

SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL
COUNSELORS ACT - OMNIBUS AMENDMENTS

Act of Jun. 29, 2018, P.L. 505, No. 76

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Session of 2018

No. 2018-76

SB 530

AN ACT

Amending the act of July 9, 1987 (P.L.220, No.39), entitled "An act licensing and regulating the practice of social work; providing penalties; and making an appropriation," further providing for definitions, for qualifications for license, for reciprocity, for restrictions on the use of title "licensed clinical social worker," for restrictions on the use of title "Licensed Professional Counselor," for penalties and for unlawful practice; and repealing provisions related to appropriation.

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

Section 1. Sections 3, 7(e)(3)(i) and (f)(3)(i), 10, 16.1 and 16.3 of the act of July 9, 1987 (P.L.220, No.39), known as the Social Workers, Marriage and Family Therapists and Professional Counselors Act, are amended to read:

Section 3. Definitions.

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

"Application of social work methods and theory." Includes psychosocial assessment, crisis intervention, case management, client-centered advocacy, psychotherapy and family therapy with individuals, couples, families and groups in an effort to prevent or ameliorate family and personal dysfunction at home, at work and in the community.

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

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

"Clinical social work assessment." A process of evaluation in which a clinical social worker conducts a differential, individualized and accurate identification of the psychosocial and behavioral problems existing in the life of an individual client, family or group for the purpose of establishing a plan to implement a course of psychotherapeutic counseling. The term includes, but is not limited to, a mental health examination and psychological history.

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

"Diagnosis." The term includes the following:

(1) A clinical social work assessment, a marriage and family therapist assessment or a professional counselor assessment.

(2) The utilization of currently accepted diagnostic classifications by a clinical social worker, a marriage and family therapist or a professional counselor, including, but

not limited to, the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders, as amended and supplemented, but only to the extent of the clinical social worker's, marriage and family therapist's or professional counselor's education, training, experience and scope of practice as established by this act.

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

- (1) who styles oneself as a clinical social worker;
- (2) who regulates and is responsible for his or her own practice and treatment procedures; and
- (3) whose practice is not affiliated with any other practice, health care facility, government agency or government-regulated social service agency.

"Independent practice of marriage and family therapy." The application of marriage and family therapy knowledge and skills by an individual:

- (1) who styles oneself as a marriage and family therapist;
- (2) who regulates and is responsible for his or her own practice and treatment procedures; and
- (3) whose practice is not affiliated with any other practice, health care facility, government agency or government-regulated social service agency.

"Independent practice of professional counseling." The application of professional counseling knowledge and skills by an individual:

- (1) who styles oneself as a professional counselor;
- (2) who regulates and is responsible for his or her own practice and treatment procedures; and
- (3) whose practice is not affiliated with any other practice, health care facility, government agency or government-regulated social service agency.

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

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

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

"Licensed professional counselor." An individual who engages in **or advertises to engage in** the practice of professional counseling and who holds a current license under this act.

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

"Marriage and family therapist assessment." The professional application of psychotherapeutic and family systems theories and techniques to evaluate and identify psychosocial and behavioral problems in the context of significant interpersonal relationships between individuals, couples, families and groups for the purpose of treatment. The term includes, but is not limited to, a mental health examination and psychological history.

"Practice of bachelor social work." The professional application of social work theory, knowledge, methods, principles, values and ethics to restore or enhance social or psychosocial functioning of individuals, couples, families, groups, organizations and communities. This practice is basic

generalist nonclinical practice that includes interviewing, planning, intervention, case management, mediation, supportive counseling, information and referral, problem solving, client education, advocacy, community organization and the development, implementation and administration of policies, programs and activities.

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

"Practice of marriage and family therapy." The professional application of psychotherapeutic and family systems theories and techniques to the evaluation, assessment, **diagnosis** and treatment of mental and emotional disorders, whether cognitive, affective or behavioral. The term includes the evaluation and assessment of mental and emotional disorders in the context of significant interpersonal relationships and the delivery of psychotherapeutic services to individuals, couples, families and groups for the purpose of treating such disorders.

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

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

- (2) The evaluation [and assessment], **assessment, diagnosis and treatment** of normal and abnormal mental, emotional, social, educational, vocational, family and behavioral functioning throughout the life span; individual, group, family counseling and psychotherapy; crisis intervention, career counseling and educational and vocational counseling; functional assessment of persons with disabilities; and professional consulting.

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

"Practice of social work." Offering to render or rendering a service in which a special knowledge of social resources, human personality and capabilities and therapeutic techniques is directed at helping people to achieve adequate and productive personal, interpersonal and social adjustments in their individual lives, in their families and in their community or holding oneself out to the public by any title or description

of services incorporating the term "social worker" or using any words or symbols indicating or tending to indicate that one is a social worker, except as otherwise provided by this act.

"Professional counselor assessment." The professional application of psychotherapeutic and counseling theories and techniques to evaluate, identify and establish counseling plans for the treatment of individuals, couples, families and groups with emotional, mental, addiction and physical disorders. The term includes, but is not limited to, a mental health examination and psychological history.

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

Section 7. Qualifications for license.

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

* * *

(3) The applicant has complied with the experience requirement as follows:

(i) An individual meeting the educational requirements of paragraph (2)(i) or (ii) must have completed at least 3,000 hours of supervised clinical experience, acceptable to the board as determined by regulation, obtained after [the completion of 48 semester hours or 72 quarter hours of graduate coursework] **being granted a master's degree.**

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(f) Professional counselors license.--An applicant is qualified for a license to hold oneself out as a licensed professional counselor if the applicant submits proof satisfactory to the board that all of the following apply:

* * *

(3) The applicant has complied with the experience requirements as follows:

(i) An individual meeting the educational requirements of paragraph (2)(i) or (ii) must have completed at least 3,000 hours of supervised clinical experience, acceptable to the board as determined by regulation, obtained after [the completion of 48 semester hours or 72 quarter hours of graduate coursework] **being granted a master's degree.**

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Section 10. Reciprocity.

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

(b) **Emergencies.**--The board shall have the power to allow an individual who is licensed or certified as a clinical social worker, a marriage and family therapist or a professional counselor in another state to practice in this Commonwealth

without licensure for no more than 60 days as part of a relief effort related to a state of emergency as declared by the Federal Government or the Governor.

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

Only individuals who have received licenses as licensed clinical social workers under this act may style themselves as licensed clinical social workers and use the letters "L.C.S.W." in connection with their names. It shall be unlawful for an individual to style oneself as a licensed clinical social worker, **advertise or engage in the independent practice of clinical social work** or use any words or symbols indicating or tending to indicate that the individual is a licensed clinical social worker without holding a license in good standing under this act.

Section 16.3. Restriction on the use of title "Licensed Professional Counselor."

Only individuals who have received licenses as licensed professional counselors under this act may style themselves as licensed professional counselors and use the letters "L.P.C." in connection with their names. It shall be unlawful for an individual to style oneself as a licensed professional counselor, **advertise or engage in the independent practice of professional counseling** or use any words or symbols indicating or tending to indicate that the individual is a licensed professional counselor without holding a license in good standing under this act.

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

Section 17. Penalties.

* * *

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

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

(a) Unlawful practice prohibited.--It shall be unlawful for any person to **engage in the independent practice of clinical social work , the independent practice of marriage and family therapy or the independent practice of professional counseling** or 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.

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Section 4. Section 21 of the act is repealed:

[Section 21. Appropriation.

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

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

APPROVED--The 29th day of June, A.D. 2018.

TOM WOLF