

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2352 Session of  
2008

INTRODUCED BY MUNDY, SEIP, DeLUCA, EACHUS, FRANKEL, GERGELY,  
HARKINS, JOSEPHS, McILVAINE SMITH, MILNE, MURT, MYERS,  
PASHINSKI, PETRONE, SHIMKUS, SIPTROTH, K. SMITH, SOLOBAY,  
SURRA, SWANGER AND YOUNGBLOOD, MARCH 12, 2008

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, MARCH 12, 2008

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 the short title, for legislative intent, for  
5 definitions, for licensure, for the licensing agency and its  
6 functions, for licensure qualifications and procedure, for  
7 exemptions, for reciprocity and for license reinstatement;  
8 providing for restrictions on use of title "Licensed Social  
9 Service Worker"; and further proscribing unlawful practice.

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

12 Section 1. Sections 1 and 2 of the act of July 9, 1987  
13 (P.L.220, No.39), known as the Social Workers, Marriage and  
14 Family Therapists and Professional Counselors Act, amended  
15 December 21, 1998 (P.L.1017, No.136), are amended to read:

16 Section 1. Short title.

17 This act shall be known and may be cited as the Social  
18 Workers, Marriage and Family Therapists [and], Professional  
19 Counselors and Social Service Workers Act.

20 Section 2. Legislative intent.

1 The practice of social work, marriage and family therapy  
2 [and], professional counseling and social service work within  
3 this Commonwealth is hereby declared to affect the public safety  
4 and welfare and to be subject to regulation and control in the  
5 public interest to protect the public from unprofessional,  
6 improper, unauthorized and unqualified practice of licensed  
7 social work, licensed marriage and family therapy and licensed  
8 professional counseling. This act regulates only those who hold  
9 themselves out as licensed social workers, licensed clinical  
10 social workers, licensed marriage and family therapists [or as],  
11 licensed professional counselors or as licensed social service  
12 workers. Acquisition of a license under this act shall not be  
13 made a condition of the employment of a person by the  
14 Commonwealth or any of its political subdivisions or by  
15 nonprofit agencies.

16 Section 2. Section 3 of the act is amended by adding  
17 definitions to read:

18 Section 3. Definitions.

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

22 \* \* \*

23 "Licensed social service worker." A social service worker  
24 who holds a current license under this act.

25 \* \* \*

26 "Practice of social service work." Holding oneself out to  
27 the public by any title or description of services incorporating  
28 the term "licensed social service worker," or using any words or  
29 symbols indicating or tending to indicate that the individual is  
30 a licensed social service worker and, under such description,

1 offering to render or rendering a service in which the  
2 application of social work theory, knowledge and methods to  
3 improve, restore or enhance the social or psychosocial  
4 functioning of individuals, couples, families or groups through  
5 the provision of services other than counseling or  
6 psychotherapy. Appropriate social service work services include,  
7 but are not necessarily limited to, community organization;  
8 program planning and development; assessment of client needs for  
9 nonclinical community programs or services; formulation of plans  
10 for the delivery of community services based on client needs;  
11 coordination or evaluation of service delivery; advocacy on  
12 behalf of persons or groups with unmet service needs; and  
13 provision of training about community needs and problems.

14 \* \* \*

15 "Provisional licensed social service worker." A social  
16 service worker who holds a current provisional license under  
17 this act.

18 \* \* \*

19 Section 3. Section 4, 5(1) and 6 of the act, amended  
20 December 21, 1998 (P.L.1017, No.136), are amended to read:

21 Section 4. License required.

22 It shall be unlawful for any person to hold himself or  
23 herself forth as a licensed social worker, licensed clinical  
24 social worker, licensed marriage and family therapist [or],  
25 licensed professional counselor, licensed social service worker  
26 or provisionally licensed social service worker unless he or she  
27 shall first have obtained a license pursuant to this act.

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

30 \* \* \*

1 (1) Operating procedures.--The board shall meet within 30  
2 days after the appointment of its new members and set up  
3 operating procedures and develop application forms for licensing  
4 clinical social workers, marriage and family therapists [and],  
5 professional counselors, social service workers and provisional  
6 social service workers. It shall be the responsibility of the  
7 board to circulate these forms and educate the public to the  
8 requirements of licensing in order to hold oneself out as a  
9 licensed social worker, licensed clinical social worker,  
10 licensed marriage and family therapist or licensed professional  
11 counselor within the Commonwealth.

