

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 AND FARNESE, APRIL 1, 2011

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, APRIL 1, 2011

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 definitions, for license required, for State
5 Board of Social Workers, Marriage and Family Therapists and
6 Professional Counselors, for powers and functions of board,
7 for qualifications for license, for procedures for licensing,
8 for reciprocity, for reinstatement of license, for
9 restrictions on the use of title "Licensed Social Worker,"
10 for restriction on the use of title "Licensed Clinical Social
11 Worker," for restriction on the use of title "Licensed
12 Marriage and Family Therapist" and for restriction on the use
13 of title "Licensed Professional Counselor"; providing for
14 restrictions on use of title "Licensed Bachelor Social
15 Worker" and for unlicensed practice prohibited; and further
16 providing for penalties and for unlawful practice.

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

19 Section 1. Section 3 of the act of July 9, 1987 (P.L.220,
20 No.39), known as the Social Workers, Marriage and Family
21 Therapists and Professional Counselors Act, amended December 21,
22 1998 (P.L.1017, No.136), February 13, 2002 (P.L.83, No.4) and
23 July 9, 2008 (P.L.929, No.68), is amended to read:

24 Section 3. Definitions.

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

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

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

14 "Commissioner." The Commissioner of Professional and
15 Occupational Affairs.

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

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

24 "Licensed marriage and family therapist." [An individual who
25 engages in or offers to engage in the practice of marriage and
26 family therapy and who holds a current license under this act.]
27 An individual who engages in or advertises to engage in the
28 practice of marriage and family therapy and who holds a current
29 license under this act.

30 "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 symbols indicating or tending to indicate that one is a licensed clinical social worker and under such description 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 to achieve adequate and productive personal, interpersonal and social

1 adjustments in their individual lives, in their families and in
2 their community. The term includes person and environment
3 perspectives, systems theory and cognitive/behavioral theory, to
4 the assessment and treatment of psychosocial disability and
5 impairment, including mental and emotional disorders,
6 developmental disabilities and substance abuse. The term
7 includes the application of social work methods and theory. The
8 term includes the practice of social work plus additional
9 concentrated training and study as defined by the board by
10 regulation.] The independent application of specialized
11 psychotherapeutic theories, methods and knowledge and advanced
12 clinical skills and ethics in the differential evaluation and
13 treatment of psychosocial function, disability or impairment,
14 including addictions and emotional, mental and behavioral
15 disorders. The treatment of individuals, couples, families,
16 groups and communities is based on knowledge of the person-in-
17 situation perspective of psychosocial development, normal and
18 abnormal behavior, psychopathology, unconscious motivation,
19 intrapersonal processes, interpersonal relationships,
20 environmental stress and trauma, differential assessment and
21 planning and data gathering. The purpose of these services is
22 the prevention and treatment of mental or emotional dysfunction
23 and enhancement of mental health and secure relationships for
24 individuals, couples, families, groups and communities. The term
25 includes, but is not limited to, psychotherapy. The term also
26 includes counseling, behavior modification, consultation,
27 supervision, client-centered advocacy, crisis intervention and
28 the provision of needed information and education to clients
29 when using methods of a psychotherapeutic nature to evaluate,
30 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.

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

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

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

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

13 Section 4. License required.

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

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

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

25 (a) Creation.--There is hereby created the State Board of
26 Social Workers, Marriage and Family Therapists and Professional
27 Counselors, a departmental administrative board in the
28 Department of State. The board shall consist of [13] 15 members
29 who are citizens of the United States and who have been
30 residents of this Commonwealth for a two-year period, two of

1 whom shall be public members; [five] six of whom shall be
2 licensed social workers, at least one of whom shall be a
3 licensed clinical social worker [and], at least one of whom
4 shall be a licensed social worker and at least one of whom shall
5 be a licensed bachelor social worker; two of whom shall be
6 licensed marriage and family therapists; two of whom shall be
7 licensed professional counselors; one of whom shall be either a
8 licensed marriage and family therapist or a licensed
9 professional counselor as hereafter provided; one of whom shall
10 be a representative of the Office of Attorney General; and one
11 of whom shall be the Commissioner of Professional and
12 Occupational Affairs.

