
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 56

Session of
1987

INTRODUCED BY BELL, JANUARY 15, 1987

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
JANUARY 15, 1987

AN ACT

1 Licensing and regulating the practice of social work; providing
2 penalties; and making an appropriation.

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

13 Section 1. Short title.

14 This act shall be known and may be cited as the Social
15 Worker's Practice Act.

16 Section 2. Legislative intent.

17 The practice of social work within this Commonwealth is
18 hereby declared to affect the public safety and welfare and to
19 be subject to regulation and control in the public interest to
20 protect the public from unprofessional, improper, unauthorized
21 and unqualified practice of licensed social work. This act
22 regulates only those who hold themselves forth as licensed
23 social workers. Acquisition of a license under this act shall
24 not be made a condition of the employment of a person by the
25 Commonwealth or any of its political subdivisions or by
26 nonprofit agencies.

27 Section 3. Definitions.

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

1 "Board." The State Board of Social Work Examiners under the
2 Bureau of Professional and Occupational Affairs within the
3 Department of State.

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

6 "Licensed social worker." A social worker who holds a
7 current license under this act.

8 "Practice of social work." Holding oneself out to the public
9 by any title or description of services incorporating the term
10 "licensed social worker," or using any words or symbols
11 indicating or tending to indicate that he or she is a licensed
12 social worker and, under such description, offering to render or
13 rendering a service in which a special knowledge of social
14 resources, human personality and capabilities and therapeutic
15 techniques is directed at helping people to achieve adequate and
16 productive personal, interpersonal and social adjustments in
17 their individual lives, in their families and in their
18 community.

19 "Provisional licensed social worker." A social worker who
20 holds a current provisional license under this act.

21 Section 4. Social work license required.

22 It shall be unlawful for any person to hold himself or
23 herself forth as a licensed social worker unless he or she shall
24 first have obtained a license pursuant to this act.

25 Section 5. State Board of Social Work Examiners.

26 (a) Creation.--There is hereby created the State Board of
27 Social Work Examiners, a departmental administrative board in
28 the Department of State. The board shall consist of seven
29 members who are citizens of the United States and who have been
30 residents of this Commonwealth for a two-year period, two of

1 whom shall be public members, four of whom shall be persons who
2 meet the educational qualifications for licensure as specified
3 in section 7 and one of whom shall be the Commissioner of
4 Professional and Occupational Affairs. The commissioner shall be
5 an ex officio member of the board.

6 (b) Term of office.--The members shall serve for three-year
7 terms, except as provided in subsection (c), and shall be
8 appointed by the Governor by and with the consent of a majority
9 of the members elected to the Senate.

10 (c) Initial appointments.--Within 90 days of the effective
11 date of this act, the Governor shall nominate one public member
12 and one professional member to serve three-year terms; one
13 public member and one professional member to serve two-year
14 terms; and two professional members to serve one-year terms.

15 (d) Continuation in office.--Each board member shall
16 continue in office until a successor is duly qualified but no
17 longer than six months after the expiration of the term. In the
18 event that a board member shall die, resign or otherwise become
19 disqualified during the term of office, a successor shall be
20 appointed in the same way and with the same qualifications as
21 set forth in this section and shall hold office for the
22 unexpired portion of the unexpired term.

23 (e) Limit on terms.--No board member shall be eligible for
24 appointment to serve more than two consecutive three-year terms.

25 (f) Forfeiture of membership.--A board member who fails to
26 attend three consecutive meetings shall forfeit his or her seat
27 unless the commissioner, upon written request from the member,
28 finds that the member should be excused from a meeting because
29 of illness or the death of a family member.

30 (g) Compensation.--Each member of the board, except the

1 commissioner, shall receive per diem compensation at the rate of
2 \$60 per day for the time actually devoted to the business of the
3 board. Members shall also receive reasonable traveling, hotel
4 and other necessary expenses incurred in the performance of
5 their duties in accordance with Commonwealth regulations.

6 (h) Forfeiture for nonattendance.--A public member who fails
7 to attend two consecutive statutorily mandated training seminars
8 in accordance with section 813(e) of the act of April 9, 1929
9 (P.L.177, No.175), known as The Administrative Code of 1929,
10 shall forfeit his or her seat unless the commissioner, upon
11 written request from the public member, finds that the public
12 member should be excused from a meeting because of illness or
13 the death of a family member.