12 Section 6. Powers and functions of board.

13 The board shall have the following powers:

14 (1) To pass upon the qualifications and fitness of  
15 applicants for licenses and reciprocal licenses and to adopt  
16 and revise rules and regulations requiring applicants to pass  
17 examinations relating to their qualifications as a  
18 prerequisite to the issuance of a license.

19 (2) To adopt and, from time to time, revise such rules  
20 and regulations as may be necessary to carry into effect the  
21 provisions of this act. Such regulations may include, but  
22 shall not be limited to, standards of professional practice  
23 and conduct for licensed social workers, licensed clinical  
24 social workers, licensed marriage and family therapists  
25 [and], licensed professional counselors, licensed social  
26 service workers and provisional licensed social service  
27 workers in Pennsylvania.

28 (3) To examine for, deny, approve, issue, revoke,  
29 suspend or renew licenses of social workers, clinical social  
30 workers, marriage and family therapists [and], professional

1 counselors, social service workers and provisional social  
2 service workers pursuant to this act and to conduct hearings  
3 in connection therewith.

4 (4) To conduct hearings upon complaints concerning  
5 violations of the provisions of this act and the rules and  
6 regulations adopted pursuant to this act and seek the  
7 prosecution and enjoinder of all such violations.

8 (5) To expend moneys necessary to the proper carrying  
9 out of its assigned duties.

10 (6) To waive examination and grant a license in cases  
11 deemed exceptional by the board and in accordance with  
12 regulations promulgated by the board.

13 (7) To submit annually a report to the Professional  
14 Licensure Committee of the House of Representatives and the  
15 Consumer Protection and Professional Licensure Committee of  
16 the Senate containing a description of the types of  
17 complaints received, status of the cases, board action which  
18 has been taken and length of time from the initial complaint  
19 to final board resolution.

20 (8) To submit annually to the Appropriations Committees  
21 of the House of Representatives and the Senate, 15 days after  
22 the Governor has submitted his budget to the General  
23 Assembly, a copy of the budget request for the upcoming  
24 fiscal year which the board previously submitted to the  
25 Department of State.

26 Section 4. Section 7 of the act is amended by adding  
27 subsections to read:

28 Section 7. Qualifications for license.

29 \* \* \*

30 (g) Social service work license.--An applicant shall be

1 qualified for a license to hold oneself out as a licensed social  
2 service worker, provided the applicant submits proof  
3 satisfactory to the board that:

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

5 (2) The applicant:

6 (i) has received a bachelor's degree from an  
7 accredited school or program of social work or social  
8 welfare as recognized by the board; or

9 (ii) has held a provisional license and worked in a  
10 human services field and been supervised by a licensed  
11 professional for at least 3,600 hours. A licensed  
12 professional is a licensed social service worker, a  
13 licensed social worker, a licensed clinical social  
14 worker, a licensed psychologist, a licensed marriage and  
15 family therapist or a licensed psychiatrist.

16 (3) The applicant has passed an examination adopted by  
17 the board.

18 (4) The applicant has submitted an application  
19 accompanied by the application fee.

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

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

28 (ii) the applicant satisfactorily demonstrates to  
29 the board that the applicant has made significant  
30 progress in personal rehabilitation since the conviction,

1 such that licensure of the applicant should not be  
2 expected to create a substantial risk of harm to the  
3 health and safety of the applicant's clients or the  
4 public or a substantial risk of further criminal  
5 violations; and

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

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

11 (h) Social service work provisional license.--An applicant  
12 shall be qualified for a provisional license to hold oneself out  
13 as a provisionally licensed social service worker, provided the  
14 applicant submits proof satisfactory to the board that:

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

16 (2) The applicant has received a bachelor's degree from  
17 an accredited college or university with a major in human  
18 services, behavioral science, sociology, psychology, child  
19 development or human development.

20 (3) The applicant has submitted an application  
21 accompanied by the application fee.

