

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2009 Session of 1991

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DeLUCA, McHALE, HARLEY, KREBS AND CAPPABIANCA,
OCTOBER 21, 1991

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE,
OCTOBER 21, 1991

AN ACT

1 Establishing the State Board of Professional Counseling;
2 providing for the board's powers, qualifications of
3 licensure, revocation of licenses, license renewal and fees,
4 advertisement, confidential communications, impaired
5 counselors and subpoenas; and making an appropriation.

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20 The General Assembly of the Commonwealth of Pennsylvania
21 hereby enacts as follows:

22 Section 101. Short title.

23 This act shall be known and may be cited as the Professional
24 Counselors Act.

25 Section 102. Declaration of policy.

26 The General Assembly finds and declares that the practice of
27 counseling affects the public safety and welfare and that it is
28 in the public interest to protect the public from
29 unprofessional, unauthorized and unqualified counselors.

30 Further, the practice of counseling is mandated in many statutes

1 throughout Commonwealth law with no clear understanding by the
2 public and no legal definition as to who is competent to hold
3 himself out to practice in professional counseling. This act
4 defines, licenses and protects the title of professional
5 counselors.

6 Section 103. Definitions.

7 The following words and phrases when used in this act shall
8 have the meanings given to them in this section unless the
9 context clearly indicates otherwise:

10 "Advertise." The term includes, but is not limited to,
11 issuing or causing to be distributed any card, sign or device to
12 any person, or causing, permitting or allowing any sign marking
13 on or in any building or structure, or in any newspaper,
14 magazine or directory, or on radio or television, or advertising
15 by any other means designed to secure public attention.

16 "Board." The State Board of Professional Counseling.

17 "Commissioner." The Commissioner of Professional and
18 Occupational Affairs.

19 "Directly supervised professional experience." The review,
20 evaluation and assessment of assigned experience by a
21 professional counselor, an individual or group face-to-face
22 consultation. No supervised experience shall consist of more
23 than eight persons per professional counselor-supervisor.

24 "Practice of professional counseling." The professional
25 application of counseling theories, methods and procedures and
26 the diagnosis and treatment of mental and emotional conditions
27 in individuals, families and groups. The term shall also mean
28 the ability to hold oneself out to the public by any title or
29 description as being able to render or rendering services of a
30 licensed professional counselor or professional counselor

1 pursuant to a license under this act.

2 "Professional counselor" or "counselor." A person licensed
3 under this act.

4 "Recognized educational institution." Any educational
5 institution which grants a bachelor's, master's or doctoral
6 degree in counselor education and which is accredited by an
7 appropriate accrediting agency recognized by the Federal
8 Government or the Council on Post-Secondary Accreditation.

9 "Supervision." The direct clinical review, for the purpose
10 of training or teaching, by a supervisor of a specialty
11 practitioner's interaction with a client. The term includes, but
12 is not limited to, the review of case presentations, audiotapes,
13 videotapes and direct observation in order to promote the
14 development of the practitioner's clinical skills.

15 "Supervisor." A person who meets the requirements for
16 licensure under this act and who is licensed by the State Board
17 of Professional Counseling for professional counseling which is
18 being supervised.

19 "Use of a title or description." To hold oneself out to the
20 public in any manner as being licensed in any manner by this act
21 or certified or licensed to do so under another law of this
22 Commonwealth. The term includes the use of signs, mailboxes,
23 advertisements, address plates, stationery, announcements,
24 calling cards or other instruments of professional
25 identification.

26 Section 104. Practice within scope.

27 Professional counselors shall practice within the scope of
28 their license. Professional counselors shall recommend to or
29 assist their clients in obtaining appropriate professional help
30 for conditions that fall outside the boundaries of the

1 professional counselors' competence. Professional counselors
2 shall be responsible for recommending their patients for
3 diagnosis and treatment of relevant health care problems
4 suspected by the professional counselor to an appropriate
5 qualified practitioner of the healing arts.

