
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2300

Session of
1978

INTRODUCED BY MESSRS. IRVIS, BERSON AND MRS. KELLY,
APRIL 5, 1978

AS REPORTED FROM COMMITTEE ON PROFESSIONAL LICENSURE, HOUSE OF
REPRESENTATIVES, AS AMENDED, MAY 31, 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

1 of its citizens.

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

10 Section 3. Definitions.

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

14 "Board." The Pennsylvania State Board for the Regulation of
15 Social Workers ~~established by the act of April 9, 1929 (P.L.177,~~ <—
16 ~~No.175), known as "The Administrative Code of 1929."~~ <—
17 WITHIN THE DEPARTMENT OF STATE.

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

22 "Licensed social worker." A social work practitioner who has
23 satisfied the board that it meets the requirements of section
24 4(a)(2), in accordance with the procedures established by said
25 board for such purposes.

26 "Practice of social work." Rendering and/or offering to
27 render, to individuals, families, groups, organizations,
28 governmental units, and/or the general public, services which
29 are guided by special knowledge of social resources, social
30 systems, social casework, social group work, community

1 organization, social administration, social work education,
2 and/or any other combination of these in accordance with
3 recognized social work ethics, principles and methods.

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

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

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

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

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

23 (a) Qualifications and eligibility:

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

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

1 (ii) has at least two years of acceptable practice
2 experience, as prescribed by the board, under the
3 supervision of a board certified social worker: Provided,
4 That the board shall, by regulation, for instances where
5 such supervision has been verified to be unavailable,
6 establish standards by which equivalencies and waivers
7 are accepted in lieu thereof;

8 (iii) has passed an examination prepared by the
9 board; and

10 (iv) has met other reasonable requirements, as
11 established by the board.

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

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

19 (i) has attained a B.S.W. or higher degree from a
20 school, DEPARTMENT OR PROGRAM of social work accredited <—
21 by the Council on Social Work Education or a successor
22 accrediting body approved by the board;

23 (ii) has passed an examination prepared by the
24 board; and

25 (iii) has met other reasonable requirements, as
26 established by the board.

27 A licensed social worker may only practice under the
28 supervision of a certified social worker; and the board
29 shall, by regulation, for instances where such supervision
30 has been verified to be unavailable, establish standards by

1 which equivalencies and waivers are accepted in lieu thereof.

2 (3) The board shall enroll as a "registered social work
3 associate" a social work practitioner who meets the following
4 criteria:

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

11 (ii) has met other reasonable requirements, as
12 established by the board.

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

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

1 applying for enrollment as registered social work associates
2 shall be enrolled by the board, upon compliance with subsection
3 (a)(3).

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

13 (d) Exemptions.--

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

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

27 (3) AT ANY TIME WITHIN ONE YEAR FROM THE DATE THE BOARD
28 ISSUED OFFICIAL AND PUBLIC NOTICE OF ITS READINESS TO ACCEPT
29 APPLICATIONS FOR ENROLLMENT, THE BOARD SHALL WAIVE THE
30 REQUIREMENTS SET OUT IN SECTION 4(A)(2)(I) AND (II) FOR THE

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1 LICENSED SOCIAL WORKER IF THE APPLICANT HAS AT LEAST TWO
2 YEARS OF PRACTICE EXPERIENCE IN THE FIELD OF SOCIAL WORK,
3 SUCH EXPERIENCE IS DOCUMENTED BY AT LEAST THREE LETTERS OF
4 REFERENCE FROM PERSONS ACTIVELY ENGAGED IN THE FIELD OF
5 SOCIAL WORK, AND THE APPLICANT MEETS THE OTHER REQUIREMENTS
6 ESTABLISHED BY THIS ACT AND THE BOARD.