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

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

30 (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       Section 5. Section 8 of the act, amended December 21, 1998  
11 (P.L.1017, No.136), is amended to read:

12 Section 8. Procedures for licensing.

13       (a) Affidavit required.--Each application form for an  
14 applicant submitted to the board for examination or licensure  
15 shall have attached as part of the form an affidavit or  
16 affirmation for the applicant to complete as to the veracity of  
17 the information on the application.

18       (b) Issuance of license.--The board shall issue to each  
19 person who meets the licensure requirements of this act a  
20 certificate setting forth that such person is licensed to hold  
21 himself or herself out as a licensed social worker, a  
22 provisional social worker, a licensed clinical social worker, a  
23 licensed marriage and family therapist [or], a licensed  
24 professional counselor, a licensed social service worker or a  
25 provisional licensed social service worker.

26       Section 6. Section 9 of the act is amended by adding a  
27 subsection to read:

28 Section 9. Exemption from licensure examination.

29       \* \* \*

30       (d) Social service worker.--The requirements of section

1 7(g)(3) shall not apply and a license shall be issued without  
2 examination to an applicant who meets one of the following  
3 requirements:

4 (1) Is a licensed clinical social worker or a licensed  
5 social worker.

6 (2) Is licensed in another state as a social worker or a  
7 social service worker.

8 (3) Has three years' previous experience in a human  
9 services-related field and has a degree in social work or  
10 social welfare from an accredited school or program of social  
11 work as recognized by the board.

12 Section 7. Sections 10 and 12 of the act, amended December  
13 21, 1998 (P.L.1017, No.136), are amended to read:

14 Section 10. Reciprocity.

15 The board shall have the power to grant a reciprocal license  
16 to an applicant who is licensed or certified as a social worker,  
17 clinical social worker, marriage and family therapist [or],  
18 professional counselor or social service worker in another state  
19 and has demonstrated qualifications which equal or exceed those  
20 required pursuant to this act in the determination of the board,  
21 provided that no license shall be granted under this section to  
22 an applicant unless the state in which the applicant is licensed  
23 affords reciprocal treatment to persons who are residents of  
24 this Commonwealth and who are licensed pursuant to this act.

25 Section 12. Reinstatement of license.

26 Unless ordered to do so by Commonwealth Court or an appeal  
27 therefrom, the board shall not reinstate the license of a person  
28 to practice as a social worker, clinical social worker, marriage  
29 and family therapist [or], professional counselor or social  
30 service worker pursuant to this act, which has been revoked. Any

1 person whose license has been revoked may apply for  
2 reinstatement, after a period of at least five years, but must  
3 meet all of the licensing qualifications of this act, including  
4 the examination requirement, if he or she desires to practice as  
5 a social worker, clinical social worker, marriage and family  
6 therapist [or], professional counselor or social service worker  
7 pursuant to this act at any time after such revocation.

8 Section 8. The act is amended by adding a section to read:

9 Section 16.4. Restrictions on use of title "Licensed Social  
10 Service Worker."

11 Only individuals who have received licenses as licensed  
12 social service workers under this act may style themselves as  
13 licensed social service workers and use the letters "L.S.S.W."  
14 in connection with their names, and it shall be unlawful for an  
15 individual to style himself or herself as a licensed social  
16 service worker or use any words or symbols indicating or tending  
17 to indicate that the individual is a licensed social service  
18 worker without holding a license in good standing under this  
19 act.

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

22 Section 20. Unlawful practice.

23 (a) Unlawful practice prohibited.--It shall be unlawful for  
24 any person to hold himself or herself out as a licensed social  
25 worker, licensed clinical social worker, marriage and family  
26 therapist [and], professional counselor and social service  
27 worker without possessing a valid, unexpired, unrevoked and  
28 unsuspended license issued under this act.

29 (b) Injunction.--Unlawful practice may be enjoined by the  
30 courts upon petition of the commissioner or the board. In any

1 proceeding under this section, it shall not be necessary to show  
2 that any person is individually injured by the actions  
3 complained of. If the court finds that the respondent has  
4 violated this section, it shall enjoin him or her from so  
5 practicing until he or she has been duly licensed. Procedure in  
6 such cases shall be the same as in any other injunction suit.

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

10 Section 10. This act shall take effect in 180 days.