

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 922 Session of 2011

INTRODUCED BY MCILHINNEY, ERICKSON, FONTANA, SCARNATI, D. WHITE,
TARTAGLIONE, LEACH, WAUGH, MENSCH, SOLOBAY, FERLO, GREENLEAF,
FOLMER, FARNESE, BLAKE, ALLOWAY AND PIPPY, APRIL 1, 2011

SENATOR TOMLINSON, CONSUMER PROTECTION AND PROFESSIONAL
LICENSURE, AS AMENDED, JUNE 5, 2012

AN ACT

~~Amending the act of July 9, 1987 (P.L.220, No.39), entitled "An
act licensing and regulating the practice of social work;
providing penalties; and making an appropriation," further
providing for definitions, for license required, for State
Board of Social Workers, Marriage and Family Therapists and
Professional Counselors, for powers and functions of board,
for qualifications for license, for procedures for licensing,
for reciprocity, for reinstatement of license, for
restrictions on the use of title "Licensed Social Worker,"
for restriction on the use of title "Licensed Clinical Social
Worker," for restriction on the use of title "Licensed
Marriage and Family Therapist" and for restriction on the use
of title "Licensed Professional Counselor"; providing for
restrictions on use of title "Licensed Bachelor Social
Worker" and for unlicensed practice prohibited; and further
providing for penalties and for unlawful practice.~~

AMENDING THE ACT OF JULY 9, 1987 (P.L.220, NO.39), ENTITLED "AN
ACT LICENSING AND REGULATING THE PRACTICE OF SOCIAL WORK;
PROVIDING PENALTIES; AND MAKING AN APPROPRIATION," FURTHER
PROVIDING FOR DEFINITIONS, FOR STATE BOARD OF SOCIAL WORKERS,
MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS,
FOR POWERS AND FUNCTIONS OF BOARD, FOR QUALIFICATIONS FOR
LICENSE, FOR PROCEDURES FOR LICENSING, FOR RECIPROCITY AND
FOR REINSTATEMENT OF LICENSE; PROVIDING FOR RESTRICTIONS ON
USE OF TITLE "LICENSED BACHELOR SOCIAL WORKER"; FURTHER
PROVIDING FOR PENALTIES, FOR LICENSE RENEWAL, RECORDS AND
FEES AND FOR UNLAWFUL PRACTICE.

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



~~Section 1. Section 3 of the act of July 9, 1987 (P.L.220, No.39), known as the Social Workers, Marriage and Family Therapists and Professional Counselors Act, amended December 21, 1998 (P.L.1017, No.136), February 13, 2002 (P.L.83, No.4) and July 9, 2008 (P.L.929, No.68), is amended to read:~~

~~Section 3. Definitions.~~

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

~~"Application of social work methods and theory." Includes psychosocial assessment, crisis intervention, case management, client centered advocacy, psychotherapy and family therapy with individuals, couples, families and groups in an effort to prevent or ameliorate family and personal dysfunction at home, at work and in the community.~~

~~"Board." The State Board of Social Workers, Marriage and Family Therapists and Professional Counselors under the Bureau of Professional and Occupational Affairs within the Department of State.~~

~~"Commissioner." The Commissioner of Professional and Occupational Affairs.~~

~~"Licensed bachelor social worker." An individual who engages in or offers to engage in the practice of bachelor social work and who holds a current license under this act.~~

~~"Licensed clinical social worker." [A social worker who holds a current clinical license under this act.] An individual who engages in or advertises to engage in the practice of clinical social work and who holds a current license under this act.~~

~~"Licensed marriage and family therapist." [An individual who~~

~~engages in or offers to engage in the practice of marriage and family therapy and who holds a current license under this act.]~~
~~An individual who engages in or advertises to engage in the practice of marriage and family therapy and who holds a current license under this act.~~

~~"Licensed professional counselor." [An individual who engages in the practice of professional counseling and who holds a current license under this act.]~~ ~~An individual who engages in or advertises to engage in the practice of professional counseling and who holds a current license under this act.~~

~~"Licensed social worker." [A social worker who holds a current license under this act.]~~ ~~An individual who engages in or advertises to engage in the practice of licensed social work and who holds a current license under this act.~~

~~"Practice of bachelor social work." Holding oneself out to the public by any title or description of services incorporating the term "licensed bachelor social worker," or using any words or symbols indicating or tending to indicate that the individual is a licensed bachelor social worker; the application of social work theory, knowledge, methods, ethics and the professional use of self to restore or enhance social or psychosocial functioning of individuals, couples, families, groups, organizations or communities; and basic generalist practice that includes planning, intervention, case management, information and referral, crisis counseling, advocacy, community organization and the development and implementation of policies, programs and activities.~~

~~"Practice of clinical social work." [Holding oneself out to the public by any title or description of services incorporating the term "licensed clinical social worker" or using any words or~~

~~1 symbols indicating or tending to indicate that one is a licensed
2 clinical social worker and under such description offering to
3 render or rendering a service in which a special knowledge of
4 social resources, human personality and capabilities and
5 therapeutic techniques is directed at helping people to achieve
6 adequate and productive personal, interpersonal and social
7 adjustments in their individual lives, in their families and in
8 their community. The term includes person and environment
9 perspectives, systems theory and cognitive/behavioral theory, to
10 the assessment and treatment of psychosocial disability and
11 impairment, including mental and emotional disorders,
12 developmental disabilities and substance abuse. The term
13 includes the application of social work methods and theory. The
14 term includes the practice of social work plus additional
15 concentrated training and study as defined by the board by
16 regulation.] The independent application of specialized
17 psychotherapeutic theories, methods and knowledge and advanced
18 clinical skills and ethics in the differential evaluation and
19 treatment of psychosocial function, disability or impairment,
20 including addictions and emotional, mental and behavioral
21 disorders. The treatment of individuals, couples, families,
22 groups and communities is based on knowledge of the person in
23 situation perspective of psychosocial development, normal and
24 abnormal behavior, psychopathology, unconscious motivation,
25 intrapersonal processes, interpersonal relationships,
26 environmental stress and trauma, differential assessment and
27 planning and data gathering. The purpose of these services is
28 the prevention and treatment of mental or emotional dysfunction
29 and enhancement of mental health and secure relationships for
30 individuals, couples, families, groups and communities. The term~~

~~includes, but is not limited to, psychotherapy. The term also includes counseling, behavior modification, consultation, supervision, client centered advocacy, crisis intervention and the provision of needed information and education to clients when using methods of a psychotherapeutic nature to evaluate, assess, treat and prevent emotional and mental disorders and dysfunctions, whether cognitive, affective, behavioral or relationship, behavioral disorders, alcoholism or substance abuse. The term may also include teaching and clinical research into more effective psychotherapeutic modalities for the treatment and prevention of such conditions.~~

