolled under
30 this act.

1 (6) Use or attempt to use an expired, suspended,
2 revoked, or nonexistent license.

3 (7) Claim falsely that he or she is enrolled under this
4 act.

5 (c) Penalties.--Any violation of the provisions of
6 subsection (a) or (b) is a misdemeanor, and upon conviction,
7 shall be sentenced to pay a fine not exceeding \$500 or undergo
8 imprisonment for a term not exceeding 90 days.

9 Section 9. Disciplinary review--suspension, revocation,
10 nonrenewal of certificates; hearing; rehearing;
11 judicial review; disposition.

12 (a) Suspension, revocation, nonrenewal of certificates.--

13 (1) Grounds for.--The board may reprimand, suspend,
14 revoke or refuse to renew the certificate of any enrollee who
15 is found by the board to have violated section 6(d)(6),
16 section 8, and/or the rules and regulations promulgated by
17 the board pursuant to the provisions of this act.

18 (2) Investigation and notice.--The board may upon its
19 own motion and shall upon the verified complaint in writing
20 of any person setting forth facts which if proved would
21 constitute grounds for refusal, suspension, revocation or
22 nonrenewal, as set forth in this act, initiate an
23 investigation of such actions: Provided That, the board shall
24 notify any such person against whom such a complaint has been
25 initiated, in writing, at least 30 days before the hearing,
26 of any charges made and shall afford such person an
27 opportunity to be heard in person or by counsel in reference
28 thereto: Provided further That, such notice may be served by
29 delivery of the notice personally or by mailing the notice by
30 certified mail to the last known address of the person so

1 charged.

2 (b) Hearing.--

3 (1) At the time and place fixed in the notice, the board
4 shall proceed to hear the charges, and both the accused and
5 the complainant shall be accorded ample opportunity to
6 present in person or by counsel, such statements, testimony,
7 evidence and argument as may be pertinent to the charges or
8 to any defense thereto.

9 (2) A verbatim stenographic record of the hearing shall
10 be taken at the expense of the board and shall be preserved.

11 (3) Upon the conclusion of the hearing, the board shall
12 record its findings and conclusions, and cause a copy of the
13 same to be served on the person charged and the complainant:
14 Provided, That such findings and conclusions shall be so
15 served no later than 90 days after the conclusion of the
16 hearing.

17 (c) Rehearing.--

18 (1) Within 20 days after receipt of the written report
19 of the board, the person accused may present to the board his
20 or her motion for rehearing, which motion shall specify the
21 particular grounds therefor.

22 (2) Within 20 days of receipt of a motion for rehearing,
23 the board shall notify, by certified mail the person seeking
24 such rehearing of the date, time and place for such
25 rehearing. The rehearing shall be scheduled no later than 45
26 days after the board received the motion for rehearing.

27 (3) Within 90 days after the conclusion of the
28 rehearing, the board shall cause to be served on the accused
29 and the complainant a copy of its findings and conclusions.

30 (d) Judicial review.--All final decisions of the board are

1 subject to judicial review under the provisions of the act of
2 April 9, 1929 (P.L.177, No.175), known as "The Administrative
3 Code of 1929."

4 (e) Disposition.--

5 (1) An order of revocation, suspension or nonrenewal or
6 a certified copy of that order over the seal of the board and
7 purporting to be signed by the chairperson and/or secretary
8 of the board is prima facie proof that the enrollee who is
9 the subject of the order is no longer an enrollee in good
10 standing and is prohibited from practice under the provisions
11 of this act: Provided, That the board shall cause such order
12 to be published, so as to provide adequate and timely notice
13 of such revocation, suspension and/or nonrenewal to the
14 general public.

15 (2) A person who has been subject to such a revocation,
16 suspension and/or nonrenewal order may, after six months,
17 apply for reapplication or restoration, in the manner
18 hereinafter prescribed by the board: Provided, That such a
19 reinstatement or restoration shall be effected only upon a
20 majority vote of the board.

21 Section 10. Privileged communications.

22 (a) In general.--A social worker or social work associate
23 enrolled by the board shall not be examined without the consent
24 of his or her client system as to any communication made by the
25 client system to him or her, or the advice given thereon in the
26 course of professional practice, nor shall any employee or
27 support personnel of an enrolled social worker be examined
28 without the consent of his employer or any fact whatsoever, the
29 knowledge of which has been acquired in such capacity, nor shall
30 any person who has participated in any social work practice

1 conducted under the supervision of a person authorized by law to
2 conduct such practice, including but not limited to group
3 therapy sessions, be examined concerning any knowledge gained
4 during the course of such practice without the written consent
5 of the person or persons to whom the testimony sought related.

6 (b) Specific communications.--No social worker or social
7 work associate enrolled by the board may disclose any
8 information he or she may have acquired from persons consulting
9 him or her in his or her professional capacity that was
10 necessary to enable him or her to render services to those
11 persons except:

12 (1) with the written consent of the client system, or in
13 the case of death or disability, with the written consent of
14 the client system's representative, or other person
15 authorized by law to sue, or the beneficiary of any insurance
16 policy on the client system's life, health or physical
17 conditions;

18 (2) when the person is a minor under the age of 18 years
19 and the information acquired by the enrolled social worker
20 and/or social work associate indicated that the person was
21 the victim or subject of a crime, the enrolled social worker
22 may be required to testify in relation thereto upon any
23 legally constituted examination, trial or other proceeding in
24 which the commission of such crime is the subject of inquiry;

25 (3) when a communication reveals the contemplation or
26 execution of a crime or harmful act; or

27 (4) when the person who holds the privilege waives the
28 privilege by bringing charges against the enrolled social
29 worker or social work associate.

30 (c) Testimony in court.--Nothing in this section shall be

1 construed to prohibit any enrolled social worker or social work
2 associate from testifying in juvenile court hearings concerning
3 matters of adoption, child abuse, child neglect, or other
4 matters pertaining to the welfare of children.

5 Section 11. Discrimination prohibited.

6 The board shall not deny or in any way abridge the rights and
7 privileges of any enrolled social worker, nor act in any manner
8 so as to deny enrollment to any person because of race,
9 religion, creed, national origin, sex or physical impairment, if
10 the physical impairment does not interfere with the performance
11 of professional duties: Provided, That the board's composition
12 shall be representative of social workers enrolled thereby.

13 Section 12. Severability clause.

14 If any section of this act, or any part thereof, shall be
15 adjudged by any court of competent jurisdiction, to be invalid,
16 such judgment shall not affect, impair, or invalidate the
17 remainder of any other section or part thereof.

18 Section 13. Effective date.

19 This act shall take effect in 90 days.