

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

Act of Mar. 28, 2024, P.L. 11, No. 4

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HB 1564

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 license required, for State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, for powers and functions of board, for qualifications for license, for procedures for licensing, for reciprocity, for endorsement of out-of-State licenses and for reinstatement of license; providing for restrictions on use of title "Licensed Associate Marriage and Family Therapist" and for restrictions on the use of title "Licensed Associate Professional Counselor"; further providing for license renewal and records and fees and for unlawful practice; and providing for effect of associate licensure.

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

Section 1. Section 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, is amended by adding definitions 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:

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"Licensed associate marriage and family therapist." An individual licensed as an associate marriage and family therapist under this act who is obtaining supervised clinical experience for the purpose of becoming a licensed marriage and family therapist.

"Licensed associate professional counselor." An individual licensed as an associate professional counselor under this act who is obtaining supervised clinical experience for the purpose of becoming a licensed professional counselor.

* * *

"Practice of associate marriage and family therapy." The professional application of psychotherapeutic and family system theories and techniques to the evaluation, assessment, diagnosis and treatment of mental and emotional disorders, whether cognitive, affective or behavioral, while under the supervision of a licensed supervisor acceptable to the board in accordance with the board's regulations. 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 the disorders.

"Practice of associate professional counseling." Includes, to the extent compatible with a practitioner's education and professional competence while under the supervision of a

licensed supervisor acceptable to the board in accordance with the board's regulations, 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, 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.

* * *

Section 2. Sections 4, 5(1) and 6(2) and (3) of the act are amended to read:

Section 4. License required.

It shall be unlawful for any person to hold [himself or herself] **oneself** forth as a licensed bachelor social worker, licensed social worker, licensed clinical social worker, **licensed associate marriage and family therapist**, licensed marriage and family therapist, **licensed associate professional counselor** or licensed professional counselor unless he or she shall first have obtained a license pursuant to this act.

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

* * *

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

Section 6. Powers and functions of board.

The board shall have the following powers:

* * *

(2) To adopt and, from time to time, revise such rules and regulations as may be necessary to carry into effect the provisions of this act. Such regulations may include, but shall not be limited to, standards of professional practice and conduct for licensed bachelor social workers, licensed social workers, licensed clinical social workers, **licensed associate marriage and family therapists**, licensed marriage and family therapists, **licensed associate professional counselors** and licensed professional counselors in Pennsylvania.

(3) To examine for, deny, approve, issue, revoke, suspend or renew licenses of bachelor social workers, social workers, clinical social workers, **associate marriage and family therapists**, marriage and family therapists, **associate professional counselors** and professional counselors pursuant to this act and to conduct hearings in connection therewith.

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Section 3. Section 7(a)(1), (d)(1), (e)(1), (f)(1) and (g)(1) of the act are amended and the section is amended by adding subsections to read:

Section 7. Qualifications for license.

(a) Social work license.--An applicant shall be qualified for a license to hold oneself out as a licensed social worker, provided he or she submits proof satisfactory to the board that:

(1) He or she is of good moral character. **In assessing the moral character of an applicant with a criminal conviction, the board shall conduct an individualized assessment in accordance with 63 Pa.C.S. § 3113 (relating to consideration of criminal convictions).**

* * *

(d) Clinical social work license.--An applicant shall be qualified for a license to hold oneself out as a licensed clinical social worker if the applicant submits proof satisfactory to the board that all of the following apply:

(1) The applicant is of good moral character. **In assessing the moral character of an applicant with a criminal conviction, the board shall conduct an individualized assessment in accordance with 63 Pa.C.S. § 3113.**

* * *

(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:

(1) The applicant is of good moral character. **In assessing the moral character of an applicant with a criminal conviction, the board shall conduct an individualized assessment in accordance with 63 Pa.C.S. § 3113.**

* * *

(e.1) Associate marriage and family therapist license.--

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

(i) The applicant is at least 21 years of age.

(ii) The applicant is of good moral character. **In assessing the moral character of an applicant with a criminal conviction, the board shall conduct an individualized assessment in accordance with 63 Pa.C.S. § 3113.**

(iii) The applicant has satisfied the educational requirements under subsection (e)(2)(i), (ii) or (iii).