~~"Practice of licensed social work." Professional application by those holding a social work license under this act whose professional applications include theories, principles and methods to prevent, examine, formulate and implement a plan of action based on client needs and strengths and intervene to address mental, social, emotional, behavioral, developmental and addictive disorders, conditions and disabilities, as well as address the psychosocial aspects of illness and injury experienced by individuals, couples, families, groups, communities, organizations and society. The term may also include engaging in the administration and assessment of psychosocial functioning, social work advocacy, case management, counseling, consultation, research, administration and management and teaching.~~

~~"Practice of marriage and family therapy." The professional application of psychotherapeutic and family systems theories and techniques to the evaluation, assessment and treatment of mental and emotional disorders, whether cognitive, affective or behavioral. The term includes the evaluation and assessment of~~

~~mental and emotional disorders in the context of significant interpersonal relationships and the delivery of psychotherapeutic services to individuals, couples, families and groups for the purpose of treating such disorders.~~

~~"Practice of professional counseling." Includes, to the extent compatible with a practitioner's education and professional competence, all of the following:~~

~~(1) The application of principles and practices of counseling, mental health and human development to evaluate and facilitate human growth and adjustment throughout the life span and to prevent and treat mental, emotional or behavioral disorders and associated stresses which interfere with mental health and normal human growth and development.~~

~~(2) The evaluation and assessment of normal and abnormal mental, emotional, social, educational, vocational, family and behavioral functioning throughout the life span; individual, group, family counseling and psychotherapy; crisis intervention, career counseling and educational and vocational counseling; functional assessment of persons with disabilities; and professional consulting.~~

~~(3) Professional counselors' utilization of verbal and nonverbal approaches and specialization in the use of arts based therapeutic approaches, such as art, dance, music or drama, to accomplish treatment objectives.~~

~~"Practice of social work." Offering to render or rendering a service in which a special knowledge of social resources, human personality and capabilities [and therapeutic techniques] is directed at helping [people] individuals, groups, communities or systems to achieve adequate and productive personal, interpersonal and social adjustments in their individual lives,~~

~~in their families [and], in their community [or] and within
social service systems and holding oneself out to the public by
any title or description of services incorporating the term
"social worker" or practicing social work or using any words or
symbols indicating or tending to indicate that one is a social
worker, except as otherwise provided by this act.~~

~~"Provisional licensed social worker." A social worker who
holds a current provisional license under this act.~~

~~"Social work services." Professional services delivered by
an individual holding a bachelor's or master's degree in social
work or social welfare from a program accredited by the Council
on Social Work Education.~~

~~"Social worker." A person who holds a current social work
license under this act or has received a bachelor's, master's or
doctoral degree from an accredited school or program of social
work or social welfare.~~

~~Section 2. Section 4 of the act, amended December 21, 1998
(P.L.1017, No.136), is amended to read:~~

~~Section 4. License required.~~

~~It shall be unlawful for any person to hold himself or
herself forth as a licensed social worker, licensed clinical
social worker, licensed marriage and family therapist [or],
licensed professional counselor or licensed bachelor social
worker unless he or she shall first have obtained a license
pursuant to this act.~~

~~Section 3. Section 5(a) and (1) of the act, amended December
21, 1998 (P.L.1017, No.136), are amended and the section is
amended by adding a subsection to read:~~

~~Section 5. State Board of Social Workers, Marriage and Family
Therapists and Professional Counselors.~~

~~(a) Creation. There is hereby created the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, a departmental administrative board in the Department of State. The board shall consist of [13] 15 members who are citizens of the United States and who have been residents of this Commonwealth for a two year period, two of whom shall be public members; [five] six of whom shall be licensed social workers, at least one of whom shall be a licensed clinical social worker [and], at least one of whom shall be a licensed social worker and at least one of whom shall be a licensed bachelor social worker; two of whom shall be licensed marriage and family therapists; two of whom shall be licensed professional counselors; one of whom shall be either a licensed marriage and family therapist or a licensed professional counselor as hereafter provided; one of whom shall be a representative of the Office of Attorney General; and one of whom shall be the Commissioner of Professional and Occupational Affairs.~~

~~* * *~~

~~(c.1) Appointment of licensed bachelor social worker. Within 90 days of the effective date of this subsection, the Governor shall nominate one professional member to serve as a licensed bachelor social worker on the board to serve a three year term. The licensed bachelor social worker initially appointed to the board pursuant to this section need not have successfully completed the licensure examination adopted by the board but, at the time of appointment, must have satisfied the educational and experience requirements of this act for licensed bachelor social worker.~~

~~* * *~~

~~(1) Operating procedures. The board shall meet within 30 days after the appointment of its new members and set up operating procedures and develop application forms for licensing bachelor social workers, clinical social workers, marriage and family therapists and professional counselors. It shall be the responsibility of the board to circulate these forms and educate the public to the requirements of licensing in order to hold oneself out as a licensed bachelor social worker, licensed social worker, licensed clinical social worker, licensed marriage and family therapist or licensed professional counselor within the Commonwealth.~~

~~Section 4. Section 6(2) and (3) of the act, amended December 21, 1998 (P.L.1017, No.136), are amended to read:~~

~~Section 6. Powers and functions of board.~~

~~The board shall have the following powers:~~

~~* * *~~

~~(2) To adopt and, from time to time, revise such rules and regulations as may be necessary to carry into effect the provisions of this act. Such regulations may include, but shall not be limited to, standards of professional practice and conduct for licensed bachelor social workers, licensed social workers, licensed clinical social workers, licensed marriage and family therapists and licensed professional counselors in Pennsylvania.~~

~~(3) To examine for, deny, approve, issue, revoke, suspend or renew licenses of bachelor social workers, social workers, clinical social workers, marriage and family therapists and professional counselors pursuant to this act and to conduct hearings in connection therewith.~~

~~* * *~~

~~Section 5. Section 7(d), (e) and (f) of the act, amended December 21, 1998 (P.L.1017, No.136) and July 9, 2008 (P.L.929, No.68), are amended and the section is amended by adding a subsection to read:~~

~~Section 7. Qualifications for license.~~

~~* * *~~

~~(d) Clinical social work license. An applicant shall be qualified for a license to hold oneself out as a licensed clinical social worker if the applicant submits proof satisfactory to the board that all of the following apply:~~

~~(1) The applicant is of good moral character.~~

~~(2) The applicant has successfully met both of the following requirements:~~

~~(i) Holds a master's degree in social work or social welfare or a doctoral degree in social work from an accredited school of social work as recognized by the board.~~