14 (i) Quorum.--A majority of the members of the board serving
15 in accordance with law shall constitute a quorum for purposes of
16 conducting the business of the board. Except for temporary and
17 automatic suspensions under section 11(d) and (e), a member may
18 not be counted as part of a quorum or vote on any issue unless
19 he or she is physically in attendance at the meeting.

20 (j) Meetings.--The board shall meet at least four times a
21 year in Harrisburg.

22 (k) Notice.--Reasonable notice of all meetings shall be
23 given in conformity with the act of July 3, 1986 (P.L.388,
24 No.84), known as the Sunshine Act.

25 (l) Operating procedures.--The board shall meet within 30
26 days after the appointment of its initial members and set up
27 operating procedures and an application form for licensing
28 social workers. It shall be the responsibility of the board to
29 circulate these forms and educate the public to the requirements
30 of licensing in order to hold oneself forth as a licensed social

1 worker within the Commonwealth.

2 Section 6. Powers and functions of board.

3 The board shall have the following powers:

4 (1) To pass upon the qualifications and fitness of
5 applicants for licenses and reciprocal licenses and to adopt
6 and revise rules and regulations requiring applicants to pass
7 examinations relating to their qualifications as a
8 prerequisite to the issuance of a license.

9 (2) To adopt, and, from time to time, revise such rules
10 and regulations as may be necessary to carry into effect the
11 provisions of this act. Such regulations may include, but
12 shall not be limited to, standards of professional practice
13 for licensed social workers in Pennsylvania.

14 (3) To examine for, deny, approve, issue, revoke,
15 suspend or renew licenses of social workers pursuant to this
16 act and to conduct hearings in connection therewith.

17 (4) To conduct hearings upon complaints concerning
18 violations of the provisions of this act and the rules and
19 regulations adopted pursuant to this act and seek the
20 prosecution and enjoinder of all such violations.

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

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

26 (7) To submit annually a report to the Professional
27 Licensure Committee of the House of Representatives and the
28 Consumer Protection and Professional Licensure Committee of
29 the Senate containing a description of the types of
30 complaints received, status of the cases, board action which

1 has been taken and length of time from the initial complaint
2 to final board resolution.

3 Section 7. Qualifications for license.

4 (a) Regular license.--An applicant shall be qualified for a
5 license to hold oneself forth as a licensed social worker,
6 provided he or she submits proof satisfactory to the board that:

7 (1) He or she is of good moral character.

8 (2) He or she has received a master's degree from an
9 accredited school of social work or social welfare or a
10 doctoral degree in social work.

11 (3) He or she has passed an examination duly adopted by
12 the board.

13 (4) His or her application has been accompanied by the
14 application fee.

15 (5) He or she has not been convicted of a felony under
16 the act of April 14, 1972 (P.L.233, No.64), known as The
17 Controlled Substance, Drug, Device and Cosmetic Act, or of an
18 offense under the laws of another jurisdiction, which, if
19 committed in this Commonwealth, would be a felony under The
20 Controlled Substance, Drug, Device and Cosmetic Act, unless:

21 (i) at least ten years have elapsed from the date of
22 conviction;

23 (ii) the applicant satisfactorily demonstrates to
24 the board that he or she has made significant progress in
25 personal rehabilitation since the conviction, such that
26 licensure of the applicant should not be expected to
27 create a substantial risk of harm to the health and
28 safety of his or her clients or the public or a
29 substantial risk of further criminal violations; and

30 (iii) the applicant otherwise satisfies the

1 qualifications contained in or authorized by this act.

2 As used in this subsection, the term "convicted" shall
3 include a judgment, an admission of guilt or a plea of nolo
4 contendere.

5 (b) Provisional license.--An applicant shall be qualified
6 for a provisional license to hold oneself out as a social worker
7 with a provisional license, provided he or she submits proof
8 satisfactory to the board that:

9 (1) He or she is of good moral character.

10 (2) He or she has received a bachelor's degree in social
11 work from an accredited school of social work or social
12 welfare and has three years experience under the supervision
13 of a social worker who has graduated with a master's degree
14 from an accredited school of social work or social welfare.

