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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL**  
**No. 1633** Session of  
1979

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INTRODUCED BY REED AND MILLER, JULY 10, 1979

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, JULY 11, 1979

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AN ACT

1 Regulating the practice of social work, providing for licensing  
2 of social workers and providing penalties.

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

5 Section 1. Short title.

6 This act shall be known as the "Social Work Practice Act."

7 Section 2. Legislative intent.

8 The practice of social work is declared to affect the welfare  
9 and safety of the citizens of the Commonwealth. It is in the  
10 public interest to protect the public from unprofessional,  
11 improper, unauthorized and unqualified private practice of  
12 social work and from unprofessional conduct by persons licensed  
13 to practice it.

14 Section 3. Definitions.

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

18 "Board." The Pennsylvania Board of Social Work Examiners in

1 the Department of State.

2 "Private practice of social work." The rendering of services  
3 to individuals, couples, families, groups or communities on a  
4 fee-for-service basis, in a setting other than under the  
5 auspices of a public or private nonprofit agency.

6 "Social worker." A social work practitioner who renders to  
7 individuals, couples, families, groups or communities,  
8 psychotherapeutic, counseling or consultative services.

9 Section 4. Creation of board.

10 There is hereby created the Pennsylvania Board of Social Work  
11 Examiners in the Department of State. The board shall consist of  
12 seven members, five of whom shall be representatives of social  
13 work practitioners eligible for licensure and two of whom shall  
14 represent the public and consumers. The members of the board  
15 shall be appointed by the Governor, with the advice and consent  
16 of the Senate. The term of office of each member shall be three  
17 years, except that of the members initially appointed, three  
18 shall be appointed for three year terms, two for two year terms,  
19 and two for one year terms.

20 Section 5. Powers and duties of board.

21 The board shall have the following powers:

22 (1) To pass upon the qualifications and fitness of  
23 applicants for licenses and reciprocal licenses and to adopt  
24 and revise rules and regulations relating to their  
25 qualifications as a prerequisite to the issuance of licenses.

26 (2) To adopt and revise rules and regulations not  
27 inconsistent with the law as may be necessary to carry into  
28 effect the provisions of this act. Proposed rules and  
29 regulations shall be submitted to the Chief Clerk of the  
30 Senate and House of Representatives who shall cause them to

1 be printed and distributed among the members of both Houses  
2 in the same manner as Reorganization Plans. If both bodies  
3 fail to act within 60 calendar days of receipt of such  
4 regulations, or within ten legislative days after receipt,  
5 whichever shall last occur, the final regulations shall be  
6 promulgated pursuant to the provisions of the act of July 31,  
7 1968 (P.L.769, No.240), known as the "Commonwealth Documents  
8 Law." If either chamber disapproves a regulation such  
9 information shall be certified by the Speaker of the House of  
10 Representatives or President pro tempore of the Senate to the  
11 Department of State and it shall not be promulgated as a  
12 final regulation.

13 (3) To appoint, with the approval of the Governor, such  
14 hearing examiners as shall be necessary to conduct the  
15 hearings required by this act. The board shall have the power  
16 to adopt and promulgate rules and regulations setting forth  
17 their functions, powers, standards and duties. The hearing  
18 examiners shall have the power to conduct hearings in  
19 accordance with the regulations of the board, and to issue  
20 subpoenas requiring the attendance and testimony of  
21 individuals or the production of pertinent books, records,  
22 documents and papers by persons whom they believe to have  
23 information relevant to any matter pending before them. They  
24 shall have the power to administer oaths. A hearing examiner  
25 shall hear evidence submitted and arguments of counsel with  
26 reasonable dispatch, and shall promptly record his decision,  
27 supported by his findings of fact. A copy thereof shall  
28 immediately be sent to the board and to counsel of record, or  
29 the parties, if not represented by counsel. Whenever an  
30 application for review is made to the board within 20 days

1 from the date of a decision is made after a hearing the board  
2 shall review the evidence and, if deemed advisable, hear  
3 argument and additional evidence. The board shall, as soon as  
4 practicable, make a decision and file the same with its  
5 finding of the facts. It shall send a copy thereof to each of  
6 the parties involved.

7 (4) To waive examination and grant a license in the  
8 cases provided for in this act.

9 Section 6. Licensed social worker, qualifications and  
10 eligibility; reciprocity; examinations, exemptions.

11 (a) Qualifications and eligibility.--The board shall license  
12 as a "social worker" one who meets the following criteria:

13 (1) has earned a Master's or Doctoral Degree in social  
14 work from a social work program accredited by the Council on  
15 Social Work Education or a successor accrediting body  
16 approved by the board; or

17 (2) has at least two years of post Master's social work  
18 practice experience as prescribed by the board under the  
19 supervision of a licensed social worker; provided, that the  
20 board shall, by regulation, for instances where such  
21 supervision has been verified to be unavailable, establish  
22 standards by which equivalencies and waivers may be accepted  
23 in lieu thereof; and

24 (3) has passed an examination by the board, or possesses  
25 equivalencies established by the board in lieu of  
26 examinations.

27 (b) Reciprocity.--A person who holds a current license or  
28 certificate to practice social work by a statutory board of  
29 social work examiners of a state which has requirements for  
30 licensure equivalent to those of this Commonwealth may be

1 exempted from examination.

2 (c) Examinations.--Except as otherwise specifically provided  
3 herein, an individual seeking to be licensed as a social worker  
4 shall demonstrate professional competence by satisfactorily  
5 passing an examination free of cultural bias and appropriate to  
6 the private practice of social work. The administration, subject  
7 matter, scope and review of the examination shall be within the  
8 sole preview of the board. The board shall offer examinations at  
9 least twice a year.