6 CHAPTER 3

7 STATE BOARD OF PROFESSIONAL COUNSELING

8 Section 301. State Board of Professional Counseling.

9 (a) Creation.--There is hereby created the State Board of
10 Professional Counseling as a departmental administrative board
11 in the Department of State.

12 (b) Members.--The board shall consist of seven members. The
13 Governor shall appoint six members, with the advice and consent
14 of a majority of the members elected to the Senate. Each of the
15 six members shall be a citizen of the United States and have
16 been a resident of this Commonwealth for two years immediately
17 preceding his appointment. Two of the six members shall be
18 representatives of the public. Four of the six members shall
19 each have practiced professional counseling for five years in
20 this Commonwealth preceding their appointment and shall each be
21 a professional counselor or be able to meet the requirements for
22 licensure. The seventh member shall be the commissioner.

23 (c) Terms of office.--The term of each appointed member of
24 the board shall be for four years, except as provided in
25 subsection (d), or until a successor has been appointed and
26 qualified, but not longer than six months after that member's
27 term has expired. In the event that the member dies or resigns
28 or otherwise becomes disqualified during his term, a successor
29 shall be appointed in the same manner and shall hold office for
30 the unexpired term. No member shall be eligible for appointment

1 to serve more than two consecutive terms.

2 (d) Initial appointments.--Within 90 days after the
3 effective date of this act, the Governor shall nominate one
4 public member and one professional member to serve four-year
5 terms, one public member and one professional member to serve
6 three-year terms one public member and one professional member
7 to serve two-year terms and one professional member to serve a
8 one-year term.

9 (e) Quorum.--A majority of the members of the board serving
10 in accordance with law shall constitute a quorum for purposes of
11 conducting the business of the board. A member may not be
12 counted as part of a quorum or vote on any issue unless he is
13 physically in attendance at the meeting.

14 (f) Officers.--Annually, the board shall select a chairman
15 and vice chairman from among its members.

16 (g) Compensation and expenses.--Each member of the board,
17 except the commissioner, shall receive \$60 per diem when
18 actually attending to the work of the board. Members shall also
19 receive the amount of reasonable traveling, hotel and other
20 necessary expenses incurred in the performance of their duties
21 in accordance with Commonwealth regulations.

22 (h) Attendance at meetings.--A member of the board who fails
23 to attend three consecutive meetings shall forfeit his seat
24 unless the commissioner, upon written request from the member,
25 finds that the member should be excused from a meeting because
26 of illness or the death of a family member.

27 (i) Attendance at training seminars.--A public member who
28 fails to attend two consecutive statutorily mandated training
29 seminars in accordance with section 813(e) of the act of April
30 9, 1929 (P.L.177, No.175), known as The Administrative Code of

1 1929, shall forfeit his seat unless the commissioner, upon
2 written request from the public member, finds that the public
3 member should be excused from a meeting because of illness or
4 the death of a family member.

5 (j) Time of meetings.--The board shall meet at least four
6 times every year in Harrisburg and at such additional times as
7 may be necessary to conduct the business of the board.

8 (k) Notice of meetings.--Reasonable notice of all meetings
9 shall be given in conformity with the act of July 3, 1986
10 (P.L.388, No.84), known as the Sunshine Act.

11 (l) Commencement.--The board shall meet within 120 days
12 after the appointment and confirmation of its initial members to
13 establish operating procedures and an application form for
14 licensing professional counselors.

15 Section 302. Powers of board.

16 The board shall have the following powers:

17 (1) To promulgate regulations concerning the
18 qualifications and fitness of applicants for licensure and
19 reciprocal licensure.

20 (2) To promulgate regulations to carry out the
21 provisions of this act. Such rules and regulations shall
22 include, but not be limited to, standards of professional
23 practice and conduct for those holding themselves out as
24 counselors.