(iv) The applicant has submitted a supervision plan, including a detailed job description and each location where client contact and supervision will occur.

(v) The applicant has submitted the resume or curriculum vitae for each licensee who provides supervision acceptable to the board. A supervisor shall hold a current and active license to practice marriage and family therapy or to practice in a related field as approved by the board and shall have no less than five

full-time years of experience or the equivalent in the prior ten years as specified by the board's regulations.

(vi) The applicant has submitted an application accompanied by the application fee of \$75. The application fee may be altered by the board by regulation.

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

(A) at least ten years have elapsed from the date of conviction;

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

(C) the applicant otherwise satisfies the qualifications contained in or authorized by this act. As used in this paragraph, the term "convicted" shall include a judgment, an admission of guilt or a plea of nolo contendere.

(2) Renewal of an associate marriage and family therapist license shall be on a biennial basis, and the license shall be eligible for no more than three renewals. The applicant shall submit a renewal application accompanied by the renewal application fee of \$95. The renewal application fee may be altered by the board by regulation.

(e.2) Limitations on associate marriage and family therapist license.--A licensed associate marriage and family therapist shall work under the supervision of a licensed marriage and family therapist or a related licensed professional as approved by the board who directs the activities of the licensed associate marriage and family therapist. A licensed associate marriage and family therapist shall not practice in a private setting without the direction of a supervisor. Nothing in this section shall be construed to prohibit a licensed associate marriage and family therapist from taking the required examination under subsection (e)(4) during the time between graduation and completing the required clinical supervised hours under subsection (e)(3) to meet the licensure requirements for a marriage and family therapist.

(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:

(1) The applicant is of good moral character. In assessing the moral character of an applicant with a criminal conviction, the board shall conduct an individualized assessment in accordance with 63 Pa.C.S. § 3113.

* * *

(f.1) Associate professional counselor license.--

(1) An applicant is qualified for a license to hold oneself out as a licensed associate professional counselor

if the applicant submits proof satisfactory to the board that all of the following apply:

(i) The applicant is at least 21 years of age.

(ii) The applicant is of good moral character. In assessing the moral character of an applicant with a criminal conviction, the board shall conduct an individualized assessment in accordance with 63 Pa.C.S. § 3113.

(iii) The applicant has satisfied the educational requirements under subsection (f)(2)(i), (ii) or (iii).

(iv) The applicant has submitted a plan of supervision, including a detailed job description and each location where client contact and supervision will occur.

(v) The applicant has submitted the resume or curriculum vitae for each licensee who provides supervision acceptable to the board. A supervisor shall hold a current and active license to practice professional counseling or to practice in a related field as approved by the board and shall have no less than five full-time years of experience or the equivalent in the prior ten years as specified by the board's regulations.

(vi) The application has been accompanied by the application fee of \$75. The application fee may be altered by the board by regulation.

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

(A) at least ten years have elapsed from the date of conviction;

(B) the applicant satisfactorily demonstrates to the board that the applicant has made significant progress in personal rehabilitation since the conviction such that licensure of the applicant should not be expected to create a substantial risk of harm to the health and safety of clients or the public or a substantial risk of further criminal violations; and

(C) the applicant otherwise satisfies the qualifications contained in or authorized by this act. As used in this paragraph, the term "convicted" includes a judgment, an admission of guilt or a plea of nolo contendere.

(2) Renewal of an associate professional counselor license shall be on a biennial basis, and the license shall be eligible for no more than three renewals. The applicant shall submit a renewal application accompanied by the renewal application fee of \$95. The renewal application fee may be altered by the board by regulation.

(f.2) Limitations on associate professional counselor license.--A licensed associate professional counselor shall work under the supervision of a licensed professional counselor or a related licensed professional approved by the board who directs the activities of the licensed associate professional counselor. A licensed associate professional counselor shall not practice in a private setting without the direction of a supervisor. Nothing in this subsection shall be construed to

prohibit a licensed associate professional counselor from taking the required exam under subsection (f)(4) during the time between graduation and completing the required supervised hours under subsection (f)(3) to meet the licensure requirements for a licensed professional counselor.