10 (d) Exemptions:

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

17 (2) At any time within two years of the date the board  
18 issues official and public notice of its readiness to accept  
19 applications for licensure, it shall waive the examination of  
20 an applicant who meets the other requirements established by  
21 this act and the board or is currently practicing as a social  
22 worker and has been in practice for eight or more years.

23 Section 7. Application procedure.

24 (a) Evidence.--Each applicant for licensure shall submit to  
25 the board, on a form provided by it, satisfactory evidence that:

26 (1) he is of good moral character;

27 (2) he has the requisite qualifications of education and  
28 experience required by this act; and

29 (3) any other evidentiary data required by the board.

30 (b) Fee.--Each application shall be accompanied by the fee

1 set by law.

2 Section 8. Licensing and certificate of licensure.

3 (a) License.--The board shall issue to a person meeting the  
4 requirements of licensure evidence that he is entitled to all  
5 the rights and privileges of this act during the period the  
6 license is in effect.

7 (b) Fees.--The fee for licensure and for biennial renewal of  
8 license shall be \$30 or the amount otherwise established by the  
9 board. The fee shall be first applied to cover the cost of  
10 operation of the board and the administration of this act by the  
11 Bureau of Professional and Occupational Affairs.

12 (c) Roll.--On or before the 61 days following the date for  
13 annual renewal of licenses, the board shall publish a list of  
14 persons licensed under this act, and shall make copies of the  
15 list available to the public upon request.

16 Section 9. Duties and responsibilities of licensees; prohibited  
17 acts; penalties.

18 (a) Rights and responsibilities:

19 (1) A person who possesses a valid, unexpired,  
20 unsuspended license as a practitioner, shall have the right  
21 to practice and to use the title of "Licensed Social Worker,"  
22 within the limitations established by this act and the board.

23 (2) A person licensed under this act shall abide by the  
24 principles of the code of ethics established by the board.

25 (b) Prohibited acts.--It shall be unlawful to:

26 (1) Practice, or offer to practice, as a social worker,  
27 without being licensed in accordance with this act.

28 (2) Engage in the private practice of social work unless  
29 duly licensed.

30 (3) Present or attempt to use the license or seal of

1 another person who is licensed under this act.

2 (4) Give false evidence of any kind to the board or any  
3 member, to obtain or attempt to obtain, a license.

4 (5) Impersonate a person licensed under this act.

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

7 (c) Penalties.--A person who violates a provision of this  
8 act is guilty of a misdemeanor of the third degree, and upon  
9 conviction, shall be sentenced to pay a fine not exceeding \$500  
10 or undergo imprisonment for a term of not more than 90 days.

11 Section 10. Disciplinary review; suspension, revocation,  
12 nonrenewal of licenses; rehearing; judicial review,  
13 disposition.

14 (a) Suspension, revocation, nonrenewal of licenses.--The  
15 board may reprimand, suspend, revoke or refuse to renew the  
16 license of a practitioner who it has found to have violated the  
17 rules and regulations promulgated by the board.

18 (b) Rehearing:

19 (1) Within 30 days after receipt of the written report  
20 of the board, a person accused of violating the rules and  
21 regulations of the board may present to it his request for  
22 rehearing, which shall specify the particular grounds  
23 therefor.

24 (2) Within 30 days of receipt of a request for  
25 rehearing, the board shall notify, by certified mail, the  
26 person seeking a rehearing of the date, time and place of the  
27 rehearing. The rehearing shall be scheduled no later than 45  
28 days after the board receives the request for rehearing.

29 (3) Within 90 days after the rehearing, the board shall  
30 cause to be served on the accused and the complainant a copy

1 of its findings and conclusions.

2 (c) Judicial review.--Final decisions of the board shall be  
3 subject to judicial review as provided by law.

4 (d) 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 or secretary of  
8 the board shall be prima facie proof that the practitioner  
9 who is the subject of the order is no longer a practitioner  
10 in good standing and is prohibited from private practice  
11 under the provisions of this act. The board shall cause the  
12 order to be published, so as to provide adequate and timely  
13 notice of such revocation, suspension or nonrenewal to the  
14 general public.

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

20 Section 11. Privileged communications.

21 (a) Privilege.--A person licensed as a social worker cannot,  
22 without his written consent, be examined in a civil or criminal  
23 action as to any information acquired in the course of his  
24 professional services on behalf of his client. The confidential  
25 relations and communications between a social worker and his  
26 client are sacrosanct and nothing in this act shall be construed  
27 to require any such privileged communication to be disclosed.

28 (b) Testimony in court.--Nothing in this act shall be  
29 construed to prohibit a licensed social worker from testifying  
30 in juvenile court hearings concerning matters of adoption, child

1 abuse, child neglect or other matters pertaining to the welfare  
2 of children.

3 Section 12. Severability clause.

4 If a section of this act, or any part thereof, shall be  
5 adjudged by a court of competent jurisdiction, to be invalid,  
6 such judgment shall not affect, impair or invalidate the  
7 remainder of any other section or part thereof.

8 Section 13. Injunction against unlawful practice.

9 After 18 months from the effective date of this act it shall  
10 be unlawful for a person to practice or offer to practice social  
11 work as defined in this act, without having a valid, unexpired,  
12 unrevoked and unsuspended license issued hereunder. The unlawful  
13 practice of social work may be enjoined by the courts on  
14 petition of the board. In any such proceeding it shall not be  
15 necessary to show that a person is individually injured by the  
16 actions complained of. If the respondent is found guilty of the  
17 unlawful practice of social work, the court shall enjoin him  
18 from so practicing until he has been duly licensed. The  
19 procedure in such cases shall be the same as in any other  
20 injunction action. The remedy by injunction provided for herein  
21 is in addition to criminal prosecution and punishment.

22 Section 14. Effective date.

23 This act shall take effect in 90 days.