25 (3) To promulgate regulations for a certification
26 process for those specialty areas of professional counseling
27 which may require this process, including the specific
28 requirements for that specialty certification upon
29 recommendations from a designated group of those specialty
30 counselors selected by the board.

1 (4) To deny, approve, issue, revoke, suspend or renew
2 licenses for the practice of professional counseling in
3 accordance with this act and to conduct hearings in
4 connection therewith.

5 (5) To conduct hearings concerning violations of the
6 provisions of this act and the rules and regulations
7 promulgated under this act and seek the prosecution and
8 enjoinder of all such violations.

9 (6) To expend moneys necessary to properly carry out its
10 assigned duties.

11 (7) To employ, with the approval of the commissioner, a
12 professional credentials evaluator to review applications.

13 (8) To waive examination and grant a license in cases
14 deemed exceptional by the board and in accordance with board
15 regulations.

16 (9) To submit an annual report to the Consumer
17 Protection and Professional Licensure Committee of the Senate
18 and the Professional Licensure Committee of the House of
19 Representatives containing a description of the types of
20 complaints received, the status of the cases, any board
21 action which has been taken and the length of time from the
22 initial complaint to final board resolution.

23 CHAPTER 5

24 LICENSE PROVISIONS

25 Section 501. Qualifications for licensure.

26 (a) General rule.--An applicant shall qualify for a license
27 if their application is accompanied by the appropriate
28 application fee and he satisfies the following qualifications:

29 (1) Has good moral character.

30 (2) Obtains a master's degree from a counselor education

1 program.

2 (3) Obtains two years of post-master's degree
3 supervision in the particular field for which the license is
4 submitted.

5 (4) Passes the National Certified Counselor Examination.

6 (5) Adheres to the ethical and legal principals of the
7 American Association for Counseling and Development.

8 (6) Satisfies the continuing education standards
9 established by the National Board of Certified Counselors.

10 (7) Has not been convicted of, plead guilty to or plead
11 nolo contendere to any of the following:

12 (i) A felony under the act of April 14, 1972
13 (P.L.233, No.64), known as The Controlled Substance,
14 Drug, Device and Cosmetic Act.

15 (ii) An offense under 18 Pa.C.S. Ch. 31 (relating to
16 sexual offenses).

17 (iii) An offense under 18 Pa.C.S. § 4304 (relating
18 to endangering welfare of children).

19 (iv) An offense under the laws of another
20 jurisdiction equivalent to the offenses listed in
21 subparagraphs (i) through (iii).

22 (b) Exception.--An applicant who has been convicted, plead
23 guilty to or plead nolo contendere to an offense under
24 subsection (a)(7) may still qualify for licensure if:

25 (1) at least ten years have lapsed from the date of
26 conviction;

27 (2) the applicant satisfactorily demonstrates to the
28 board that he has made significant progress in personal
29 rehabilitation since the conviction, such that licensure of
30 the applicant should not be expected to create a substantial

1 risk of harm to the health and safety of his clients or the
2 public or a substantial risk of further criminal violations;
3 and

4 (3) the applicant otherwise satisfies the qualifications
5 contained in or authorized by subsection (a).

6 Section 502. Examinations.

7 The board shall approve for licensure under this act the use
8 of the National Certified Counselor Examination to test the
9 knowledge and skill for those wishing to be licensed under this
10 act. The examination shall be prepared and administered by a
11 qualified professional testing organization in accordance with
12 section 812.1(a) of the act of April 9, 1929 (P.L.177, No.175),
13 known as The Administrative Code of 1929.

14 Section 503. Exemption from examination.

15 The board may issue a license without examination to a
16 resident of this Commonwealth who has submitted an application
17 with the required fee, within two years after the effective date
18 of this act, and who either:

19 (1) holds a Doctor of Philosophy or Doctor of Education
20 degree in and has practiced counseling in his area of
21 expertise for at least two years within six years prior to
22 applying for a license; or

23 (2) holds a master's degree in philosophy or education
24 and has practiced counseling in his area of expertise for at
25 least four years within eight years prior to applying for a
26 license.