~~(ii) Is licensed under this act as a social worker.~~

~~(3) The applicant has completed at least [three years or] 3,000 hours of supervised clinical experience or holds an Academy of Certified Social Workers certificate issued prior to January 1, 2001, by the National Association of Social Workers or otherwise meets the supervision expectation in a fashion acceptable to the board as determined by regulation after completion of the master's degree in social work.~~

~~(4) The applicant has passed a clinical social work examination adopted by the board.~~

~~(5) The applicant has submitted an application accompanied by the application fee.~~

~~(6) The applicant has not been convicted of a felony~~

~~under The Controlled Substance, Drug, Device and Cosmetic Act
or of an offense under the laws of another jurisdiction
which, if committed in this Commonwealth, would be a felony
under The Controlled Substance, Drug, Device and Cosmetic Act
unless:~~

~~(i) at least ten years have elapsed from the date of
conviction;~~

~~(ii) the applicant satisfactorily demonstrated to
the board that the applicant has made significant
progress in personal rehabilitation since the conviction
such that licensure of the applicant should not be
expected to create a substantial risk of harm to the
health and safety of clients or the public or a
substantial risk of further criminal violations; and~~

~~(iii) the applicant otherwise satisfies the
qualifications contained in or authorized by this act.~~

~~As used in this paragraph, the term "convicted" includes a
judgment, an admission of guilt or a plea of nolo contendere.~~

~~(c) Marriage and family therapist license. An applicant
shall be qualified to hold oneself out as a licensed marriage
and family therapist if the applicant submits proof satisfactory
to the board that all of the following apply:~~

~~(1) The applicant is of good moral character.~~

~~(2) The applicant has successfully met one of the
following educational requirements:~~

~~(i) Within five years after the board has
promulgated final regulations, has successfully completed
a planned program of 60 semester hours or 90 quarter
hours of graduate coursework which is closely related to
marriage and family therapy, including a master's degree~~

1 ~~in marriage and family therapy from an accredited~~
2 ~~educational institution or a master's degree in a field~~
3 ~~determined by the board by regulation to be closely~~
4 ~~related to the practice of marriage and family therapy~~
5 ~~from an accredited educational institution, with graduate~~
6 ~~level coursework in marriage and family therapy~~
7 ~~acceptable to the board from an accredited educational~~
8 ~~institution or from a program recognized by a national~~
9 ~~accrediting agency.~~

10 ~~(ii) Has successfully completed a planned program of~~
11 ~~60 semester hours or 90 quarter hours of graduate~~
12 ~~coursework which is closely related to marriage and~~
13 ~~family therapy, including a 48 semester hour or 72~~
14 ~~quarter hour master's degree in marriage and family~~
15 ~~therapy from an accredited educational institution or a~~
16 ~~48 semester hour or 72 quarter hour master's degree in a~~
17 ~~field determined by the board by regulation to be closely~~
18 ~~related to the practice of marriage and family therapy~~
19 ~~from an accredited educational institution, with graduate~~
20 ~~level coursework in marriage and family therapy~~
21 ~~acceptable to the board from an accredited educational~~
22 ~~institution or from a program recognized by a national~~
23 ~~accrediting agency.~~

24 ~~(iii) holds a doctoral degree in marriage and family~~
25 ~~therapy from an accredited educational institution or~~
26 ~~holds a doctoral degree in a field determined by the~~
27 ~~board by regulation to be closely related to the practice~~
28 ~~of marriage and family therapy from an accredited~~
29 ~~educational institution with graduate level coursework in~~
30 ~~marriage and family therapy acceptable to the board from~~

~~an accredited educational institution or from a program
recognized by a national accrediting agency.~~

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

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

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

~~(4) The applicant has passed an examination adopted by
the board.~~

~~(5) The application has been accompanied by the
application fee.~~

~~(6) The applicant has not been convicted of a felony
under The Controlled Substance, Drug, Device and Cosmetic Act
or of an offense under the laws of another jurisdiction which
if committed in this Commonwealth would be a felony under the
Controlled Substance, Drug, Device and Cosmetic Act unless:~~

~~(i) at least ten years have elapsed from the date of
conviction;~~

~~(ii) the applicant satisfactorily demonstrates to~~

~~the board that the applicant has made significant progress in personal rehabilitation since the conviction such that licensure of the applicant should not be expected to create a substantial risk of harm to the health and safety of clients or the public or a substantial risk of further criminal violation; and~~

~~(iii) the applicant otherwise satisfies the qualifications contained in or authorized by this act.~~

~~As used in this paragraph, the term "convicted" includes a judgment, an admission of guilt or a plea of nolo contendere.~~

~~(f) Professional counselors license. An applicant is qualified for a license to hold oneself out as a licensed professional counselor if the applicant submits proof satisfactory to the board that all of the following apply:~~

~~(1) The applicant is of good moral character.~~

~~(2) The applicant has successfully met one of the following educational requirements:~~

~~(i) [Within five years after the board has promulgated final regulations] On or before June 30, 2008, has successfully completed a planned program of 60 semester hours or 90 quarter hours of graduate coursework in counseling or a field determined by the board by regulation to be closely related to the practice of professional counseling, including a master's degree in counseling or a field determined by the board by regulation to be closely related to the practice of professional counseling, from an accredited educational institution.~~

~~(ii) Has successfully completed a planned program of 60 semester hours or 90 quarter hours of graduate~~

1 ~~coursework in counseling or a field determined by the~~
2 ~~board by regulation to be closely related to the practice~~
3 ~~of professional counseling, including a 48 semester hour~~
4 ~~or 72 quarter hour master's degree in counseling or a~~
5 ~~field determined by the board by regulation to be closely~~
6 ~~related to the practice of professional counseling, from~~
7 ~~an accredited educational institution.~~

8 ~~(iii) Holds a doctoral degree in counseling from an~~
9 ~~accredited educational institution or holds a doctoral~~
10 ~~degree in a field determined by the board by regulation~~
11 ~~to be closely related to the practice of professional~~
12 ~~counseling from an accredited educational institution.~~

13 ~~(3) The applicant has complied with the experience~~
14 ~~requirements as follows:~~

15 ~~(i) An individual meeting the educational~~
16 ~~requirements of paragraph (2)(i) or (ii) must have~~
17 ~~completed at least [three years or 3,600] 3,000 hours of~~
18 ~~supervised clinical experience, acceptable to the board~~
19 ~~as determined by regulation, obtained after the~~
20 ~~completion of 48 semester hours or 72 quarter hours of~~
21 ~~graduate coursework.~~

22 ~~(ii) An individual meeting the educational~~
23 ~~requirements of paragraph (2)(iii) must have completed at~~
24 ~~least [two years or] 2,400 hours of supervised clinical~~
25 ~~experience, acceptable to the board as determined by~~
26 ~~regulation, [one year or] 1,200 hours of which was~~
27 ~~obtained subsequent to the granting of the doctoral~~
28 ~~degree.~~