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

(1) The applicant is of good moral character. **In assessing the moral character of an applicant with a criminal conviction, the board shall conduct an individualized assessment in accordance with 63 Pa.C.S. § 3113.**

* * *

Section 4. Sections 8(b), 10(a), 10.1(a)(1), (b)(1) and (c)(1) and 12 of the act are amended to read:

Section 8. Procedures for licensing.

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

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, **associate marriage and family therapist**, marriage and family therapist, **associate professional counselor** 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.

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Section 10.1. Endorsement of out-of-State licenses.

(a) Clinical social work license.--The board may issue a clinical social work license without examination to an applicant holding a clinical social work license in another state who submits proof satisfactory to the board of all of the following:

(1) The applicant is of good moral character. **In assessing the moral character of an applicant with a criminal conviction, the board shall conduct an individualized assessment in accordance with 63 Pa.C.S. § 3113 (relating to consideration of criminal convictions).**

* * *

(b) Marriage and family therapist license.--The board may issue a marriage and family therapist license without examination to an applicant holding a marriage and family therapist license in another state who submits proof satisfactory to the board of all of the following:

(1) The applicant is of good moral character. **In assessing the moral character of an applicant with a criminal conviction, the board shall conduct an individualized assessment in accordance with 63 Pa.C.S. § 3113.**

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(c) Professional counselor license.--The board may issue a professional counselor license without examination to an applicant holding a professional counselor license in another state who submits proof satisfactory to the board of all of the following:

(1) The applicant is of good moral character. **In assessing the moral character of an applicant with a criminal conviction, the board shall conduct an individualized assessment in accordance with 63 Pa.C.S. § 3113.**

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Section 12. Reinstatement of license.

Unless ordered to do so by Commonwealth Court or an appeal therefrom, the board shall not reinstate the license of a person to practice as a bachelor social worker, social worker, clinical social worker, **associate marriage and family therapist**, marriage and family therapist, **associate professional counselor** or professional counselor pursuant to this act, which has been revoked. Any person whose license has been revoked may apply for reinstatement, after a period of at least five years, but must meet all of the licensing qualifications of this act, including the examination requirement, if he or she desires to practice as a bachelor social worker, social worker, clinical social worker, marriage and family therapist or professional counselor pursuant to this act at any time after such revocation.

Section 5. The act is amended by adding sections to read:
Section 16.5. Restrictions on use of title "Licensed Associate Marriage and Family Therapist."

Only individuals who have received licenses as licensed associate marriage and family therapists under this act may style themselves as licensed associate marriage and family therapists and use the letters "L.A.M.F.T." in connection with their names, and it shall be unlawful for an individual to style oneself as a licensed associate marriage and family therapist or use any words or symbols indicating or tending to indicate that the individual is a licensed associate marriage and family therapist without holding a license in good standing under this act.

Section 16.6. Restrictions on the use of title "Licensed Associate Professional Counselor."

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

Section 6. Sections 18(b) and 20(a) of the act are amended to read:

Section 18. License renewal; records and fees.

* * *

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

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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] **oneself** out as a licensed bachelor social worker, licensed social worker, licensed clinical social worker, **licensed associate marriage and family therapist**, marriage and family therapist , **licensed associate professional counselor** and professional counselor without possessing a valid, unexpired, unrevoked and unsuspended license issued under this act.

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Section 7. The act is amended by adding a section to read:
Section 20.3. Effect of associate licensure.

Associate licensure under this act shall not be construed as requiring new or additional third-party reimbursement or to otherwise mandate coverage under 75 Pa.C.S. Ch. 17 (relating to financial responsibility) or the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, or for new or additional policies written under or for any of the following:

(1) The act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921.

(2) The act of December 29, 1972 (P.L.1701, No.364), known as the Health Maintenance Organization Act.

(3) The act of May 18, 1976 (P.L.123, No.54), known as the Individual Accident and Sickness Insurance Minimum Standards Act.

(4) A nonprofit corporation subject to 40 Pa.C.S. Ch. 61 (relating to hospital plan corporations) or 63 (relating to professional health services plan corporations).

Section 8. The State Board of Social Workers, Marriage and Family Therapists and Professional Counselors shall promulgate regulations as necessary to implement this act no later than 90 days from the effective date of this section.

Section 9. This act shall take effect immediately.

APPROVED--The 28th day of March, A.D. 2024.

JOSH SHAPIRO