

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 State Board of Social Workers,
5 Marriage and Family Therapists and Professional Counselors,
6 for restriction on the use of title "Licensed Marriage and
7 Family Therapist" and for penalties; and making editorial
8 changes.

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

11 Section 1. Section 2 of the act of July 9, 1987 (P.L.220,
12 No.39), known as the Social Workers, Marriage and Family
13 Therapists and Professional Counselors Act, amended December 21,
14 1998 (P.L.1017, No.136), is amended to read:

15 Section 2. Legislative intent.

16 The practice of social work, marriage and family therapy and
17 professional counseling within this Commonwealth is hereby
18 declared to affect the public safety and welfare and to be
19 subject to regulation and control in the public interest to
20 protect the public from unprofessional, improper, unauthorized

1 herself forth as a licensed social worker, licensed clinical
2 social worker, [licensed] marriage and family therapist or
3 licensed professional counselor unless he or she shall first
4 have obtained a license pursuant to this act.

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

7 (a) Creation.--There is hereby created the State Board of
8 Social Workers, Marriage and Family Therapists and Professional
9 Counselors, a departmental administrative board in the
10 Department of State. The board shall consist of 13 members who
11 are citizens of the United States and who have been residents of
12 this Commonwealth for a two-year period, two of whom shall be
13 public members; five of whom shall be licensed social workers,
14 at least one of whom shall be a licensed clinical social worker
15 and at least one of whom shall be a licensed social worker; two
16 of whom shall be [licensed] marriage and family therapists; two
17 of whom shall be licensed professional counselors; one of whom
18 shall be either a [licensed] marriage and family therapist or a
19 licensed professional counselor [as hereafter provided] whose
20 membership shall rotate at the expiration of the member's second
21 term; and one of whom shall be the Commissioner of Professional
22 and Occupational Affairs.

23 (b) Term of office.--The members shall serve for four-year
24 terms, except as provided in subsection (c), and shall be
25 appointed by the Governor by and with the advice and consent of
26 a majority of the members elected to the Senate. The term of the
27 licensed professional counselor initially appointed for a two-
28 year term shall thereafter alternate between [licensed] marriage
29 and family therapists and licensed professional counselors.

30 * * *

1 violations of the provisions of this act and the rules and
2 regulations adopted pursuant to this act and seek the
3 prosecution and enjoinder of all such violations.

4 (5) To expend moneys necessary to the proper carrying
5 out of its assigned duties.

6 (6) To waive examination and grant a license in cases
7 deemed exceptional by the board and in accordance with
8 regulations promulgated by the board.

9 (7) To submit annually a report to the Professional
10 Licensure Committee of the House of Representatives and the
11 Consumer Protection and Professional Licensure Committee of
12 the Senate containing a description of the types of
13 complaints received, status of the cases, board action which
14 has been taken and length of time from the initial complaint
15 to final board resolution.

16 (8) To submit annually to the Appropriations Committees
17 of the House of Representatives and the Senate, 15 days after
18 the Governor has submitted his budget to the General
19 Assembly, a copy of the budget request for the upcoming
20 fiscal year which the board previously submitted to the
21 Department of State.

22 Section 4. Section 7(e) introductory paragraph of the act,
23 amended March 14, 2012 (P.L.191, No.17), is amended to read:

24 Section 7. Qualifications for license.

25 * * *

26 (e) Marriage and family therapist license.--An applicant
27 shall be qualified to hold oneself out as a [licensed] marriage
28 and family therapist if the applicant submits proof satisfactory
29 to the board that all of the following apply:

30 * * *

1 or family therapist position on the effective date of this
2 paragraph, during the time of employment by the Commonwealth.

3 (2) A person employed as a school marriage and family
4 therapist in a public or private school in this Commonwealth
5 on or before the effective date of this paragraph, during the
6 time of employment as a school marriage and family therapist.

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

8 Section 17. Penalties.

9 * * *

10 (b) Civil penalty.--In addition to any other civil remedy or
11 criminal penalty provided for in this act, the board, by a vote
12 of the majority of the maximum number of the authorized
13 membership of the board as provided by law, or by a vote of the
14 majority of the duly qualified and confirmed membership or a
15 minimum of three members, whichever is greater, may levy a civil
16 penalty of up to \$1,000 on any current licensee who violates any
17 provision of this act or on any person who holds himself or
18 herself out as a licensed social worker or marriage and family
19 therapist without being so licensed pursuant to this act. The
20 board shall levy this penalty only after affording the accused
21 party the opportunity for a hearing, as provided in Title 2 of
22 the Pennsylvania Consolidated Statutes (relating to
23 administrative law and procedure).

24 * * *

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

30 Section 8. This act shall take effect in 120 days.