29 ~~(4) The applicant has passed an examination adopted by~~
30 ~~the board.~~

1 ~~(5) The application has been accompanied by the~~
2 ~~application fee.~~

3 ~~(6) The applicant has not been convicted of a felony~~
4 ~~under The Controlled Substance, Drug, Device and Cosmetic Act~~
5 ~~or of an offense under the laws of another jurisdiction which~~
6 ~~if committed in this Commonwealth would be a felony under the~~
7 ~~Controlled Substance, Drug, Device and Cosmetic Act unless:~~

8 ~~(i) at least ten years have elapsed from the date of~~
9 ~~conviction;~~

10 ~~(ii) the applicant satisfactorily demonstrates to~~
11 ~~the board that the applicant has made significant~~
12 ~~progress in personal rehabilitation since the conviction~~
13 ~~such that licensure of the applicant should not be~~
14 ~~expected to create a substantial risk of harm to the~~
15 ~~health and safety of clients or the public or a~~
16 ~~substantial risk of further criminal violations; and~~

17 ~~(iii) the applicant otherwise satisfies the~~
18 ~~qualifications contained in or authorized by this act.~~

19 ~~As used in this paragraph, the term "convicted" includes a~~
20 ~~judgment, an admission of guilt or a plea of nolo contendere.~~

21 ~~(g) Bachelor social work license. An applicant shall be~~
22 ~~qualified for a license to hold oneself out as a licensed~~
23 ~~bachelor social worker if the applicant submits proof~~
24 ~~satisfactory to the board that:~~

25 ~~(1) The applicant:~~

26 ~~(i) Is of good moral character.~~

27 ~~(ii) Has received a bachelor's degree from an~~
28 ~~accredited school of social work or social welfare.~~

29 ~~(iii) Has passed an examination duly adopted by the~~
30 ~~board.~~

~~(iv) Agrees to adhere to the National Association of Social Workers' Professional Code of Ethics pertaining to the delivery of direct practice social services.~~

~~(2) The applicant has submitted an application accompanied by the application fee.~~

~~(3) The applicant has not been convicted of a felony under The Controlled Substance, Drug, Device and Cosmetic Act, or of an offense under the laws of another jurisdiction, which, if committed in this Commonwealth, would be a felony under The Controlled Substance, Drug, Device and Cosmetic Act, unless:~~

~~(i) at least ten years have elapsed from the date of conviction;~~

~~(ii) the applicant satisfactorily demonstrates to the board that the applicant has made significant progress in personal rehabilitation since the conviction, such that licensure of the applicant should not be expected to create a substantial risk of harm to the health and safety of the applicant's clients or the public or a substantial risk of further criminal violations; and~~

~~(iii) the applicant otherwise satisfies the qualifications contained in or authorized by this act.~~

~~As used in this paragraph, the term "convicted" shall include a judgment, an admission of guilt or a plea of nolo contendere.~~

~~Section 6. Sections 8(b), 10, 12, 16, 16.1, 16.2 and 16.3 of the act, amended or added December 21, 1998 (P.L.1017, No.136), are amended to read:~~

~~Section 8. Procedures for licensing.~~

1 ~~***~~

2 ~~(b) Issuance of license. The board shall issue to each~~
3 ~~person who meets the licensure requirements of this act a~~
4 ~~certificate setting forth that such person is licensed to hold~~
5 ~~himself or herself out as a licensed bachelor social worker,~~
6 ~~licensed social worker, a provisional social worker, a licensed~~
7 ~~clinical social worker, a licensed marriage and family therapist~~
8 ~~or a licensed professional counselor.~~

9 ~~Section 10. Reciprocity.~~

10 ~~(a) General rule. The board shall have the power to grant a~~
11 ~~reciprocal license to an applicant who is licensed or certified~~
12 ~~as a bachelor social worker, social worker, clinical social~~
13 ~~worker, marriage and family therapist or professional counselor~~
14 ~~in another state and has demonstrated qualifications which equal~~
15 ~~or exceed those required pursuant to this act in the~~
16 ~~determination of the board, provided that no license shall be~~
17 ~~granted under this section to an applicant unless the state in~~
18 ~~which the applicant is licensed affords reciprocal treatment to~~
19 ~~persons who are residents of this Commonwealth and who are~~
20 ~~licensed pursuant to this act.~~

21 ~~(b) Emergencies. The board shall have the power to allow an~~
22 ~~individual who is licensed or certified as a bachelor social~~
23 ~~worker, social worker, clinical social worker, marriage and~~
24 ~~family therapist or professional counselor in another state to~~
25 ~~practice in this Commonwealth without licensure for not more~~
26 ~~than 60 days as part of a relief effort related to a state of~~
27 ~~emergency as declared by the Governor or Federal Government.~~

28 ~~Section 12. Reinstatement of license.~~

29 ~~Unless ordered to do so by Commonwealth Court or an appeal~~
30 ~~therefrom, the board shall not reinstate the license of a person~~

~~to practice as a bachelor social worker, social worker, clinical social worker, marriage and family therapist or professional counselor pursuant to this act, which has been revoked. Any person whose license has been revoked may apply for reinstatement, after a period of at least five years, but must meet all of the licensing qualifications of this act, including the examination requirement, if he or she desires to practice as a licensed bachelor social worker, social worker, clinical social worker, marriage and family therapist or professional counselor pursuant to this act at any time after such revocation.~~

~~Section 16. Restrictions on the use of title "Licensed Social Worker."~~

~~Only individuals who have received licenses as licensed social workers under this act may style themselves as licensed social workers and use the letters "L.S.W." in connection with their names, and it shall be unlawful for an individual to style himself or herself as a licensed social worker, advertise or engage in the practice of licensed social work or use any words or symbols indicating or tending to indicate that he or she is a licensed social worker without holding a license in good standing under this act.~~

~~Section 16.1. Restriction on the use of title "Licensed Clinical Social Worker."~~

~~Only individuals who have received licenses as licensed clinical social workers under this act may style themselves as licensed clinical social workers and use the letters "L.C.S.W." in connection with their names. It shall be unlawful for an individual to style oneself as a licensed clinical social worker, advertise or engage in the practice of clinical social~~

~~work or use any words or symbols indicating or tending to indicate that the individual is a licensed clinical social worker without holding a license in good standing under this act.~~

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

~~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 oneself as a licensed marriage and family therapist, advertise or engage in the practice of marriage or family therapy 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 16.3. Restriction on the use of title "Licensed Professional Counselor."~~

