
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 445 Session of
2017

INTRODUCED BY MICCARELLI, NEILSON, SCHLOSSBERG, MURT, MILLARD,
ROEBUCK, WATSON, DeLUCA, CAUSER, FRANKEL, KRUEGER-BRANEKY,
CARROLL, CHARLTON AND KAMPF, FEBRUARY 10, 2017

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE,
FEBRUARY 10, 2017

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 reciprocity, for restriction
5 on the use of title "licensed clinical social worker," for
6 penalties and for unlawful practice; and repealing provisions
7 related to appropriation.

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

10 Section 1. Sections 3, 10 and 16.1 of the act of July 9,
11 1987 (P.L.220, No.39), known as the Social Workers, Marriage and
12 Family Therapists and Professional Counselors Act, are amended
13 to read:

14 Section 3. Definitions.

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

18 "Application of social work methods and theory." Includes
19 psychosocial assessment, crisis intervention, case management,

1 client-centered advocacy, psychotherapy and family therapy with
2 individuals, couples, families and groups in an effort to
3 prevent or ameliorate family and personal dysfunction at home,
4 at work and in the community.

5 "Board." The State Board of Social Workers, Marriage and
6 Family Therapists and Professional Counselors under the Bureau
7 of Professional and Occupational Affairs within the Department
8 of State.

9 "Client." A person with whom a licensee has established a
10 formal provider-client relationship and to whom the licensee is
11 providing, or has provided, professional services.

12 "Commissioner." The Commissioner of Professional and
13 Occupational Affairs.

14 "Diagnosis." The term includes the following:

15 (1) A clinical social work assessment, defined as the
16 process of evaluation in which a clinical social worker
17 conducts a differential, individualized and accurate
18 identification of the psychosocial/behavioral problems
19 existing in the life of the individual client, the family or
20 group for the purpose of establishing a plan to implement a
21 course of psychotherapeutic counseling. A clinical social
22 work assessment includes, but is not limited to, a mental
23 status examination and a psychosocial history.

24 (2) The utilization by a clinical social worker of
25 currently accepted diagnostic classifications including, but
26 not limited to, the American Psychiatric Association's
27 Diagnostic and Statistical Manual of Mental Disorders, as
28 amended and supplemented, but only to the extent of the
29 clinical social worker's education, training, experience and
30 scope of practice as established by this act.

1 "Independent practice of clinical social work." The
2 application of clinical social work knowledge and skills by an
3 individual:

- 4 (1) who regulates and is responsible for the
5 individual's own practice and treatment procedures; and
6 (2) whose practice is not affiliated with any other
7 practice, health care facility, government agency or
8 government-regulated social service agency.

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

11 "Licensed clinical social worker." [A social worker] An
12 individual who engages in or advertises to engage in the
13 practice of clinical social work and who holds a current
14 clinical license under this act.

15 "Licensed marriage and family therapist." An individual who
16 engages in or offers to engage in the practice of marriage and
17 family therapy and who holds a current license under this act.

18 "Licensed professional counselor." An individual who engages
19 in the practice of professional counseling and who holds a
20 current license under this act.

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

24 "Practice of bachelor social work." The professional
25 application of social work theory, knowledge, methods,
26 principles, values and ethics to restore or enhance social or
27 psychosocial functioning of individuals, couples, families,
28 groups, organizations and communities. This practice is basic
29 generalist nonclinical practice that includes interviewing,
30 planning, intervention, case management, mediation, supportive

1 counseling, information and referral, problem solving, client
2 education, advocacy, community organization and the development,
3 implementation and administration of policies, programs and
4 activities.

5 "Practice of clinical social work." Holding oneself out to
6 the public by any title or description of services incorporating
7 the term "licensed clinical social worker" or using any words or
8 symbols indicating or tending to indicate that one is a licensed
9 clinical social worker and under such description offering to
10 render or rendering a service in which a special knowledge of
11 social resources, human personality and capabilities and
12 therapeutic techniques is directed at helping people to achieve
13 adequate and productive personal, interpersonal and social
14 adjustments in their individual lives, in their families and in
15 their community. The term includes person and environment
16 perspectives, systems theory and cognitive/behavioral theory, to
17 the assessment, diagnosis and treatment of psychosocial
18 disability and impairment, including mental and emotional
19 disorders, developmental disabilities and substance abuse. The
20 term includes the application of social work methods and theory.
21 The term includes the practice of social work plus additional
22 concentrated training and study as defined by the board by
23 regulation.

24 "Practice of marriage and family therapy." The professional
25 application of psychotherapeutic and family systems theories and
26 techniques to the evaluation, assessment and treatment of mental
27 and emotional disorders, whether cognitive, affective or
28 behavioral. The term includes the evaluation and assessment of
29 mental and emotional disorders in the context of significant
30 interpersonal relationships and the delivery of

1 psychotherapeutic services to individuals, couples, families and
2 groups for the purpose of treating such disorders.