7 ~~(3)~~ (4) At any time within one year from the date the <—
8 board issues official and public notice of its readiness to
9 accept applications for enrollment, the board shall waive the
10 requirements, set out in subsection (a)(3), for registered
11 social work associates provided the applicant has at least
12 six months of practice experience in the field of social
13 work, such experience is documented by at least three letters
14 of reference from persons actively engaged in the field of
15 social work, and the applicant meets the other requirements
16 established by this act and the board.

17 Section 5. Application procedure.

18 (a) CONTENTS OF APPLICATIONS.--Each applicant for enrollment <—
19 under this act shall submit to the board, on a form provided by
20 the board, satisfactory evidence that:

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

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

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

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

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

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

4 Section 6. Board created; composition and appointment of
5 members; terms; powers and duties; vacancies, re-
6 moval; expenses.

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

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

10 (1) The board shall consist of seven members, five
11 members of whom shall be persons who are social work
12 practitioners enrolled pursuant to the provisions of this
13 act, and two of which shall represent the public and
14 consumers.

15 (2) The members of the board shall be appointed by the
16 Governor, with the advice and consent of ~~the Senate~~. A
17 MAJORITY OF THE MEMBERS ELECTED TO THE SENATE.

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

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

21 (2) Notwithstanding provisions herein to the contrary,
22 of the members initially appointed, three shall be appointed
23 for three year terms, two for two year terms, and two for one
24 year terms.

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

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

30 (2) To review and evaluate applications for

1 registration, licensing and certification at least twice a
2 year, including the preparation and administration of
3 examinations.

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

7 (4) To promulgate a code of ethics under which the
8 professional activities of persons regulated shall be
9 conducted.

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

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

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

16 (ii) has committed any gross negligence,
17 incompetence or misconduct in the practice of social
18 work, as a registered social work associate or as a
19 licensed or certified social worker;

20 (iii) has been judged by a court to be mentally
21 incompetent;

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

24 (v) is unable to perform the functions of the
25 profession of social work by reason of mental or physical
26 illness which substantially interferes with the
27 professional duties; or

28 (vi) has been found to be in violation of any of the
29 provisions of this act, of the rules and regulations
30 promulgated hereunder, or of the Code of Ethics

1 established by the board.

2 (7) To publish an annual roster of all social workers
3 registered, licensed and certified under this act each year,
4 no later then 60 days following the deadline date for renewal
5 of licenses.

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

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

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

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

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

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

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

30 (2) Regular meetings shall be held as the rules of the

1 board shall provide; special meetings may be held at the call
2 of the chairperson, the Department of State or the
3 administrative unit which has jurisdiction over the board, or
4 upon written request of three members. A simple majority of
5 the board shall constitute a quorum.

6 SECTION 7. SOCIAL WORK ADVISORY COMMITTEE. <—

7 (A) CREATING AND COMPOSITION.--

8 (1) THERE IS HEREBY CREATED A SOCIAL WORK ADVISORY
9 COMMITTEE WHICH SHALL CONSIST OF SIX MEMBERS, THREE TO BE
10 APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND
11 THREE TO BE APPOINTED BY THE PRESIDENT PRO TEMPORE OF THE
12 SENATE, AFTER HAVING RECEIVED RECOMMENDATIONS FROM
13 RECOGNIZED, INCORPORATED PROFESSIONAL ORGANIZATIONS WHOSE
14 MEMBERS ARE ENROLLED UNDER THE PROVISIONS OF THIS ACT.
15 MEMBERS FIRST APPOINTED SHALL BE APPOINTED FOR STAGGERED
16 TERMS, THREE MEMBERS TO SERVE FOR ONE YEAR AND THREE MEMBERS
17 TO SERVE FOR TWO YEARS. THEREAFTER, MEMBERS SHALL BE
18 APPOINTED FOR TERMS OF TWO YEARS.