~~Only individuals who have received licenses as licensed professional counselors under this act may style themselves as licensed professional counselors and use the letters "L.P.C." in connection with their names. It shall be unlawful for an individual to style oneself as a licensed professional counselor, advertise or engage in the practice of professional counseling or use any words or symbols indicating or tending to indicate that the individual is a licensed professional counselor without holding a license in good standing under this act.~~

~~Section 7. the act is amended by adding sections to read:~~

~~Section 16.4. Restrictions on use of title "Licensed Bachelor~~

1 ~~Social Worker."~~

2 ~~Only individuals who have received licenses as licensed~~
3 ~~bachelor social workers under this act may style themselves as~~
4 ~~licensed bachelor social workers and use the letters "L.B.S.W"~~
5 ~~in connection with their names, and it shall be unlawful for an~~
6 ~~individual to style himself or herself as a licensed bachelor~~
7 ~~social worker or use any words or symbols indicating or tending~~
8 ~~to indicate that the individual is a licensed bachelor social~~
9 ~~worker without holding a license in good standing under this~~
10 ~~act.~~

11 ~~Section 16.5. Unlicensed practice prohibited.~~

12 ~~No person shall practice as a licensed bachelor social~~
13 ~~worker, licensed social worker, licensed clinical social worker,~~
14 ~~licensed marriage and family therapist or licensed professional~~
15 ~~counselor in this Commonwealth unless the person holds a valid~~
16 ~~license to do so as provided in this act. Nothing in this~~
17 ~~section shall be construed to prohibit individuals operating~~
18 ~~within the scope of their training, experience or employment or~~
19 ~~to require a license as a condition of employment by the~~
20 ~~Commonwealth, any of its subdivisions or by nonprofit agencies.~~
21 ~~The provisions of this section shall not apply to the following~~
22 ~~persons:~~

23 ~~(1) A person who holds a valid license or is certified~~
24 ~~or regulated pursuant to another professional licensure law~~
25 ~~or State certification of the Commonwealth and who provides~~
26 ~~services within the person's scope of practice or employment~~
27 ~~functions, which shall include a student, intern or trainee~~
28 ~~pursuing a course of study in an occupation or profession or~~
29 ~~a supervisee governed by another professional licensure law~~
30 ~~or State certification of the Commonwealth.~~

1 ~~(2) A supervisee providing psychological services under~~
2 ~~the act of March 23, 1972 (P.L.136, No.52), known as the~~
3 ~~Professional Psychologists Practice Act.~~

4 ~~(3) A person authorized to perform these services~~
5 ~~pursuant to the Federal laws as an employee of the Federal~~
6 ~~Government.~~

7 ~~(4) A member of other recognized professions, including~~
8 ~~clergy, drug and alcohol abuse counselors, mental health~~
9 ~~counselors, crisis intervention counselors, pastoral~~
10 ~~counselors, rehabilitation counselors, case managers and~~
11 ~~psychoanalysts, doing work consistent with the training and~~
12 ~~code of ethics of their respective professions.~~

13 ~~(5) A person employed by the Commonwealth or any of its~~
14 ~~political subdivisions as permitted by the person's employee~~
15 ~~classification.~~

16 ~~(6) A student, intern or trainee who is pursuing a~~
17 ~~course of study in a program in social work, counseling,~~
18 ~~marriage and family therapy or psychology at an accredited~~
19 ~~institution of higher education or training institution if~~
20 ~~the person's activities are performed under qualified~~
21 ~~supervision and are part of the person's supervised course of~~
22 ~~study.~~

23 ~~(7) An individual who has earned an educational degree~~
24 ~~required for licensure under this act working under the~~
25 ~~supervision of an individual licensed as a psychologist,~~
26 ~~psychiatrist, social worker, clinical social worker, marriage~~
27 ~~and family therapist or professional counselor while that~~
28 ~~individual meets the requirements necessary for licensure.~~

29 ~~(8) A person whose job is regulated by statutes or~~
30 ~~regulations, or official bulletins, official opinions or~~

~~other similar documents issued by the Federal Government or State government or a branch thereof.~~

~~(9) Employees of business and industrial organizations who apply the principles of psychology to the employment placement, evaluation, selection, promotion or job adjustment of their own officers or employees or those of any associated organization. No business or industrial firm or corporation may sell or offer to the public or to individuals or to other firms or corporations for remuneration any psychological acts or services that are performed by individuals duly and appropriately licensed.~~

~~(10) A school psychologist certified by the Department of Education, including a school psychologist performing in private practice those acts which the psychologist is permitted to perform in the public and private schools of this Commonwealth.~~

~~(11) A volunteer providing services in a federally declared or State declared emergency.~~

~~(12) Persons providing social work services.~~

~~Section 8. Section 17(b) of the act is amended to read:~~

~~Section 17. Penalties.~~

~~* * *~~

~~(b) Civil penalty. In addition to any other civil remedy or criminal penalty provided for in this act, the board, by a vote of the majority of the maximum number of the authorized membership of the board as provided by law, or by a vote of the majority of the duly qualified and confirmed membership or a minimum of three members, whichever is greater, may levy a civil penalty of up to \$1,000 on any current licensee who violates any provision of this act or on any person who engages in the~~

~~practice of or who holds himself or herself out as a licensed social worker, licensed bachelor social worker, licensed clinical social worker, licensed marriage and family therapist or licensed professional counselor without being so licensed pursuant to this act. The board shall levy this penalty only after affording the accused party the opportunity for a hearing, as provided in Title 2 of the Pennsylvania Consolidated Statutes (relating to administrative law and procedure).~~

~~* * *~~

~~Section 9. Section 20(a) of the act, amended December 21, 1998 (P.L.1017, No.136), is amended to read:~~

~~Section 20. Unlawful practice.~~

~~(a) Unlawful practice prohibited. It shall be unlawful for any person to engage in the practice of or hold himself or herself out as a licensed social worker, licensed clinical social worker, licensed marriage and family therapist [and] or licensed professional counselor without possessing a valid, unexpired, unrevoked and unsuspended license issued under this act.~~

~~* * *~~

~~Section 10. 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 11. This act shall take effect in 120 days.~~

~~SECTION 1. THE DEFINITION OF "PROVISIONAL LICENSED SOCIAL WORKER" IN SECTION 3 OF THE ACT OF JULY 9, 1987 (P.L.220, NO.39), KNOWN AS THE SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS ACT, AMENDED DECEMBER 21,~~



1 1998 (P.L.1017, NO.136), IS AMENDED AND THE SECTION IS AMENDED
2 BY ADDING DEFINITIONS TO READ:

3 SECTION 3. DEFINITIONS.

4 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL
5 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
6 CONTEXT CLEARLY INDICATES OTHERWISE:

7 * * *

8 "LICENSED BACHELOR SOCIAL WORKER." A SOCIAL WORKER WHO HOLDS
9 A CURRENT BACHELOR'S LEVEL LICENSE UNDER THIS ACT.

