

## 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 restriction on use of title "licensed marriage  
5 and family therapist"; providing for unlicensed practice  
6 prohibited; and further providing for penalties and for  
7 unlawful practice.

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

10 Section 1. Section 16.2 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

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

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

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

18 (b) Applicability.--The provisions of this subsection shall  
19 not apply to any of the following:

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

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

27 (ii) a organization which is nonprofit and which is  
28 determined by the State Board of Social Workers, Marriage  
29 and Family Therapists and Professional Counselors to meet  
30 community needs while performing those duties for which

1       the person was employed by such an agency.

2       (2) A person who holds a valid license or is certified  
3       or regulated pursuant to another professional licensure law  
4       or State certification of the Commonwealth and who provides  
5       services within the person's scope of practice or employment  
6       function.

7       (3) A rabbi, priest, minister or member of the clergy of  
8       any religious denomination or sect if the activities and  
9       services that person performs are within the scope of the  
10       performance of the regular or specialized ministerial duties  
11       of an established and legally recognizable church,  
12       denomination or sect and the person performing the services  
13       remains accountable to the established authority of the  
14       church, denomination or sect.

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

21       (5) An individual who has earned an educational degree  
22       required for licensure under this act and working under the  
23       supervision of a licensed mental health professional in order  
24       to acquire the hours necessary for licensure under this act.

25       (6) A volunteer providing services in a Federal or  
26       State-declared emergency.

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

28       Section 17.   Penalties.

29       \* \* \*

30       (b)   Civil penalty.--

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

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

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

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

16       (2) The board shall levy this penalty only after  
17       affording the accused party the opportunity for a hearing, as  
18       provided in Title 2 of the Pennsylvania Consolidated Statutes  
19       (relating to administrative law and procedure).

20       \* \* \*

21       Section 4. Section 20 of the act is amended by adding a  
22       subsection to read:

23       Section 20. Unlawful practice.

24       \* \* \*

25       (a.2) Practice of marriage and family therapy prohibited.--  
26       It shall be unlawful for any person to engage in the practice of  
27       licensed marriage and family therapy without possessing a valid,  
28       unexpired, unrevoked and unsuspended license issued under this  
29       act.

30       \* \* \*

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

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