27 Section 504. Revocation of license.

28 (a) Grounds for revocation.--The board may revoke, suspend,
29 limit or restrict a professional counselor's license or
30 reprimand a professional counselor for any of the following:

1 (1) A conviction for a felony or crime of moral
2 turpitude in a Federal or state court in this Commonwealth or
3 another jurisdiction.

4 (2) A finding of immoral or unprofessional conduct. This
5 shall include any departure from or failure to conform to the
6 standards of the American Association for Counseling and
7 Development.

8 (3) A violation of professional practice standards or
9 regulations adopted by the board.

10 (4) Presentment of false credentials or documents in
11 support of an application for licensure.

12 (5) Submission of a false or deceptive biennial renewal
13 to the board.

14 (6) A license revocation, suspension or refusal or other
15 disciplinary action by another jurisdiction.

16 (7) A physical or mental impairment preventing
17 professional practice.

18 (b) Criminal convictions.--The board shall suspend the
19 license of a person who has been convicted of, plead guilty to
20 or plead nolo contendere to any of the following:

21 (1) A felony under the act of April 14, 1972 (P.L.233,
22 No.64), known as The Controlled Substance, Drug, Device and
23 Cosmetic Act.

24 (2) An offense under 18 Pa.C.S. Ch. 31 (relating to
25 sexual offenses).

26 (3) An offense under 18 Pa.C.S. § 4304 (relating to
27 endangering welfare of children).

28 (4) An offense under the laws of another jurisdiction
29 equivalent to the offenses listed in paragraphs (1) through
30 (3).

1 (c) Commitment to mental institution.--The board shall
2 suspend the license of a person who has been committed to a
3 mental institution.

4 (d) Temporary suspension.--The board shall temporarily
5 suspend any license previously granted to a licensee under
6 circumstances as determined by the board to be an immediate and
7 clear danger to the public health and safety. The board shall
8 issue an order to that effect which shall include a written
9 statement of all allegations against the licensee without a
10 hearing, but the board shall provide the required written notice
11 to the licensee at his last known address. The board shall
12 thereupon commence formal action to suspend, revoke or restrict
13 any license of the person concerned as otherwise provided for in
14 this act. All actions shall be taken promptly and without delay.
15 Within 30 days following the issuance of an order temporarily
16 suspending any license, the board shall conduct or cause to be
17 conducted a preliminary hearing to determine that there is a
18 prima facie case supporting the suspension. The licensee whose
19 license or licenses have been temporarily suspended may be
20 present at the preliminary hearing and may be represented by
21 counsel, cross-examine witnesses, inspect physical evidence,
22 call witnesses, offer evidence and testimony and make a record
23 of the proceedings. If it is determined that there is not a
24 prima facie case, the suspended license or licenses shall be
25 restored immediately. The temporary suspension shall remain in
26 effect until vacated by the board, but in no event longer than
27 180 days.

28 (e) Hearing.--All actions of the board shall be taken
29 subject to the right of notice, hearing and adjudication and the
30 right of appeal in accordance with 2 Pa.C.S. (relating to

1 administrative law and procedure).

2 Section 505. Reinstatement of license.

3 A person whose license has been revoked may apply for
4 reinstatement after a period of at least five years. The person
5 shall meet the license qualifications and examinations of this
6 act before receiving a reinstatement of his license.

7 Section 506. Surrender of suspended or revoked license.

8 The board shall require a person whose license has been
9 suspended, revoked or otherwise sanctioned to return the license
10 in such manner as the board directs. Failure to do so shall
11 constitute a misdemeanor of the third degree.