10 * * *

11 "PRACTICE OF BACHELOR SOCIAL WORK." AN INDIVIDUAL WHO HOLDS
12 A LICENSE AS A LICENSED BACHELOR SOCIAL WORKER ISSUED BY THE
13 BOARD SHALL PROVIDE GENERALIST, NONCLINICAL SOCIAL WORK SERVICES
14 AS AN EMPLOYEE FUNCTIONING UNDER THE SUPERVISION OF AN
15 INDIVIDUAL WHO IS REGULATED BY THE COMMONWEALTH OR HOLDS A
16 PROFESSIONAL LICENSE ISSUED BY THE COMMONWEALTH.

17 * * *

18 ["PROVISIONAL LICENSED SOCIAL WORKER." A SOCIAL WORKER WHO
19 HOLDS A CURRENT PROVISIONAL LICENSE UNDER THIS ACT.]

20 "SOCIAL WORK SERVICES." SERVICES PROVIDED BY A PROFESSIONAL
21 HOLDING A BACHELOR OR MASTER'S DEGREE ISSUED BY AN ACCREDITED
22 SCHOOL OR PROGRAM OF SOCIAL WORK OR SOCIAL WELFARE THAT
23 DEMONSTRATES SOCIAL WORK PROFESSIONAL COMPETENCIES.

24 * * *

25 SECTION 2. SECTIONS 5(L) AND 6(2) AND (3) OF THE ACT,
26 AMENDED DECEMBER 21, 1998 (P.L.1017, NO.136), ARE AMENDED TO
27 READ:

28 SECTION 5. STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND
29 FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS.

30 * * *

(L) OPERATING PROCEDURES.--THE BOARD SHALL MEET WITHIN 30 DAYS AFTER THE APPOINTMENT OF ITS NEW MEMBERS AND SET UP OPERATING PROCEDURES AND DEVELOP APPLICATION FORMS FOR LICENSING BACHELOR SOCIAL WORKERS, CLINICAL SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS. IT SHALL BE THE RESPONSIBILITY OF THE BOARD TO CIRCULATE THESE FORMS AND EDUCATE THE PUBLIC TO THE REQUIREMENTS OF LICENSING IN ORDER TO HOLD ONESELF OUT AS A LICENSED BACHELOR SOCIAL WORKER, LICENSED SOCIAL WORKER, LICENSED CLINICAL SOCIAL WORKER, LICENSED MARRIAGE AND FAMILY THERAPIST OR LICENSED PROFESSIONAL COUNSELOR WITHIN THE COMMONWEALTH.

SECTION 6. POWERS AND FUNCTIONS OF BOARD.

THE BOARD SHALL HAVE THE FOLLOWING POWERS:

* * *

(2) TO ADOPT AND, FROM TIME TO TIME, REVISE SUCH RULES AND REGULATIONS AS MAY BE NECESSARY TO CARRY INTO EFFECT THE PROVISIONS OF THIS ACT. SUCH REGULATIONS MAY INCLUDE, BUT SHALL NOT BE LIMITED TO, STANDARDS OF PROFESSIONAL PRACTICE AND CONDUCT FOR LICENSED BACHELOR SOCIAL WORKERS, LICENSED SOCIAL WORKERS, LICENSED CLINICAL SOCIAL WORKERS, LICENSED MARRIAGE AND FAMILY THERAPISTS AND LICENSED PROFESSIONAL COUNSELORS IN PENNSYLVANIA.

(3) TO EXAMINE FOR, DENY, APPROVE, ISSUE, REVOKE, SUSPEND OR RENEW LICENSES OF BACHELOR SOCIAL WORKERS, SOCIAL WORKERS, CLINICAL SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS PURSUANT TO THIS ACT AND TO CONDUCT HEARINGS IN CONNECTION THEREWITH.

* * *

SECTION 3. SECTION 7(B) OF THE ACT, AMENDED DECEMBER 21, 1998 (P.L.1017, NO.136), IS AMENDED AND THE SECTION IS AMENDED

1 BY ADDING A SUBSECTION TO READ:

2 SECTION 7. QUALIFICATIONS FOR LICENSE.

3 * * *

4 [(B) PROVISIONAL SOCIAL WORK LICENSE.--AN APPLICANT SHALL BE
5 QUALIFIED FOR A PROVISIONAL LICENSE TO HOLD ONESELF OUT AS A
6 SOCIAL WORKER WITH A PROVISIONAL LICENSE, PROVIDED HE OR SHE
7 SUBMITS PROOF SATISFACTORY TO THE BOARD THAT:

8 (1) HE OR SHE IS OF GOOD MORAL CHARACTER.

9 (2) HE OR SHE HAS RECEIVED A BACHELOR'S DEGREE IN SOCIAL
10 WORK FROM AN ACCREDITED SCHOOL OF SOCIAL WORK OR SOCIAL
11 WELFARE AND HAS THREE YEARS' EXPERIENCE UNDER THE SUPERVISION
12 OF A SOCIAL WORKER WHO HAS GRADUATED WITH A MASTER'S DEGREE
13 FROM AN ACCREDITED SCHOOL OF SOCIAL WORK OR SOCIAL WELFARE.

14 (3) HE OR SHE OFFERS PROOF OF CURRENT ENROLLMENT IN A
15 MASTER'S DEGREE PROGRAM AT AN ACCREDITED SCHOOL OF SOCIAL
16 WORK OR SOCIAL WELFARE.

17 (4) HE OR SHE PASSED AN EXAMINATION DULY ADOPTED BY THE
18 BOARD.

19 (5) HIS OR HER APPLICATION HAS BEEN ACCOMPANIED BY THE
20 APPLICATION FEE.

21 (6) HE OR SHE HAS NOT BEEN CONVICTED OF A FELONY UNDER
22 THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT, OR
23 OF AN OFFENSE UNDER THE LAWS OF ANOTHER JURISDICTION, WHICH,
24 IF COMMITTED IN THIS COMMONWEALTH, WOULD BE A FELONY UNDER
25 THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT,
26 UNLESS:

27 (I) AT LEAST TEN YEARS HAVE ELAPSED FROM THE DATE OF
28 CONVICTION;

29 (II) THE APPLICANT SATISFACTORILY DEMONSTRATES TO
30 THE BOARD THAT HE OR SHE HAS MADE SIGNIFICANT PROGRESS IN

PERSONAL REHABILITATION SINCE THE CONVICTION, SUCH THAT
LICENSURE OF THE APPLICANT SHOULD NOT BE EXPECTED TO
CREATE A SUBSTANTIAL RISK OF HARM TO THE HEALTH AND
SAFETY OF HIS OR HER CLIENTS OR THE PUBLIC OR A
SUBSTANTIAL RISK OF FURTHER CRIMINAL VIOLATIONS; AND

(III) THE APPLICANT OTHERWISE SATISFIES THE
QUALIFICATIONS CONTAINED IN OR AUTHORIZED BY THIS ACT.

