

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2114 Session of
2014

INTRODUCED BY GROVE, MURT, GINGRICH, WATSON AND CUTLER,
MARCH 19, 2014

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, MARCH 19, 2014

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 restrictions on the use of title "licensed
5 marriage and family therapist," for penalties and for
6 unlawful practice; and providing for unlicensed practice
7 prohibited.

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

10 Section 1. Section 16 of the act of July 9, 1987 (P.L.220,
11 No.39), known as the Social Workers, Marriage and Family
12 Therapists and Professional Counselors Act, added December 21,
13 1998 (P.L.1017, No.136), is amended to read:

14 Section 16.2. Restriction on the use of [title "Licensed
15 Marriage and Family Therapist."] certain titles.

16 No person shall use a title or description, such as licensed
17 "marital or marriage therapist, counselor, advisor or
18 consultant," "family therapist or counselor," "couples therapist
19 or counselor," "marital or marriage and family therapist,
20 counselor advisor or consultant" or any other name, style or

description denoting that the person is a licensed marriage and family therapist unless authorized by this act. Only individuals who have received licenses as licensed marriage and family therapists under this act may style themselves as licensed marriage and family therapists and use the letters "L.M.F.T." in connection with their names. It shall be unlawful for an individual to style oneself as a licensed marriage and family therapist, advertise or offer to engage in the practice of marriage and family therapy or counseling or use any words or symbols indicating or tending to indicate that the individual is a licensed marriage and family therapist without holding a license in good standing under this act.

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

(a) General rule.--No person shall commence the practice of marriage and family therapy in this Commonwealth, unless the person holds a valid license as provided in this act.

(b) Nonapplicability.--Subsection (a) shall not apply to:

(1) A person practicing marriage and family therapy as part of the person's duties as an employee of:

(i) a recognized academic institution, school entity or Federal, State, county or local governmental institution or agency while performing those duties for which the person was employed by the institution, entity, agency or facility; or

(ii) an organization which is nonprofit and determined by the State board to meet community needs while performing those duties for which the person was employed by the agency; or

(2) A person who holds a valid license or is certified

1 or regulated pursuant to another professional licensure law
2 or State certification of this Commonwealth and who provides
3 services within the person's scope of practice or employment
4 function.

5 (3) A person who holds a valid license or is certified
6 or regulated pursuant to another professional licensure law
7 or State certification of this Commonwealth and who has met
8 the rigorous standards and training in marriage and family
9 therapy to be credentialed by the American Association of
10 Marriage and Family Therapists as a Clinical Fellow.

11 (4) A person who is a rabbi, priest, minister or member
12 of clergy of any religious denomination or sect, if the
13 activities and services that the person performs are within
14 the scope of the performance of the regular or specialized
15 ministerial duties of an established and legally recognizable
16 church, denomination or sect and the person performing the
17 services remains accountable to the established authority of
18 the church, denomination or sect.

19 (5) A person who is a student, intern or trainee who is
20 pursuing a course of study in marriage and family therapy at
21 an accredited institution of higher education or training
22 institution, if the person's activities are performed under
23 qualified supervision and are part of the person's supervised
24 course of study.

25 (6) A person who has earned an educational degree
26 required for licensure under this act and who works under the
27 supervision of a licensed mental health professional in order
28 to acquire the hours necessary for licensure under this act.

29 (7) A person who volunteers services in a Federal or
30 State-declared emergency.

1 Section 3. Section 17(b) of the act is amended to read:

2 Section 17. Penalties.

3 * * *

4 (b) Civil penalty.--

5 (1) In addition to any other civil remedy or criminal
6 penalty provided for in this act, the board, by a vote of the
7 majority of the maximum number of the authorized membership
8 of the board as provided by law, or by a vote of the majority
9 of the duly qualified and confirmed membership or a minimum
10 of three members, whichever is greater, may levy a civil
11 penalty of up to \$1,000 on [any]:

12 (i) Any current licensee who violates any provision
13 of this act [or on any].

14 (ii) Any person who holds himself or herself out as
15 a licensed social worker or licensed marriage and family
16 therapist without being so licensed pursuant to this act.

17 (iii) Any person who engages in the practice or
18 holds himself or herself out as a marriage and family
19 therapist without being so licensed pursuant to this act.

20 (2) The board shall levy [this penalty] the penalty
21 under paragraph (1) only after affording the accused party
22 the opportunity for a hearing, as provided in Title 2 of the
23 Pennsylvania Consolidated Statutes (relating to
24 administrative law and procedure).

25 * * *

26 Section 4. Section 20 of the act, amended December 21, 1998
27 (P.L.1017, No.136), is amended by adding a subsection to read:
28 Section 20. Unlawful practice.

29 * * *

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

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

4 * * *

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

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