19 (2) UPON EXPIRATION OF A TERM OF OFFICE, A MEMBER SHALL
20 CONTINUE TO SERVE UNTIL HIS SUCCESSOR SHALL HAVE BEEN
21 APPOINTED AND QUALIFIED. MEMBERS SHALL NOT SERVE FOR MORE
22 THAN TWO CONSECUTIVE FULL TWO-YEAR TERMS, SHALL NOT BE
23 ELIGIBLE FOR REAPPOINTMENT UNTIL AFTER TWO YEARS HAVE
24 ELAPSED, AND SHALL NOT BE PERMITTED CONCURRENT MEMBERSHIP ON
25 THE BOARD AND THE ADVISORY COMMITTEE.

26 (B) POWERS AND DUTIES.--THE COMMITTEE SHALL HAVE THE POWER:

27 (1) TO ADVISE AND AID THE BOARD IN MATTERS WHICH WOULD
28 AFFECT SOCIAL WORKERS.

29 (2) TO REVIEW ALL REGULATIONS OF THE BOARD AND MAKE
30 APPROPRIATE SUGGESTIONS FOR THE REVISION, MODIFICATION AND

CODIFICATION THEREOF.

(3) TO STUDY AND REVIEW THE WORK OF THE BOARD, AND, FOR THIS PURPOSE, HAVE ACCESS TO ALL BOOKS, PAPERS, DOCUMENTS AND RECORDS PERTAINING OR BELONGING TO THE BOARD.

(4) TO RECOMMEND NOMINEES TO THE BOARD, FOR MEMBERSHIP ON THE BOARD, IN EACH INSTANCE WHERE A VACANCY EXISTS.

(5) TO REPORT ANNUALLY TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE PRESIDENT PRO TEMPORE OF THE SENATE, THE BOARD, AND THE PERSONS ENROLLED WITH THE BOARD, AND MAKE SUCH INTERIM REPORTS AS DEEMED ADVISABLE.

(C) EXPENSES.--FOR EVERY DAY ON WHICH ANY MEMBER IS ENGAGED IN THE OFFICIAL DUTIES OF THE COMMITTEE, THAT MEMBER SHALL BE ENTITLED TO TRAVEL AND SUBSISTENCE EXPENSES, AS PROVIDED BY LAW FOR MEMBERS OF THE PROFESSIONAL AND OCCUPATIONAL BOARDS.

(D) SCOPE OF FUNCTIONS.--THE FUNCTION OF THE COMMITTEE IS HEREBY DETERMINED TO BE ADVISORY ONLY. NOTHING IN THIS SECTION CREATING SAID COMMITTEE SHALL BE CONSTRUED TO CAUSE ANY IMPEDANCE TO THE POLICY-MAKING FUNCTIONS OF THE BOARD OR THE ADMINISTRATIVE FUNCTIONS OF THE BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS.

Section 7 8. Enrollment of members and certificate of enrollment.

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

(b) Certificate of enrollment.--The issuance of a

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

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

19 (d) Fees.--The fee for EXAMINATIONS, enrollment and for <—
20 annual renewal shall be in the amount of ~~\$30 for certified~~ <—
21 ~~social workers, \$20 for licensed social workers, and \$10 for~~
22 ~~registered social work associates; or as otherwise established~~
23 by the board. ~~Provided That fees collected under the purview of~~ <—
24 ~~this act shall be first applied to cover the cost related to the~~
25 ~~operation of the board and the administration of the provisions~~
26 ~~of this act by the Bureau of Professional and Occupational~~
27 ~~Affairs.~~ THE BOARD SHALL CHARGE A LATE RENEWAL FEE OF \$5 FOR <—
28 EACH MONTH OR PART OF MONTH PAST THE RENEWAL DATE AND A
29 DUPLICATE ENROLLMENT FEE OF \$5. THE FEES COLLECTED UNDER THE
30 PURVIEW OF THIS ACT ARE HEREBY DIRECTLY APPROPRIATED TO THE

1 BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS FOR THE USE,
2 OPERATION AND GENERAL COSTS OF THE BOARD.

3 (e) ~~Roll~~ ROSTER.--On or before the 61st day following the <—
4 deadline date for annual renewal of licenses each year, the
5 board shall publish a list of persons enrolled under the
6 provisions of this act, including indication of the category of
7 enrollment and area of specialization, and shall make copies of
8 the list available to the public.

