

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2548 Session of
2010

INTRODUCED BY READSHAW, BELFANTI, MAHER, REICHLEY, CALTAGIRONE,
KORTZ, MAHONEY, MCILVAINE SMITH, MURPHY, MURT, PAYTON,
SCAVELLO, SIPTROTH, SOLOBAY, SONNEY, STABACK AND K. SMITH,
MAY 27, 2010

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, MAY 27, 2010

AN ACT

1 Amending the act of July 9, 1987 (P.L.220, No.39), entitled "An
2 act licensing and regulating the practice of social work;
3 providing penalties; and making an appropriation," further
4 providing for qualifications for license, for reciprocity and
5 for restriction on the use of title "Licensed Marriage and
6 Family Therapist"; providing for unlicensed practice
7 prohibited; and further providing for penalties and for
8 unlawful practice.

9 The General Assembly of the Commonwealth of Pennsylvania

10 hereby enacts as follows:

11 Section 1. Sections 7(e)(3), 10 and 16.2 of the act of July
12 9, 1987 (P.L.220, No.39), known as the Social Workers, Marriage
13 and Family Therapists and Professional Counselors Act, amended
14 or added December 21, 1998 (P.L.1017, No.136), are amended to
15 read:

16 Section 7. Qualifications for license.

17 * * *

18 (e) Marriage and family therapist license.--An applicant
19 shall be qualified to hold oneself out as a licensed marriage
20 and family therapist if the applicant submits proof satisfactory

1 to the board that all of the following apply:

2 * * *

3 (3) The applicant has complied with the experience
4 requirement as follows:

5 (i) An individual meeting the educational
6 requirements of paragraph (2)(i) or (ii) must have
7 completed at least three years or [3,600] 3,000 hours of
8 supervised clinical experience, acceptable to the board
9 as determined by regulation, obtained after the
10 completion of 48 semester hours or 72 quarter hours of
11 graduate coursework.

12 (ii) An individual meeting the educational
13 requirements of paragraph (2)(iii) must have completed at
14 least two years or 2,400 hours of supervised clinical
15 experience, acceptable to the board as determined by
16 regulation, one year or 1,200 hours of which was obtained
17 subsequent to the granting of the doctoral degree.

18 * * *

19 Section 10. Reciprocity.

20 (a) General rule.--The board shall have the power to grant a
21 reciprocal license to an applicant who is licensed or certified
22 as a social worker, clinical social worker, marriage and family
23 therapist or professional counselor in another state and has
24 demonstrated qualifications which equal or exceed those required
25 pursuant to this act in the determination of the board, provided
26 that no license shall be granted under this section to an
27 applicant unless the state in which the applicant is licensed
28 affords reciprocal treatment to persons who are residents of
29 this Commonwealth and who are licensed pursuant to this act.

30 (b) Emergencies.--The board shall have the power to allow

individuals who are licensed or certified as a social worker,
clinical social worker, marriage and family therapist or
professional counselor in another state to practice in this
Commonwealth without licensure for not more than 60 days as part
of a relief effort related to a state of emergency as declared
by the Federal Government or the Governor.

Section 16.2. Restriction on the use of title "Licensed
Marriage and Family Therapist."

No person shall use a title or description such as "marital
or marriage therapist, counselor, advisor or consultant,"
"family therapist or counselor," "couples therapist or
counselor," "marital or marriage and family therapist,
counselor, advisor or consultant" or any other name, style or
description denoting that the person is a marriage and family
therapist, unless further authorized under this act. Only
individuals who have received licenses as licensed marriage and
family therapists under this act may style themselves as
licensed marriage and family therapists and use the letters
"L.M.F.T." in connection with their names. It shall be unlawful
for an individual to style or advertise oneself as a licensed
marriage and family therapist, offer to engage in the practice
of marriage and family therapy or counseling or use any words or
symbols indicating or tending to indicate that the individual is
a licensed marriage and family therapist without holding a
license in good standing under this act.

Section 2. The act is amended by adding a section to read:
Section 16.4. Unlicensed practice prohibited.

No person shall commence the practice of marriage and family
therapy as defined herein in this Commonwealth unless he or she
holds a valid license as provided in this act. The provisions of

1 this section shall not apply to the following persons:

2 (1) A person who is practicing marriage and family
3 therapy as part of his or her duties as an employee of:

4 (i) a recognized academic institution, school entity
5 or a Federal, State, county or local governmental
6 institution or agency while performing those duties for
7 which he or she was employed by such an institution,
8 entity, agency or facility; or

9 (ii) an organization which is nonprofit and which is
10 determined by the State Board to meet community needs
11 while performing those duties for which he or she was
12 employed by such an agency.