AS USED IN THIS PARAGRAPH, THE TERM "CONVICTED" SHALL INCLUDE
A JUDGMENT, AN ADMISSION OF GUILT OR A PLEA OF NOLO
CONTENDERE.]

* * *

(G) BACHELOR SOCIAL WORK LICENSE.--AN APPLICANT SHALL BE
QUALIFIED FOR A LICENSE TO HOLD ONESELF OUT AS A LICENSED
BACHELOR SOCIAL WORKER IF THE APPLICANT SUBMITS PROOF
SATISFACTORY TO THE BOARD THAT:

(1) HE OR SHE IS OF GOOD MORAL CHARACTER.

(2) HE OR SHE HAS RECEIVED A BACHELOR'S DEGREE FROM AN
ACCREDITED SCHOOL OF SOCIAL WORK OR SOCIAL WELFARE.

(3) HE OR SHE HAS PASSED AN EXAMINATION DULY ADOPTED BY
THE BOARD.

(4) HIS OR HER APPLICATION HAS BEEN ACCOMPANIED BY THE
APPLICATION FEE.

(5) HE OR SHE HAS NOT BEEN CONVICTED OF A FELONY UNDER
THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT OR OF
AN OFFENSE UNDER THE LAWS OF ANOTHER JURISDICTION, WHICH, IF
COMMITTED IN THIS COMMONWEALTH, WOULD BE A FELONY UNDER THE
CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT, UNLESS:

(I) AT LEAST TEN YEARS HAVE ELAPSED FROM THE DATE OF
CONVICTION;

(II) THE APPLICANT SATISFACTORILY DEMONSTRATES TO

1 THE BOARD THAT THE APPLICANT HAS MADE SIGNIFICANT
2 PROGRESS IN PERSONAL REHABILITATION SINCE THE CONVICTION,
3 SUCH THAT LICENSURE OF THE APPLICANT SHOULD NOT BE
4 EXPECTED TO CREATE A SUBSTANTIAL RISK OF HARM TO THE
5 HEALTH AND SAFETY OF THE APPLICANT'S CLIENTS OR THE
6 PUBLIC OR A SUBSTANTIAL RISK OF FURTHER CRIMINAL
7 VIOLATIONS; AND

8 (III) THE APPLICANT OTHERWISE SATISFIES THE
9 QUALIFICATIONS CONTAINED IN OR AUTHORIZED BY THIS ACT.

10 AS USED IN THIS PARAGRAPH, THE TERM "CONVICTED" SHALL INCLUDE
11 A JUDGMENT, AN ADMISSION OF GUILT OR A PLEA OF NOLO
12 CONTENDERE.

13 SECTION 4. SECTIONS 8(B), 10 AND 12 OF THE ACT, AMENDED
14 DECEMBER 21, 1998 (P.L.1017, NO.136), ARE AMENDED TO READ:
15 SECTION 8. PROCEDURES FOR LICENSING.

16 * * *

17 (B) ISSUANCE OF LICENSE.--THE BOARD SHALL ISSUE TO EACH
18 PERSON WHO MEETS THE LICENSURE REQUIREMENTS OF THIS ACT A
19 CERTIFICATE SETTING FORTH THAT SUCH PERSON IS LICENSED TO HOLD
20 HIMSELF OR HERSELF OUT AS A LICENSED BACHELOR SOCIAL WORKER,
21 LICENSED SOCIAL WORKER, [A PROVISIONAL SOCIAL WORKER,] A
22 LICENSED CLINICAL SOCIAL WORKER, A LICENSED MARRIAGE AND FAMILY
23 THERAPIST OR A LICENSED PROFESSIONAL COUNSELOR.

24 SECTION 10. RECIPROCITY.

25 THE BOARD SHALL HAVE THE POWER TO GRANT A RECIPROCAL LICENSE
26 TO AN APPLICANT WHO IS LICENSED OR CERTIFIED AS A BACHELOR
27 SOCIAL WORKER, SOCIAL WORKER, CLINICAL SOCIAL WORKER, MARRIAGE
28 AND FAMILY THERAPIST OR PROFESSIONAL COUNSELOR IN ANOTHER STATE
29 AND HAS DEMONSTRATED QUALIFICATIONS WHICH EQUAL OR EXCEED THOSE
30 REQUIRED PURSUANT TO THIS ACT IN THE DETERMINATION OF THE BOARD,

1 PROVIDED THAT NO LICENSE SHALL BE GRANTED UNDER THIS SECTION TO
2 AN APPLICANT UNLESS THE STATE IN WHICH THE APPLICANT IS LICENSED
3 AFFORDS RECIPROCAL TREATMENT TO PERSONS WHO ARE RESIDENTS OF
4 THIS COMMONWEALTH AND WHO ARE LICENSED PURSUANT TO THIS ACT.

5 SECTION 12. REINSTATEMENT OF LICENSE.

6 UNLESS ORDERED TO DO SO BY COMMONWEALTH COURT OR AN APPEAL
7 THEREFROM, THE BOARD SHALL NOT REINSTATE THE LICENSE OF A PERSON
8 TO PRACTICE AS A BACHELOR SOCIAL WORKER, SOCIAL WORKER, CLINICAL
9 SOCIAL WORKER, MARRIAGE AND FAMILY THERAPIST OR PROFESSIONAL
10 COUNSELOR PURSUANT TO THIS ACT, WHICH HAS BEEN REVOKED. ANY
11 PERSON WHOSE LICENSE HAS BEEN REVOKED MAY APPLY FOR
12 REINSTATEMENT, AFTER A PERIOD OF AT LEAST FIVE YEARS, BUT MUST
13 MEET ALL OF THE LICENSING QUALIFICATIONS OF THIS ACT, INCLUDING
14 THE EXAMINATION REQUIREMENT, IF HE OR SHE DESIRES TO PRACTICE AS
15 A LICENSED BACHELOR SOCIAL WORKER, SOCIAL WORKER, CLINICAL
16 SOCIAL WORKER, MARRIAGE AND FAMILY THERAPIST OR PROFESSIONAL
17 COUNSELOR PURSUANT TO THIS ACT AT ANY TIME AFTER SUCH
18 REVOCATION.