9 Section 8 9. Duties and responsibilities of enrollees; <—
10 prohibited acts.

11 (a) Rights and responsibilities.--

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

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

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

23 (1) Practice or offer to practice, as a CERTIFIED social <—
24 worker, LICENSED SOCIAL WORKER or social work associate <—
25 within this Commonwealth, without being duly enrolled in
26 accordance with this act.

27 (2) Engage in social work practice within this
28 Commonwealth, USING THE TITLE OF SOCIAL WORKER, REGISTERED <—
29 SOCIAL WORKER ASSOCIATE, CERTIFIED SOCIAL WORKER, OR LICENSED
30 SOCIAL WORKER, without being duly enrolled in accordance with

1 this act.

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

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

7 (5) Impersonate falsely any other person enrolled under
8 this act.

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

11 (7) Claim falsely that he or she is enrolled under this
12 act.

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

17 Section 9 10. Disciplinary review--suspension, revocation, <—
18 nonrenewal of certificates; hearing; rehearing;
19 judicial review; disposition.

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

21 (1) Grounds for.--The board may reprimand, suspend,
22 revoke or refuse to renew the certificate of any enrollee who
23 is found by the board to have violated section 6(d)(6),
24 section ~~8~~ 9, and/or the rules and regulations promulgated by <—
25 the board pursuant to the provisions of this act.

26 (2) Investigation and notice.--THE BOARD SHALL INSTRUCT <—
27 AND REQUIRE ITS AGENTS TO BRING PROSECUTIONS FOR UNAUTHORIZED
28 AND UNLAWFUL PRACTICES. The board may upon its own motion and
29 shall upon the verified complaint in writing of any person
30 setting forth facts which if proved would constitute grounds

1 for refusal, suspension, revocation or nonrenewal, as set
2 forth in this act, initiate an investigation of such actions:
3 Provided That, the board shall notify any such person against
4 whom such a complaint has been initiated, in writing, at
5 least 30 days before the hearing, of any charges made and
6 shall afford such person an opportunity to be heard in person
7 or by counsel in reference thereto: Provided further That,
8 such notice may be served by delivery of the notice
9 personally or by mailing the notice by certified mail to the
10 last known address of the person so charged.

11 ~~(b) Hearing.~~ <—

12 ~~(1) At the time and place fixed in the notice, the board~~
13 ~~shall proceed to hear the charges, and both the accused and~~
14 ~~the complainant shall be accorded ample opportunity to~~
15 ~~present in person or by counsel, such statements, testimony,~~
16 ~~evidence and argument as may be pertinent to the charges or~~
17 ~~to any defense thereto.~~

18 ~~(2) A verbatim stenographic record of the hearing shall~~
19 ~~be taken at the expense of the board and shall be preserved.~~

20 ~~(3) Upon the conclusion of the hearing, the board shall~~
21 ~~record its findings and conclusions, and cause a copy of the~~
22 ~~same to be served on the person charged and the complainant:~~
23 ~~Provided, That such findings and conclusions shall be so~~
24 ~~served no later than 90 days after the conclusion of the~~
25 ~~hearing.~~

26 (B) HEARING EXAMINERS.--THE BOARD SHALL APPOINT, WITH THE <—
27 APPROVAL OF THE GOVERNOR, SUCH HEARING EXAMINERS AS SHALL BE
28 NECESSARY TO CONDUCT HEARINGS. THE BOARD SHALL HAVE THE POWER TO
29 PROMULGATE RULES AND REGULATIONS SETTING FORTH THE FUNCTIONS,
30 POWERS, STANDARDS AND DUTIES TO BE FOLLOWED BY ANY HEARING

