

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 807 Session of
2013

INTRODUCED BY McILHINNEY, GREENLEAF, TEPLITZ, SCHWANK, SCARNATI,
SOLOBAY, LEACH, TARTAGLIONE, HUTCHINSON AND BLAKE,
APRIL 4, 2013

SENATOR TOMLINSON, CONSUMER PROTECTION AND PROFESSIONAL
LICENSURE, REPORTED AS AMENDED, NOVEMBER 19, 2013

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 the licensing agency and its
5 functions, for powers and functions of board, for
6 qualifications for license, for procedures for licensing, for
7 reciprocity and for reinstatement of license; providing
8 for nomenclature; and further providing for penalties, for
9 license renewal and records and fees and for unlawful
10 practice.

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

13 Section 1. The definition of "provisional licensed social
14 worker" in section 3 of the act of July 9, 1987 (P.L.220,
15 No.39), known as the Social Workers, Marriage and Family
16 Therapists and Professional Counselors Act, amended December 21,
17 1998 (P.L.1017, No.136), is amended and the section is amended
18 by adding definitions to read:

19 Section 3. Definitions.

20 The following words and phrases when used in this act shall
21 have the meanings given to them in this section unless the

context clearly indicates otherwise:

* * *

"Licensed bachelor social worker." A social worker who holds a current bachelor's level license under this act.

* * *

"Practice of bachelor social work." A licensed bachelor social worker providing generalist, nonclinical social work services as an employee functioning under the direction of an individual who is regulated by the Commonwealth or holds a professional license issued by the Commonwealth, or an individual employed by an agency that is regulated by the Commonwealth. The term includes performing any of the following functions:

(1) Providing social work case management services of a generalist, nonclinical nature as an employee of an agency or a health care facility.

(2) Providing consultation on generalist, nonclinical issues to individuals, groups, members of other professional disciplines, agencies, health care facilities or institutions.

(3) Obtaining information from agency clients or applicants for services to determine their social work service needs or the availability of appropriate resources.

(4) Assisting individuals or groups in identifying and making use of resources and social work services which are available to resolve day to day problems, including, but not limited to, all of the following:

(i) Employment and housing.

(ii) Health care and child care.

(iii) Financial assistance.

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1 "PRACTICE OF BACHELOR SOCIAL WORK." THE PROFESSIONAL
 2 APPLICATION OF SOCIAL WORK THEORY, KNOWLEDGE, METHODS,
 3 PRINCIPLES, VALUES AND ETHICS TO RESTORE OR ENHANCE SOCIAL OR
 4 PSYCHOSOCIAL FUNCTIONING OF INDIVIDUALS, COUPLES, FAMILIES,
 5 GROUPS, ORGANIZATIONS AND COMMUNITIES. THIS PRACTICE IS BASIC
 6 GENERALIST NONCLINICAL PRACTICE THAT INCLUDES INTERVIEWING,
 7 PLANNING, INTERVENTION, CASE MANAGEMENT, MEDIATION, SUPPORTIVE
 8 COUNSELING, INFORMATION AND REFERRAL, PROBLEM SOLVING, CLIENT
 9 EDUCATION, ADVOCACY, COMMUNITY ORGANIZATION AND THE DEVELOPMENT,
 10 IMPLEMENTATION AND ADMINISTRATION OF POLICIES, PROGRAMS AND
 11 ACTIVITIES.

12 * * *

13 ["Provisional licensed social worker." A social worker who
 14 holds a current provisional license under this act.]

15 * * *

16 ~~"Social work services." Services provided by a professional~~ <--
 17 ~~holding a bachelor's degree or master's degree issued by an~~
 18 ~~accredited school or program of social work or social welfare~~
 19 ~~that demonstrates competency in professional social work.~~

20 Section 2. Sections 5(1) and 6(2) and (3) of the act,
 21 amended December 21, 1998 (P.L.1017, No.136), are amended to
 22 read:

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

25 * * *

26 (1) Operating procedures.--The board shall meet within 30
 27 days after the appointment of its new members and set up
 28 operating procedures and develop application forms for licensing
 29 clinical social workers, marriage and family therapists and
 30 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 by adding a subsection to read:~~

<--

SECTION 3. SECTION 7(B) AND (C) OF THE ACT, AMENDED DECEMBER 21, 1998 (P.L.1017, NO.136), ARE AMENDED AND THE SECTION IS AMENDED BY ADDING SUBSECTIONS TO READ:

<--

Section 7. Qualifications for license.

1 * * *

2 [(b) Provisional social work license.--An applicant shall be
3 qualified for a provisional license to hold oneself out as a
4 social worker with a provisional license, provided he or she
5 submits proof satisfactory to the board that:

6 (1) He or she is of good moral character.

7 (2) He or she has received a bachelor's degree in social
8 work from an accredited school of social work or social
9 welfare and has three years' experience under the supervision
10 of a social worker who has graduated with a master's degree
11 from an accredited school of social work or social welfare.

12 (3) He or she offers proof of current enrollment in a
13 master's degree program at an accredited school of social
14 work or social welfare.

15 (4) He or she passed an examination duly adopted by the
16 board.

17 (5) His or her application has been accompanied by the
18 application fee.

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

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

27 (ii) the applicant satisfactorily demonstrates to
28 the board that he or she has made significant progress in
29 personal rehabilitation since the conviction, such that
30 licensure of the applicant should not be expected to

1 create a substantial risk of harm to the health and
2 safety of his or her clients or the public or a
3 substantial risk of further criminal violations; and
4 (iii) the applicant otherwise satisfies the
5 qualifications contained in or authorized by this act.

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

9 [(C) LIMITATION ON PROVISIONAL SOCIAL WORK LICENSES.--NO <--
10 APPLICANT MAY BE ISSUED MORE THAN THREE PROVISIONAL LICENSES.]