19 SECTION 5. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

20 SECTION 16.4. RESTRICTIONS ON USE OF TITLE "LICENSED BACHELOR
21 SOCIAL WORKER."

22 ONLY INDIVIDUALS WHO HAVE RECEIVED LICENSES AS LICENSED
23 BACHELOR SOCIAL WORKERS UNDER THIS ACT MAY STYLE THEMSELVES AS
24 LICENSED BACHELOR SOCIAL WORKERS AND USE THE LETTERS "L.B.S.W."
25 IN CONNECTION WITH THEIR NAMES, AND IT SHALL BE UNLAWFUL FOR AN
26 INDIVIDUAL TO STYLE HIMSELF OR HERSELF AS A LICENSED BACHELOR
27 SOCIAL WORKER OR USE ANY WORDS OR SYMBOLS INDICATING OR TENDING
28 TO INDICATE THAT THE INDIVIDUAL IS A LICENSED BACHELOR SOCIAL
29 WORKER WITHOUT HOLDING A LICENSE IN GOOD STANDING UNDER THIS
30 ACT.

SECTION 6. SECTION 17(B) OF THE ACT IS AMENDED TO READ:

SECTION 17. PENALTIES.

* * *

(B) CIVIL PENALTY.--IN ADDITION TO ANY OTHER CIVIL REMEDY OR CRIMINAL PENALTY PROVIDED FOR IN THIS ACT, THE BOARD, BY A VOTE OF THE MAJORITY OF THE MAXIMUM NUMBER OF THE AUTHORIZED MEMBERSHIP OF THE BOARD AS PROVIDED BY LAW, OR BY A VOTE OF THE MAJORITY OF THE DULY QUALIFIED AND CONFIRMED MEMBERSHIP OR A MINIMUM OF THREE MEMBERS, WHICHEVER IS GREATER, MAY LEVY A CIVIL PENALTY OF UP TO \$1,000 ON ANY CURRENT LICENSEE WHO VIOLATES ANY PROVISION OF THIS ACT OR ON ANY PERSON WHO ENGAGES IN THE PRACTICE OF OR WHO HOLDS HIMSELF OR HERSELF OUT AS A LICENSED BACHELOR SOCIAL WORKER, LICENSED SOCIAL WORKER, LICENSED CLINICAL SOCIAL WORKER, LICENSED MARRIAGE AND FAMILY THERAPIST OR LICENSED PROFESSIONAL COUNSELOR WITHOUT BEING SO LICENSED PURSUANT TO THIS ACT. THE BOARD SHALL LEVY THIS PENALTY ONLY AFTER AFFORDING THE ACCUSED PARTY THE OPPORTUNITY FOR A HEARING, AS PROVIDED IN TITLE 2 OF THE PENNSYLVANIA CONSOLIDATED STATUTES (RELATING TO ADMINISTRATIVE LAW AND PROCEDURE).

* * *

SECTION 6.1. SECTIONS 18(B) AND (C) AND 20(A) OF THE ACT, AMENDED DECEMBER 21, 1998 (P.L.1017, NO.136), ARE AMENDED TO READ:

SECTION 18. LICENSE RENEWAL; RECORDS AND FEES.

* * *

(B) RECORDS.--A RECORD OF ALL PERSONS LICENSED TO PRACTICE AS BACHELOR SOCIAL WORKERS, SOCIAL WORKERS, CLINICAL SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS IN PENNSYLVANIA SHALL BE KEPT IN THE OFFICE OF THE BOARD AND SHALL BE OPEN TO PUBLIC INSPECTION AND COPYING UPON

1 PAYMENT OF A NOMINAL FEE FOR COPYING THE RECORD.

2 (C) FEES.--

3 (1) ALL FEES REQUIRED PURSUANT TO THIS ACT SHALL BE
4 FIXED BY THE BOARD BY REGULATION AND SHALL BE SUBJECT TO THE
5 ACT OF JUNE 25, 1982 (P.L.633, NO.181), KNOWN AS THE
6 REGULATORY REVIEW ACT. IF THE REVENUES RAISED BY FEES, FINES
7 AND CIVIL PENALTIES IMPOSED PURSUANT TO THIS ACT ARE NOT
8 SUFFICIENT TO MEET EXPENDITURES OVER A TWO-YEAR PERIOD, THE
9 BOARD SHALL INCREASE THOSE FEES BY REGULATION SO THAT THE
10 PROJECTED REVENUES WILL MEET OR EXCEED PROJECTED
11 EXPENDITURES.

12 (2) IF THE BUREAU OF PROFESSIONAL AND OCCUPATIONAL
13 AFFAIRS DETERMINES THAT THE FEES ESTABLISHED BY THE BOARD
14 PURSUANT TO PARAGRAPH (1) ARE INADEQUATE TO MEET THE MINIMUM
15 ENFORCEMENT EFFORTS REQUIRED BY THIS ACT, THEN THE BUREAU,
16 AFTER CONSULTATION WITH THE BOARD AND SUBJECT TO THE
17 REGULATORY REVIEW ACT, SHALL INCREASE THE FEES BY REGULATION
18 IN AN AMOUNT SO THAT ADEQUATE REVENUES ARE RAISED TO MEET THE
19 REQUIRED ENFORCEMENT EFFORT.

20 (3) THE APPLICATION FEE TO APPLY FOR A BACHELOR SOCIAL
21 WORK LICENSE SHALL BE \$40 WITH A RENEWAL FEE OF \$75. FEES
22 SPECIFIC TO THE BACHELOR SOCIAL WORK LICENSE SHALL BE FIXED
23 BY THE BOARD IN REGULATION AND SHALL BE SUBJECT TO THE
24 REGULATORY REVIEW ACT.

25 SECTION 20. UNLAWFUL PRACTICE.

26 (A) UNLAWFUL PRACTICE PROHIBITED.--IT SHALL BE UNLAWFUL FOR
27 ANY PERSON TO ENGAGE IN THE PRACTICE OF OR HOLD HIMSELF OR
28 HERSELF OUT AS A LICENSED BACHELOR SOCIAL WORKER, LICENSED
29 SOCIAL WORKER, LICENSED CLINICAL SOCIAL WORKER, MARRIAGE AND
30 FAMILY THERAPIST AND PROFESSIONAL COUNSELOR WITHOUT POSSESSING A

1 VALID, UNEXPIRED, UNREVOKED AND UNSUSPENDED LICENSE ISSUED UNDER
2 THIS ACT.

3 * * *

4 SECTION 7. THE STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND
5 FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS SHALL PROMULGATE
6 REGULATIONS TO CARRY OUT THIS ACT WITHIN 180 DAYS OF THE
7 EFFECTIVE DATE OF THIS SECTION.

8 SECTION 8. THIS ACT SHALL TAKE EFFECT IN 120 DAYS.