13 * * *

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

24 * * *

25 (1) Operating procedures.--The board shall meet within 30
26 days after the appointment of its new members and set up
27 operating procedures and develop application forms for licensing
28 bachelor social workers, clinical social workers, marriage and
29 family therapists and professional counselors. It shall be the
30 responsibility of the board to circulate these forms and educate

1 the public to the requirements of licensing in order to hold
2 oneself out as a licensed bachelor social worker, licensed
3 social worker, licensed clinical social worker, licensed
4 marriage and family therapist or licensed professional counselor
5 within the Commonwealth.

6 Section 4. Section 6(2) and (3) of the act, amended December
7 21, 1998 (P.L.1017, No.136), are amended to read:

8 Section 6. Powers and functions of board.

9 The board shall have the following powers:

10 * * *

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

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

24 * * *

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

29 Section 7. Qualifications for license.

30 * * *

(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.

(e) 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 in marriage and family therapy from an accredited educational institution or a master's degree in a field determined by the board by regulation to be closely related to the practice of marriage and family therapy from an accredited educational institution, with graduate level coursework in marriage and family therapy

1 acceptable to the board from an accredited educational
2 institution or from a program recognized by a national
3 accrediting agency.

4 (ii) Has successfully completed a planned program of
5 60 semester hours or 90 quarter hours of graduate
6 coursework which is closely related to marriage and
7 family therapy, including a 48-semester-hour or 72-
8 quarter-hour master's degree in marriage and family
9 therapy from an accredited educational institution or a
10 48-semester-hour or 72-quarter-hour master's degree in a
11 field determined by the board by regulation to be closely
12 related to the practice of marriage and family therapy
13 from an accredited educational institution, with graduate
14 level coursework in marriage and family therapy
15 acceptable to the board from an accredited educational
16 institution or from a program recognized by a national
17 accrediting agency.

18 (iii) holds a doctoral degree in marriage and family
19 therapy from an accredited educational institution or
20 holds a doctoral degree in a field determined by the
21 board by regulation to be closely related to the practice
22 of marriage and family therapy from an accredited
23 educational institution with graduate level coursework in
24 marriage and family therapy acceptable to the board from
25 an accredited educational institution or from a program
26 recognized by a national accrediting agency.

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

29 (i) An individual meeting the educational
30 requirements of paragraph (2)(i) or (ii) must have

1 completed at least [three years or 3,600] 3,000 hours of
2 supervised clinical experience, acceptable to the board
3 as determined by regulation, obtained after the
4 completion of 48 semester hours or 72 quarter hours of
5 graduate coursework.

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

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

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

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

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

24 (ii) the applicant satisfactorily demonstrates to
25 the board that the applicant has made significant
26 progress in personal rehabilitation since the conviction
27 such that licensure of the applicant should not be
28 expected to create a substantial risk of harm to the
29 health and safety of clients or the public or a
30 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 coursework in counseling or a field determined by the board by regulation to be closely related to the practice of professional counseling, including a 48-semester-hour or 72-quarter-hour 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

1 an accredited educational institution.

2 (iii) Holds a doctoral degree in counseling from an
3 accredited educational institution or holds a doctoral
4 degree in a field determined by the board by regulation
5 to be closely related to the practice of professional
6 counseling from an accredited educational institution.

7 (3) The applicant has complied with the experience
8 requirements as follows:

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

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

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

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

27 (6) The applicant has not been convicted of a felony
28 under The Controlled Substance, Drug, Device and Cosmetic Act
29 or of an offense under the laws of another jurisdiction which
30 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 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.

(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) The applicant:

(i) Is of good moral character.

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

(iii) Has passed an examination duly adopted by the 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

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

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

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

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

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

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

24 Section 8. Procedures for licensing.

25 * * *

26 (b) Issuance of license.--The board shall issue to each
27 person who meets the licensure requirements of this act a
28 certificate setting forth that such person is licensed to hold
29 himself or herself out as a licensed bachelor social worker,
30 licensed social worker, a provisional social worker, a licensed

1 clinical social worker, a licensed marriage and family therapist
2 or a licensed professional counselor.