11 (C.1) LIMITATIONS ON BACHELOR SOCIAL WORK LICENSE.--LICENSED
12 BACHELOR SOCIAL WORKERS ARE NOT QUALIFIED TO DIAGNOSE MENTAL
13 ILLNESS, NOR PROVIDE PSYCHOTHERAPY SERVICES, AS DESCRIBED IN 55
14 PA. CODE § 1153.52 (RELATING TO PAYMENT CONDITIONS FOR VARIOUS
15 SERVICES). A LICENSED BACHELOR SOCIAL WORKER MUST WORK UNDER THE
16 DIRECTION OF AN INDIVIDUAL WHO IS ABLE TO SUPERVISE AND DIRECT
17 THE ACTIVITIES OF THE LICENSED BACHELOR SOCIAL WORKER. LICENSED
18 BACHELOR SOCIAL WORKERS MAY NOT PRACTICE IN A PRIVATE SETTING,
19 PRACTICE INDEPENDENTLY OR ENGAGE IN CLINICAL SOCIAL WORK
20 PRACTICE OR HOLD THEMSELVES OUT AS LICENSED SOCIAL WORKERS OR
21 LICENSED CLINICAL SOCIAL WORKERS. BACHELOR SOCIAL WORKERS ARE
22 NOT PERMITTED TO BILL A HEALTH INSURANCE PLAN FOR SERVICES
23 RENDERED UNDER THIS LICENSE.

24 * * *

25 (g) Bachelor social work license.--An applicant shall be
26 qualified for a license to hold oneself out as a licensed
27 bachelor social worker if the applicant submits proof
28 satisfactory to the board that:

29 (1) ~~He or she~~ THE APPLICANT is of good moral character. <--

30 (2) ~~He or she~~ THE APPLICANT has received a bachelor's <--

1 degree from an accredited ~~school~~ PROGRAM of social work or <--
2 social welfare.

3 (3) ~~He or she~~ THE APPLICANT has passed an examination <--
4 duly adopted by the board.

5 (4) ~~His or her~~ application has been THE APPLICANT HAS <--
6 SUBMITTED AN APPLICATION accompanied by the application fee.

7 (5) ~~He or she~~ THE APPLICANT has not been convicted of a <--
8 felony under The Controlled Substance, Drug, Device and
9 Cosmetic Act, or of an offense under the laws of another
10 jurisdiction, which, if committed in this Commonwealth, would
11 be a felony under The Controlled Substance, Drug, Device and
12 Cosmetic Act, unless:

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

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

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

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

28 Section 4. Sections 8(b), 10 and 12 of the act, amended
29 December 21, 1998 (P.L.1017, No.136), are amended to read:
30 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, a
6 licensed social worker, [a provisional social worker,] a
7 licensed clinical social worker, a licensed marriage and family
8 therapist or a licensed professional counselor.

9 Section 10. Reciprocity.

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

20 Section 12. Reinstatement of license.

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

1 marriage and family therapist or professional counselor pursuant
2 to this act at any time after such revocation.

3 Section 5. The act is amended by adding a section to read:

4 Section 16.4. Restrictions on use of title "Licensed Bachelor
5 Social Worker."

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

15 Section 6. Section 17(b) of the act is amended to read:

16 Section 17. Penalties.

17 * * *

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

1 opportunity for a hearing, as provided in Title 2 of the
2 Pennsylvania Consolidated Statutes (relating to administrative
3 law and procedure).

4 * * *

5 Section 7. Sections 18(b) ~~and (c)~~ and 20(a) of the act, <--
6 amended December 21, 1998 (P.L.1017, No.136), are amended to
7 read:

8 Section 18. License renewal; records and fees.

9 * * *

10 (b) Records.--A record of all persons licensed to practice
11 as bachelor social workers, social workers, clinical social
12 workers, marriage and family therapists and professional
13 counselors in Pennsylvania shall be kept in the office of the
14 board and shall be open to public inspection and copying upon
15 payment of a nominal fee for copying the record.

16 ~~(c) Fees.--~~ <--

17 ~~(1) All fees required pursuant to this act shall be~~
18 ~~fixed by the board by regulation and shall be subject to the~~
19 ~~act of June 25, 1982 (P.L.633, No.181), known as the~~
20 ~~Regulatory Review Act. If the revenues raised by fees, fines~~
21 ~~and civil penalties imposed pursuant to this act are not~~
22 ~~sufficient to meet expenditures over a two year period, the~~
23 ~~board shall increase those fees by regulation so that the~~
24 ~~projected revenues will meet or exceed projected~~
25 ~~expenditures.~~

26 ~~(2) If the Bureau of Professional and Occupational~~
27 ~~Affairs determines that the fees established by the board~~
28 ~~pursuant to paragraph (1) are inadequate to meet the minimum~~
29 ~~enforcement efforts required by this act, then the bureau,~~
30 ~~after consultation with the board and subject to the~~

~~Regulatory Review Act, shall increase the fees by regulation in an amount so that adequate revenues are raised to meet the required enforcement effort.~~

~~(3) The application fee to apply for a bachelor social work license shall be \$40 with a renewal fee of \$75. Fees specific to the bachelor social work license shall be fixed by the board in regulation and shall be subject to the Regulatory Review Act.~~

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Section 20. Unlawful practice.

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

* * *

Section 8. The State Board of Social Workers, Marriage and Family Therapists and Professional Counselors shall add licensed bachelor social workers to the licensees who must comply with regulations governing codes of ethical practice and standards of conduct.

Section 9. The State Board of Social Workers, Marriage and Family Therapists and Professional Counselors shall promulgate regulations to carry out this act within 180 days of the effective date of this section.

Section 10. This act shall take effect in 60 days.