

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

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
SEPTEMBER 24, 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 definitions, FOR LICENSE REQUIRED, for the <--
5 licensing agency and its functions, for powers and functions
6 of board, for qualifications for license, for procedures for
7 licensing, for reciprocity and for reinstatement of license;
8 providing for nomenclature; and further providing for
9 penalties, for license renewal and records and fees and for
10 unlawful 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

1 have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

3 * * *

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

6 * * *

7 "Practice of bachelor social work." The professional
8 application of social work theory, knowledge, methods,
9 principles, values and ethics to restore or enhance social or
10 psychosocial functioning of individuals, couples, families,
11 groups, organizations and communities. This practice is basic
12 generalist nonclinical practice that includes interviewing,
13 planning, intervention, case management, mediation, supportive
14 counseling, information and referral, problem solving, client
15 education, advocacy, community organization and the development,
16 implementation and administration of policies, programs and
17 activities.

18 * * *

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

21 * * *

22 Section 2. Sections 4, 5(1) and 6(2) and (3) of the act,
23 amended December 21, 1998 (P.L.1017, No.136), are amended to
24 read:

25 SECTION 4. LICENSE REQUIRED.

26 IT SHALL BE UNLAWFUL FOR ANY PERSON TO HOLD HIMSELF OR
27 HERSELF FORTH AS A LICENSED BACHELOR SOCIAL WORKER, LICENSED
28 SOCIAL WORKER, LICENSED CLINICAL SOCIAL WORKER, LICENSED
29 MARRIAGE AND FAMILY THERAPIST OR LICENSED PROFESSIONAL COUNSELOR
30 UNLESS HE OR SHE SHALL FIRST HAVE OBTAINED A LICENSE PURSUANT TO

1 THIS ACT.

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

4 * * *

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

16 Section 6. Powers and functions of board.

17 The board shall have the following powers:

18 * * *

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 bachelor social workers, licensed
24 social workers, licensed clinical social workers, licensed
25 marriage and family therapists and licensed professional
26 counselors in Pennsylvania.

27 (3) To examine for, deny, approve, issue, revoke,
28 suspend or renew licenses of bachelor social workers, social
29 workers, clinical social workers, marriage and family
30 therapists and professional counselors pursuant to this act

1 and to conduct hearings in connection therewith.

2 * * *

3 Section 3. Section 7(b) and (c) of the act, amended December
4 21, 1998 (P.L.1017, No.136), are amended and the section is
5 amended by adding subsections to read:

6 Section 7. Qualifications for license.

7 * * *

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

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

13 (2) He or she has received a bachelor's degree in social
14 work from an accredited school of social work or social
15 welfare and has three years' experience under the supervision
16 of a social worker who has graduated with a master's degree
17 from an accredited school of social work or social welfare.

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

21 (4) He or she passed an examination duly adopted by the
22 board.

23 (5) His or her application has been accompanied by the
24 application fee.

25 (6) He or she has not been convicted of a felony under
26 The Controlled Substance, Drug, Device and Cosmetic Act, or
27 of an offense under the laws of another jurisdiction, which,
28 if committed in this Commonwealth, would be a felony under
29 The Controlled Substance, Drug, Device and Cosmetic Act,
30 unless:

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

3 (ii) the applicant satisfactorily demonstrates to
4 the board that he or she has made significant progress in
5 personal rehabilitation since the conviction, such that
6 licensure of the applicant should not be expected to
7 create a substantial risk of harm to the health and
8 safety of his or her clients or the public or a
9 substantial risk of further criminal violations; and

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

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

15 [(c) Limitation on provisional social work licenses.--No
16 applicant may be issued more than three provisional licenses.]

17 (c.1) Limitations on bachelor social work license.--Licensed
18 bachelor social workers are not qualified to diagnose mental
19 illness, nor provide psychotherapy services, as described in 55
20 Pa. Code § 1153.52 (relating to payment conditions for various
21 services). A licensed bachelor social worker must work under the
22 direction of an individual who is able to supervise and direct
23 the activities of the licensed bachelor social worker. Licensed
24 bachelor social workers may not practice in a private setting,
25 practice independently or engage in clinical social work
26 practice or hold themselves out as licensed social workers or
27 licensed clinical social workers. Bachelor social workers are
28 not permitted to bill a health insurance plan for services
29 rendered under this license.

30 * * *

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

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

6 (2) The applicant has received a bachelor's degree from
7 an accredited program of social work or social welfare.

8 (3) The applicant has passed an examination duly adopted
9 by the board.

10 (4) The applicant has submitted an application
11 accompanied by the application fee.

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

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

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

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

30 As used in this paragraph, the term "convicted" shall include

1 a judgment, an admission of guilt or a plea of nolo
2 contendere.

3 Section 4. Sections 8(b), 10 and 12 of the act, amended
4 December 21, 1998 (P.L.1017, No.136), are amended to read:

5 Section 8. Procedures for licensing.

6 * * *

7 (b) Issuance of license.--The board shall issue to each
8 person who meets the licensure requirements of this act a
9 certificate setting forth that such person is licensed to hold
10 himself or herself out as a licensed bachelor social worker, a
11 licensed social worker, [a provisional social worker,] a
12 licensed clinical social worker, a licensed marriage and family
13 therapist or a licensed professional counselor.

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 bachelor
17 social worker, social worker, clinical social worker, marriage
18 and family therapist or professional counselor 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 bachelor social worker, social worker, clinical
29 social worker, marriage and family therapist or professional
30 counselor 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 bachelor social worker, social worker, clinical social worker,
6 marriage and family therapist or professional counselor pursuant
7 to this act at any time after such revocation.

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

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

11 Only individuals who have received licenses as licensed
12 bachelor social workers under this act may style themselves as
13 licensed bachelor social workers and use the letters "L.B.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 bachelor
16 social worker or use any words or symbols indicating or
17 tending to indicate that the individual is a licensed bachelor
18 social worker without holding a license in good standing under
19 this act.

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

21 Section 17. Penalties.

22 * * *

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

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

9 * * *

10 Section 7. Sections 18(b) and 20(a) of the act, amended
11 December 21, 1998 (P.L.1017, No.136), are amended to read:
12 Section 18. License renewal; records and fees.

13 * * *

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

20 * * *

21 Section 20. Unlawful practice.

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

28 * * *

29 Section 8. The State Board of Social Workers, Marriage and
30 Family Therapists and Professional Counselors shall add licensed

1 bachelor social workers to the licensees who must comply with
2 regulations governing codes of ethical practice and standards of
3 conduct.

4 Section 9. 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 10. This act shall take effect in 60 days.