13 (2) A person who holds a valid license or is certified
14 or regulated pursuant to another professional licensure law
15 or State certification of this Commonwealth and who provides
16 services within the person's scope of practice or employment
17 function.

18 (3) A rabbi, priest, minister or member of the clergy of
19 any religious denomination or sect if the activities and
20 services that person performs are within the scope of the
21 performance of the regular or specialized ministerial duties
22 of an established and legally recognizable church,
23 denomination or sect and the person performing the services
24 remains accountable to the established authority of the
25 church, denomination or sect.

26 (4) A student, intern or trainee who is pursuing a
27 course of study in marriage and family therapy at an
28 accredited institution of higher education or training
29 institution if the person's activities are performed under
30 qualified supervision and are part of the person's supervised

1 course of study.

2 (5) An individual who has earned an educational degree
3 required for licensure under this act working under the
4 supervision of a licensed mental health professional in order
5 to acquire the hours necessary for licensure under this act.

6 (6) A volunteer providing services in a Federal or
7 State-declared emergency.

8 Section 3. Section 17 of the act is amended to read:

9 Section 17. Penalties.

10 (a) Criminal penalties.--A person who violates this act
11 commits a misdemeanor of the third degree and shall, upon
12 conviction, be sentenced to pay a fine of up to \$1,000 or to
13 imprisonment for not more than 90 days, or both.

14 (b) Civil penalty.--In addition to any other civil remedy or
15 criminal penalty provided for in this act, the board, by a vote
16 of the majority of the maximum number of the authorized
17 membership of the board as provided by law, or by a vote of the
18 majority of the duly qualified and confirmed membership or a
19 minimum of three members, whichever is greater, may levy a civil
20 penalty of up to \$1,000 on any current licensee who violates any
21 provision of this act or [on any]:

22 (1) Any person who holds himself or herself out as a
23 licensed social worker or licensed marriage and family
24 therapist without being so licensed pursuant to this act.

25 (2) Any person who engages in the practice of or holds
26 himself or herself out as a marriage and family therapist
27 without being so licensed pursuant to this act.

28 The board shall levy this penalty only after affording the
29 accused party the opportunity for a hearing, as provided in
30 Title 2 of the Pennsylvania Consolidated Statutes (relating to

1 administrative law and procedure).

2 (c) Disposition.--All fines and civil penalties imposed in
3 accordance with this section shall be paid into the Professional
4 Licensure Augmentation Account.

5 Section 4. Section 20 of the act, amended December 21, 1998
6 (P.L.1017, No.136) and July 9, 2008 (P.L.929, No.68), is amended
7 to read:

8 Section 20. Unlawful practice.

9 (a) Unlawful practice prohibited.--It shall be unlawful for
10 any person to hold himself or herself out as a licensed social
11 worker, licensed clinical social worker, marriage and family
12 therapist and professional counselor without possessing a valid,
13 unexpired, unrevoked and unsuspended license issued under this
14 act.

15 (a.1) Title.--It shall be unlawful for an individual to hold
16 oneself out as a social worker, use the title of "social worker"
17 or use the abbreviation of "S.W." without meeting the definition
18 of "social worker." This subsection includes advertising as a
19 social worker and adopting or using any title or description of
20 services incorporating the term "social worker" and their
21 related abbreviations, which implies directly or indirectly that
22 the individual is a social worker. This subsection shall not
23 apply to the following individuals:

24 (1) An individual employed by the Commonwealth in a
25 social work position on the effective date of this
26 subsection, during the time of employment by the
27 Commonwealth.

28 (2) An individual employed as a school social worker in
29 a public or private school in this Commonwealth on or before
30 the effective date of this subsection, during the time of

employment as a school social worker.

(a.2) Practice of marriage and family therapy prohibited.--

It shall be unlawful for any person to engage in the practice of
licensed marriage and family therapy without possessing a valid,
unexpired, unrevoked and unsuspended license issued under this
act.

(b) Injunction.--Unlawful practice may be enjoined by the courts upon petition of the commissioner or the board. In any proceeding under this section, it shall not be necessary to show that any person is individually injured by the actions complained of. If the court finds that the respondent has violated this section, it shall enjoin him or her from so practicing until he or she has been duly licensed. Procedure in such cases shall be the same as in any other injunction suit.

(c) Remedy cumulative.--The injunctive remedy provided in this section shall be in addition to any other civil or criminal prosecution and punishment.

Section 5. The State Board of Social Workers, Marriage and Family Therapists and Professional Counselors shall promulgate regulations to carry out this act. Publication of the final-form regulations under this section shall take place within 18 months of the effective date of this section.

Section 6. This act shall take effect in 120 days.