1 EXAMINERS APPOINTED UNDER THE PROVISIONS OF THIS SECTION. SUCH
2 HEARING EXAMINERS SHALL HAVE THE POWER TO CONDUCT HEARINGS IN
3 ACCORDANCE WITH THE REGULATIONS OF THE BOARD, AND TO ISSUE
4 SUBPOENAS REQUIRING THE ATTENDANCE AND TESTIMONY OF INDIVIDUALS
5 OR THE PRODUCTION OF, PERTINENT BOOKS, RECORDS, DOCUMENTS AND
6 PAPERS BY PERSONS WHOM THEY BELIEVE TO HAVE INFORMATION RELEVANT
7 TO ANY MATTER PENDING BEFORE THE EXAMINER. SUCH EXAMINER SHALL
8 ALSO HAVE THE POWER TO ADMINISTER OATHS. THE HEARING EXAMINER
9 SHALL HEAR EVIDENCE SUBMITTED AND ARGUMENTS OF COUNSEL, IF ANY,
10 WITH REASONABLE DISPATCH, AND SHALL PROMPTLY RECORD HIS
11 DECISION, SUPPORTED BY FINDINGS OF FACT, AND A COPY THEREOF
12 SHALL IMMEDIATELY BE SENT TO THE STATE BOARD OF SOCIAL WORKERS
13 AND TO COUNSEL OF RECORD, OR THE PARTIES, IF NOT REPRESENTED. IN
14 ALL HEARINGS PROOF MAY BE MADE BY ORAL TESTIMONY OR BY
15 DEPOSITION OR INTERROGATORIES. SUCH DEPOSITIONS SHALL BE TAKEN
16 IN THE MANNER AND UPON THE NOTICE REQUIRED BY THE RULES FOR
17 TAKING DEPOSITIONS IN CIVIL CASES AND MAY BE INTRODUCED INTO
18 EVIDENCE WITHOUT REGARD TO THE AVAILABILITY OF THE WITNESS TO
19 TESTIFY AT THE TIME OF THE TRIAL. ANY WITNESS, HOWEVER, MAY BE
20 SUBPOENAED BY ANY PARTY TO THE CONTROVERSY TO TESTIFY PURSUANT
21 TO THE RULES APPROPRIATE TO CIVIL ACTIONS AND SHALL BE
22 CONSIDERED TO BE THE WITNESS OF THE PARTY WHO OFFERED THE
23 DEPOSITION.

24 (c) Rehearing.--

25 (1) Within 20 days after receipt of the HEARING <—
26 EXAMINER'S written report of the board, the person accused
27 may present to the board his or her motion for rehearing,
28 which motion shall specify the particular grounds therefor.

29 (2) Within 20 days of receipt of a motion for rehearing,
30 the board shall notify, by certified mail the person seeking

1 such rehearing of the date, time and place for such
2 rehearing. The rehearing shall be scheduled no later than 45
3 days after the board received the motion for rehearing. THE <—
4 BOARD SHALL REVIEW THE EVIDENCE, AND HEAR ARGUMENTS AND
5 ADDITIONAL EVIDENCE IF IT DEEMS IT ADVISABLE.

6 (3) Within 90 days after the conclusion of the
7 rehearing, the board shall cause to be served on the accused
8 and the complainant a copy of its findings and conclusions.
9 THE DECISION OF THE BOARD SHALL BE CONCLUSIVE AND BINDING AS <—
10 TO ALL QUESTIONS OF FACT.

11 (d) Judicial review.--All final decisions of the board are <—
12 SHALL BE subject to ~~judicial review under the provisions of the~~ <—
13 ~~act of April 9, 1929 (P.L.177, No.175), known as "The~~
14 ~~Administrative Code of 1929."~~ APPEAL, AS PROVIDED BY LAW AND <—
15 RULE OF COURT FOR THE TAKING OF APPEALS FROM ADMINISTRATIVE
16 AGENCIES.