3 Section 10. Reciprocity.

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

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

22 Section 12. Reinstatement of license.

23 Unless ordered to do so by Commonwealth Court or an appeal
24 therefrom, the board shall not reinstate the license of a person
25 to practice as a bachelor social worker, social worker, clinical
26 social worker, marriage and family therapist or professional
27 counselor pursuant to this act, which has been revoked. Any
28 person whose license has been revoked may apply for
29 reinstatement, after a period of at least five years, but must
30 meet all of the licensing qualifications of this act, including

1 the examination requirement, if he or she desires to practice as
2 a licensed bachelor social worker, social worker, clinical
3 social worker, marriage and family therapist or professional
4 counselor pursuant to this act at any time after such
5 revocation.

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

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

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

19 Only individuals who have received licenses as licensed
20 clinical social workers under this act may style themselves as
21 licensed clinical social workers and use the letters "L.C.S.W."
22 in connection with their names. It shall be unlawful for an
23 individual to style oneself as a licensed clinical social
24 worker, advertise or engage in the practice of clinical social
25 work or use any words or symbols indicating or tending to
26 indicate that the individual is a licensed clinical social
27 worker without holding a license in good standing under this
28 act.

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

1 Only individuals who have received licenses as licensed
2 marriage and family therapists under this act may style
3 themselves as licensed marriage and family therapists and use
4 the letters "L.M.F.T." in connection with their names. It shall
5 be unlawful for an individual to style oneself as a licensed
6 marriage and family therapist, advertise or engage in the
7 practice of marriage or family therapy or use any words or
8 symbols indicating or tending to indicate that the individual is
9 a licensed marriage and family therapist without holding a
10 license in good standing under this act.

11 Section 16.3. Restriction on the use of title "Licensed
12 Professional Counselor."

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

23 Section 7. the act is amended by adding sections to read:
24 Section 16.4. Restrictions on use of title "Licensed Bachelor
25 Social Worker."

26 Only individuals who have received licenses as licensed
27 bachelor social workers under this act may style themselves as
28 licensed bachelor social workers and use the letters "L.B.S.W"
29 in connection with their names, and it shall be unlawful for an
30 individual to style himself or herself as a licensed bachelor

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

Section 16.5. Unlicensed practice prohibited.

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

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

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

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

1 (4) A member of other recognized professions, including
2 clergy, drug and alcohol abuse counselors, mental health
3 counselors, crisis intervention counselors, pastoral
4 counselors, rehabilitation counselors, case managers and
5 psychoanalysts, doing work consistent with the training and
6 code of ethics of their respective professions.

7 (5) A person employed by the Commonwealth or any of its
8 political subdivisions as permitted by the person's employee
9 classification.

10 (6) A student, intern or trainee who is pursuing a
11 course of study in a program in social work, counseling,
12 marriage and family therapy or psychology at an accredited
13 institution of higher education or training institution if
14 the person's activities are performed under qualified
15 supervision and are part of the person's supervised course of
16 study.

17 (7) An individual who has earned an educational degree
18 required for licensure under this act working under the
19 supervision of an individual licensed as a psychologist,
20 psychiatrist, social worker, clinical social worker, marriage
21 and family therapist or professional counselor while that
22 individual meets the requirements necessary for licensure.

23 (8) A person whose job is regulated by statutes or
24 regulations, or official bulletins, official opinions or
25 other similar documents issued by the Federal Government or
26 State government or a branch thereof.

27 (9) Employees of business and industrial organizations
28 who apply the principles of psychology to the employment
29 placement, evaluation, selection, promotion or job adjustment
30 of their own officers or employees or those of any associated

1 organization. No business or industrial firm or corporation
2 may sell or offer to the public or to individuals or to other
3 firms or corporations for remuneration any psychological acts
4 or services that are performed by individuals duly and
5 appropriately licensed.

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

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

13 (12) Persons providing social work services.

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

15 Section 17. Penalties.

16 * * *

17 (b) Civil penalty.--In addition to any other civil remedy or
18 criminal penalty provided for in this act, the board, by a vote
19 of the majority of the maximum number of the authorized
20 membership of the board as provided by law, or by a vote of the
21 majority of the duly qualified and confirmed membership or a
22 minimum of three members, whichever is greater, may levy a civil
23 penalty of up to \$1,000 on any current licensee who violates any
24 provision of this act or on any person who engages in the
25 practice of or who holds himself or herself out as a licensed
26 social worker, licensed bachelor social worker, licensed
27 clinical social worker, licensed marriage and family therapist
28 or licensed professional counselor without being so licensed
29 pursuant to this act. The board shall levy this penalty only
30 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.