12 Section 507. Reporting of multiple licensure.

13 A professional counselor who is also licensed to practice
14 professional counseling or any other profession in this
15 Commonwealth or any other jurisdiction shall report this
16 information to the board on the biennial renewal application.
17 Any disciplinary action taken in this Commonwealth or any other
18 jurisdiction shall be reported to the board on the biennial
19 renewal application or within 90 days of disposition, whichever
20 is sooner. Multiple licensure shall be noted by the board on the
21 professional counselor's record and any other jurisdiction shall
22 be notified by the board of any disciplinary actions taken
23 against the licensee in this Commonwealth.

24 Section 508. License renewal and fees.

25 (a) Renewal term.--Licenses shall be renewed on a biennial
26 basis.

27 (b) Continuing education.--The board may promulgate
28 regulations requiring continuing education as a condition of
29 license renewal. The board shall not accept credit for any
30 courses in office management or practice building.

1 (c) Records.--A record of all professional counselors shall
2 be kept in the office of the board and shall be open for public
3 inspection and copying upon payment of a nominal fee for copying
4 the record.

5 (d) Board fees.--All fees required under this act shall be
6 fixed by the board by regulations promulgated in the manner
7 provided by law. If the revenues raised by fees, fines and civil
8 penalties imposed under this act are not sufficient to meet
9 expenditures over a two-year period, the board shall increase
10 those fees by regulation so that the projected revenues will
11 meet or exceed projected expenditures.

12 (e) Bureau fees.--If the Bureau of Professional and
13 Occupational Affairs determines that the fees established by the
14 board under subsection (d), are inadequate to meet the minimum
15 enforcement efforts required by this act, then the bureau, after
16 consultation with the board, shall increase the fees by
17 regulation in an amount so that adequate revenues are raised to
18 meet the required enforcement effort.

19 CHAPTER 7

20 ADVERTISEMENT

21 Section 701. Restriction on use of titles.

22 (a) Individuals.--A person may not advertise or hold himself
23 out to the public by using any title or description of services
24 incorporating the words "licensed professional counselor" or
25 "professional counselor" or any other title or description
26 describing services as a licensed counselor unless he shall
27 first have obtained a license under this act.

28 (b) Business entities.--No corporation, partnership,
29 association or business entity may advertise or otherwise use in
30 its corporation, partnership, association or business name any

1 term or title restricted under this act or any words, letters,
2 titles or figures indicating or implying that such entity or any
3 of its employees, officers or agents are professional counselors
4 unless each person practicing as a professional counselor in
5 that entity is licensed under this act.

6 Section 702. Penalties and injunctions against unlawful use of
7 titles.

8 (a) Injunction.--Any violation of this act may be enjoined
9 by the courts upon petition of the commissioner or the board. In
10 any proceeding under this section, it shall not be necessary to
11 show that any person is individually injured by the actions
12 complained of. If the court finds that the respondent has
13 violated this section, it shall enjoin him from so practicing
14 until he has been duly licensed.

15 (b) Criminal penalties.--A person who violates this act in
16 any manner commits a misdemeanor of the third degree and shall,
17 upon conviction, be sentenced to pay a fine not more than \$1,000
18 or to imprisonment for not more than 90 days, or both.

19 (c) Civil penalty.--The board may levy a civil penalty not
20 more than \$1,000 per violation on any current licensee or other
21 person not so licensed who violates any provision of this act or
22 on any person who holds himself forth as a licensee without
23 being licensed under this act.

24 CHAPTER 9

25 MISCELLANEOUS PROVISIONS

26 Section 901. Persons exempted.

27 The following are exempt from the provisions of this act:

28 (1) Persons licensed to practice any of the branches of
29 the healing arts in this Commonwealth insofar as that
30 licensed practice does not conflict with the provisions of

1 this act.

2 (2) Persons licensed to practice psychology in this
3 Commonwealth.

4 (3) A certified school counselor who meets the standards
5 prescribed by the State Board of Education, but only while
6 practicing school counseling within the scope of employment
7 by the State Board of Education or by a private school.