17 (e) Disposition.--

18 (1) An order of revocation, suspension or nonrenewal or
19 a certified copy of that order over the seal of the board and
20 purporting to be signed by the chairperson and/or secretary
21 of the board is prima facie proof that the enrollee who is
22 the subject of the order is no longer an enrollee in good
23 standing and is prohibited from practice under the provisions
24 of this act: Provided, That the board shall cause such order
25 to be published, so as to provide adequate and timely notice
26 of such revocation, suspension and/or nonrenewal to the
27 general public.

28 (2) A person who has been subject to such a revocation,
29 suspension and/or nonrenewal order may, after six months,
30 apply for reapplication or restoration, in the manner

hereinafter prescribed by the board: Provided, That such a reinstatement or restoration shall be effected only upon a majority vote of the board.

Section ~~10~~ 11. Privileged communications. <—

~~(a) In general. A social worker or social work associate enrolled by the board shall not be examined without the consent of his or her client system as to any communication made by the client system to him or her, or the advice given thereon in the course of professional practice, nor shall any employee or support personnel of an enrolled social worker be examined without the consent of his employer or any fact whatsoever, the knowledge of which has been acquired in such capacity, nor shall any person who has participated in any social work practice conducted under the supervision of a person authorized by law to conduct such practice, including but not limited to group therapy sessions, be examined concerning any knowledge gained during the course of such practice without the written consent of the person or persons to whom the testimony sought related.~~ <—

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

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

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

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

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

(A) GENERAL RULE.--A CERTIFIED, LICENSED OR REGISTERED SOCIAL WORKER ENROLLED BY THE BOARD UNDER THE PROVISIONS OF THIS ACT SHALL NOT BE SUBJECT TO EXAMINATION IN ANY CIVIL OR CRIMINAL PROCEEDING AS TO ANY INFORMATION ACQUIRED IN THE COURSE OF HIS PROFESSIONAL SERVICES ON BEHALF OF HIS CLIENT, UNLESS THE CLIENT GIVES HIS WRITTEN CONSENT TO SUCH EXAMINATION. THE CONFIDENTIAL RELATIONS AND COMMUNICATIONS BETWEEN A CERTIFIED, LICENSED OR REGISTERED SOCIAL WORKER ARE ON THE SAME BASIS AS THOSE PROVIDED BY LAW BETWEEN AN ATTORNEY AND CLIENT, AND NOTHING IN THIS ACT SHALL BE CONSTRUED TO REQUIRE ANY SUCH PRIVILEGED COMMUNICATION TO BE DISCLOSED. <—

~~(e)~~ (B) Testimony in court.--Nothing in this section shall be construed to prohibit any enrolled social worker or social work associate from testifying in juvenile court hearings concerning matters of adoption, child abuse, child neglect, or other matters pertaining to the welfare of children. <—

Section ~~11~~ 12. Discrimination prohibited. <—

THE BOARD'S COMPOSITION SHALL BE REPRESENTATIVE OF SOCIAL <—

1 WORKER'S ENROLLED THEREBY. The board shall not deny or in any
2 way abridge the rights and privileges of any enrolled social
3 worker, nor act in any manner so as to deny enrollment to any
4 person because of race, religion, creed, national origin, sex or
5 physical impairment, if the physical impairment does not
6 interfere with the performance of professional duties. ~~Provided,~~ <—
7 ~~That the board's composition shall be representative of social~~
8 ~~workers enrolled thereby.~~

9 Section ~~12~~ 13. Severability clause. <—

10 If any section of this act, or any part thereof, shall be
11 adjudged by any court of competent jurisdiction, to be invalid,
12 such judgment shall not affect, impair, or invalidate the
13 remainder of any other section or part thereof.

14 Section ~~13~~ 14. Effective date. <—

15 This act shall take effect in 90 days.