3 "Practice of professional counseling." Includes, to the
4 extent compatible with a practitioner's education and
5 professional competence, all of the following:

6 (1) The application of principles and practices of
7 counseling, mental health and human development to evaluate
8 and facilitate human growth and adjustment throughout the
9 life span and to prevent and treat mental, emotional or
10 behavioral disorders and associated stresses which interfere
11 with mental health and normal human growth and development.

12 (2) The evaluation and assessment of normal and abnormal
13 mental, emotional, social, educational, vocational, family
14 and behavioral functioning throughout the life span;
15 individual, group, family counseling and psychotherapy;
16 crisis intervention, career counseling and educational and
17 vocational counseling; functional assessment of persons with
18 disabilities; and professional consulting.

19 (3) Professional counselors' utilization of verbal and
20 nonverbal approaches and specialization in the use of arts-
21 based therapeutic approaches, such as art, dance, music or
22 drama, to accomplish treatment objectives.

23 "Practice of social work." Offering to render or rendering a
24 service in which a special knowledge of social resources, human
25 personality and capabilities and therapeutic techniques is
26 directed at helping people to achieve adequate and productive
27 personal, interpersonal and social adjustments in their
28 individual lives, in their families and in their community or
29 holding oneself out to the public by any title or description of
30 services incorporating the term "social worker" or using any

1 words or symbols indicating or tending to indicate that one is a
2 social worker, except as otherwise provided by this act.

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

7 Section 10. Reciprocity.

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

19 (b) Emergencies.--The board shall have the power to allow an
20 individual who is licensed or certified as a clinical social
21 worker in another state to practice in this Commonwealth without
22 licensure for no more than 60 days as part of a relief effort
23 related to a state of emergency as declared by the Federal
24 Government or the Governor.

25 Section 16.1. Restriction on the use of title "Licensed
26 Clinical Social Worker."

27 Only individuals who have received licenses as licensed
28 clinical social workers under this act may style themselves as
29 licensed clinical social workers and use the letters "L.C.S.W."
30 in connection with their names. It shall be unlawful for an

1 individual to style oneself as a licensed clinical social
2 worker, advertise or engage in the independent practice of
3 clinical social work or use any words or symbols indicating or
4 tending to indicate that the individual is a licensed clinical
5 social worker without holding a license in good standing under
6 this act.

7 Section 2. Sections 17(b) of act, amended June 23, 2016
8 (P.L.387, No.54), is amended to read:

9 Section 17. Penalties.

10 * * *

11 (b) Civil penalty.--In addition to any other civil remedy or
12 criminal penalty provided for in this act, the board, by a vote
13 of the majority of the maximum number of the authorized
14 membership of the board as provided by law, or by a vote of the
15 majority of the duly qualified and confirmed membership or a
16 minimum of three members, whichever is greater, may levy a civil
17 penalty of up to \$10,000 on any current licensee who violates
18 any provision of this act, on any person who engages in the
19 independent practice of clinical social work without being
20 licensed pursuant to this act or on any person who holds himself
21 or herself out as a licensed bachelor social worker, licensed
22 social worker, licensed clinical social worker, licensed
23 marriage and family therapist, licensed professional counselor
24 or marriage and family therapist without being so licensed
25 pursuant to this act. The board shall levy this penalty only
26 after affording the accused party the opportunity for a hearing,
27 as provided in Title 2 of the Pennsylvania Consolidated Statutes
28 (relating to administrative law and procedure).

29 * * *

30 Section 3. Section 20(a) of the act is amended to read:

1 Section 20. Unlawful practice.

2 (a) Unlawful practice prohibited.--It shall be unlawful for
3 any person to engage in the independent practice of clinical
4 social work or hold himself or herself out as a licensed
5 bachelor social worker, licensed social worker, licensed
6 clinical social worker, marriage and family therapist and
7 professional counselor without possessing a valid, unexpired,
8 unrevoked and unsuspended license issued under this act.

9 * * *

10 Section 4. Section 21 of the act is repealed:

11 [Section 21. Appropriation.

12 The sum of \$85,000, or as much thereof as may be necessary,
13 is hereby appropriated from the Professional Licensure
14 Augmentation Account within the General Fund to the Bureau of
15 Professional and Occupational Affairs in the Department of State
16 for the payment of costs of processing licenses and renewals,
17 for the operation of the board and for other general costs of
18 the bureau operations relating to this act. The appropriation
19 granted shall be repaid by the board within three years of the
20 beginning of issuance of licenses by the board.]

21 Section 5. This act shall take effect in 120 days.