8 (4) Persons who use the theory of psychoanalysis without
9 its method and who may be described by the terms
10 "psychoanalytic" or "psychoanalytically oriented."

11 (5) Persons working in a volunteer or paraprofessional
12 capacity for a public or nonprofit organization, but only
13 when they are working for that organization and when their
14 titles designate their roles as volunteers or
15 paraprofessionals.

16 (6) Persons who work in related counseling areas as
17 defined in this act and who are salaried employees of a
18 business corporation which does not, as its stated business
19 purpose, practice one or more counseling specialties.

20 Section 902. Activities not prohibited.

21 The following activities shall not be prohibited or limited
22 by this act:

23 (1) Counseling by qualified members of other recognized
24 groups consistent with the training and code of ethics of
25 their respective professions or volunteers providing services
26 in crisis or emergency situations, provided that those
27 services or acts are not inconsistent with the provisions of
28 this act.

29 (2) Employment and supervision, by professional
30 counselors, of individuals completing the experience

1 requirement for licensure under this act who shall be
2 designated as interns, professional counselor residents,
3 professional counselor trainees or other similar term. Such
4 individuals shall perform their duties under the direct
5 supervision of a licensed professional counselor, under
6 regulations of the board.

7 (3) Employment by professional counselors of
8 professional employees with graduate training in a particular
9 specialty of professional counseling. These individuals shall
10 perform their duties under the direct supervision of a
11 licensed professional counselor, pursuant to regulations of
12 the board.

13 (4) The practice of professional counseling or the use
14 of any official title on the part of any person employed as a
15 professional counselor by a Federal, State, county or
16 municipal agency in this Commonwealth, insofar as the
17 practice is a part of the normal function of his position or
18 is performed on behalf of or according to the usual
19 expectations of his employer.

20 (5) The activities of a clerical or administrative
21 employee and the performance of duties incidental to and
22 necessary to the work of a license professional counselor,
23 provided that the clerical or administrative employee acts at
24 all times under the direct supervision of a licensed
25 professional counselor and provided further that the clerical
26 or administrative employee does not assume to the independent
27 practice of professional counseling.

28 (6) The practice of persons licensed to practice any
29 branch of the healing arts in any manner whatsoever.

30 Section 903. Confidential communications to counselor.

1 No counselor shall be, without the written consent of his
2 client, examined in any civil or criminal matter as to any
3 information acquired in the course of his professional services
4 in behalf of such client. The confidential relations and
5 communications between a counselor and his client shall be on
6 the same basis as those provided or prescribed by law between an
7 attorney and client.

8 Section 904. Impaired counselor.

9 (a) Appointment of professional consultant.--The board, with
10 the approval of the commissioner, shall appoint a professional
11 consultant with education and experience in the identification,
12 treatment and rehabilitation of persons with physical or mental
13 impairments. The consultant shall be accountable to the board
14 and shall act as a liaison between the board and treatment
15 programs, such as alcohol and drug treatment programs, which are
16 approved by the board and which provide services to licensees
17 under this act.

18 (b) Dismissal of charges.--The board may defer and
19 ultimately dismiss any of the types of corrective action set
20 forth in this act for an impaired professional so long as the
21 professional is progressing satisfactorily in an approved
22 treatment program. The provisions of this subsection shall not
23 apply to a professional who has been convicted of a felony under
24 the act of April 14, 1972 (P.L.233, No.64), known as The
25 Controlled Substance, Drug, Device and Cosmetic Act, or who has
26 been convicted of, pleaded guilty to or entered a plea of nolo
27 contendere to a felony relating to a controlled substance in a
28 court of this Commonwealth or any other jurisdiction.

29 (c) Agreement with board.--An impaired professional who
30 enrolls in an approved treatment program shall enter into an

1 agreement with the board under which the professional's license
2 shall be suspended or revoked, but enforcement of the suspension
3 of revocation may be stayed for the length of time the
4 professional remains in the program and makes satisfactory
5 progress, complies with the terms of the agreement and adheres
6 to any limitations on his practice imposed by the board to
7 protect the public. Failure to enter into such an agreement
8 shall disqualify the professional from the impaired professional
9 program and shall activate an immediate investigation and
10 disciplinary proceeding by the board.

11 (d) Immunity.--An approved program provider who makes a
12 disclosure under this section shall not be subject to civil
13 liability for the disclosure or its consequences.

14 (e) Reports to board.--The manager of a health care facility
15 or a professional counselor who has knowledge that another
16 professional counselor is diverting a controlled substance or is
17 mentally or physically incompetent to carry out his duties shall
18 file a report with the board. A person or facility treating an
19 impaired professional counselor is not required to file a
20 report. A person or facility who reports under this section in
21 good faith and without malice shall be immune from any civil or
22 criminal liability arising from the report. Failure to file a
23 report shall subject the person or facility to a fine of not
24 more than \$1,000.

25 (f) Disclosure by program provider.--An approved program
26 provider shall, upon request, disclose to the consultant any
27 information in its possession regarding an impaired professional
28 counselor in treatment which the program provider is not
29 prohibited from disclosing by the laws of the United States or
30 this Commonwealth or another jurisdiction. The requirement of

1 disclosure by an approved program provider shall apply in the
2 case of impaired professional counselors who enter an agreement
3 in accordance with this section, who are the subject of a board
4 investigation or disciplinary proceeding and who voluntarily
5 enter a treatment program other than under the provisions of
6 this section but who fail to complete the program successfully
7 or to adhere to an after-care plan developed by the program
8 provider.

9 (g) Disciplinary action.--The consultant may disclose to the
10 board all information in his possession relevant to the issue of
11 impairment regarding the professional counselor and the board
12 shall institute proceedings to determine if the stay of the
13 enforcement of the suspension or revocation of the impaired
14 professional counselor's license shall be vacated.

15 Section 905. Subpoenas.

16 (a) Issuance of subpoenas by board.--The board shall have
17 the authority to issue subpoenas, upon application of an
18 attorney responsible for representing the Commonwealth in
19 disciplinary matters before the board, for the purpose of
20 investigating alleged violations of the disciplinary provisions
21 administered by the board. The board shall have the power to
22 subpoena witnesses, to administer oaths, to examine witnesses
23 and to take such testimony or to compel the production of such
24 books, records, papers and documents as it may deem necessary or
25 proper in, and pertinent to, any proceeding, investigation or
26 hearing held or had by it. Patient records may not be subpoenaed
27 without consent of the patient or without order of a court of
28 competent jurisdiction on a showing that the records are
29 reasonably necessary for the conduct of the investigation. The
30 court may impose such limitations on the scope of the subpoena

1 as are necessary to prevent unnecessary intrusion into patient
2 confidential information. The board is authorized to apply to
3 Commonwealth Court to enforce its subpoenas.

4 (b) Notification of alleged violation.--An attorney
5 responsible for representing the Commonwealth in disciplinary
6 matters before the board shall notify the board immediately upon
7 receiving notification of an alleged violation of this act. The
8 board shall maintain current records of all reports of alleged
9 violations and periodically review the records for the purpose
10 of determining that each alleged violation has been resolved in
11 a timely manner.

12 Section 906. Appropriation.

13 The sum of \$300,000 is hereby appropriated to the Bureau of
14 Professional and Occupational Affairs for the operation of the
15 State Board of Professional Counseling and other costs of bureau
16 operations relating to this act.

17 Section 907. Repayment by board.

18 The sum of \$300,000 shall be repaid to the General Fund by
19 the State Board of Professional Counseling within three years of
20 the beginning of issuance of certificates by the board.

21 Section 908. Effective date.

22 This act shall take effect as follows:

23 (1) Sections 701 and 702 of this act shall take effect
24 in one year.

25 (2) The remainder of this act shall take effect in 60
26 days.