15 (3) He or she offers proof of current enrollment in a
16 master's degree program at an accredited school of social
17 work or social welfare.

18 (4) He or she passed an examination duly adopted by the
19 board.

20 (5) His or her application has been accompanied by the
21 application fee.

22 (6) He or she has not been convicted of a felony under
23 The Controlled Substance, Drug, Device and Cosmetic Act, or
24 of an offense under the laws of another jurisdiction, which,
25 if committed in this Commonwealth, would be a felony under
26 The Controlled Substance, Drug, Device and Cosmetic Act,
27 unless:

28 (i) at least ten years have elapsed from the date of
29 conviction;

30 (ii) the applicant satisfactorily demonstrates to

1 the board that he or she has made significant progress in
2 personal rehabilitation since the conviction, such that
3 licensure of the applicant should not be expected to
4 create a substantial risk of harm to the health and
5 safety of his or her clients or the public or a
6 substantial risk of further criminal violations; and

7 (iii) the applicant otherwise satisfies the
8 qualifications contained in or authorized by this act.

9 As used in this subsection the term "convicted" shall include
10 a judgment, an admission of guilt or a plea of nolo
11 contendere.

12 (c) Limitation on provisional licenses.--No applicant may be
13 issued more than three provisional licenses.

14 Section 8. Procedures for licensing.

15 (a) Affidavit required.--Each application form for an
16 applicant submitted to the board for examination or licensure
17 shall have attached as part of the form an affidavit or
18 affirmation for the applicant to complete as to the veracity of
19 the information on the application. Any applicant who knowingly
20 or willingly makes a false statement of fact in his application
21 shall be subject to prosecution for perjury.

22 (b) Issuance of license.--After the board is satisfied that
23 the requirements of section 7 and of subsection (a) are met, the
24 application shall then be forwarded to the board and shall be
25 reviewed within a three-month period and a decision rendered as
26 to whether or not a license will be granted. If a license is
27 granted, the licensee shall receive a certificate of licensure.

28 Section 9. Exemption from examination.

29 The requirements of section 7(3) shall not apply and a
30 license shall be issued without examination to any person who

1 has submitted an application for license, accompanied by the
2 required fee, within two years after the effective date of this
3 act, who is a resident of this Commonwealth, who has submitted
4 proof of his or her practice of social work for a two-year
5 period and who, on the effective date of this act, holds a
6 master's degree in social work from an accredited school of
7 social work or social welfare or a doctoral degree in social
8 work.

9 Section 10. Reciprocity.

10 The board shall have the power to grant a reciprocal license
11 to an applicant who is licensed or certified as a social worker
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 Section 11. Refusal, suspension and revocation of licenses.

20 (a) Grounds.--The board may refuse, suspend, revoke, limit
21 or restrict a license or reprimand a licensee for any of the
22 following:

23 (1) Being convicted of a felony or a crime of moral
24 turpitude in any state or Federal court or being convicted of
25 the equivalent of a felony in any foreign country, territory
26 or possession. As used in this paragraph, the term
27 "convicted" includes a finding or verdict of guilt, an
28 admission of guilt or a plea of nolo contendere or receiving
29 probation without verdict, disposition in lieu of trial or an
30 accelerated rehabilitative disposition in the disposition of

1 felony charges.

2 (2) Being found guilty of a dishonest or fraudulent act,
3 as a licensed social worker, resulting in a substantial
4 injury to another.

5 (3) Engaging in the unprofessional practice of social
6 work in violation of standards adopted by the board.

7 (4) Presenting false credentials or documents in support
8 of his or her application for a license.

9 (5) Submitting a false or deceptive biennial renewal to
10 the board.

11 (6) Having a license to practice social work suspended,
12 revoked or refused or receiving other disciplinary action by
13 the proper social work licensing authority of any other
14 state, territory, possession or country.

15 (7) Violating a lawful regulation promulgated by the
16 board, including, but not limited to, standards of
17 professional practice, or violating a lawful order of the
18 board previously entered in a disciplinary proceeding.

19 (8) Being unable to practice social work with reasonable
20 skill and safety by reason of illness, drunkenness, excessive
21 use of drugs, narcotics, chemicals or any other type of
22 material, or as a result of any mental or physical condition.

23 In enforcing this paragraph, the board shall, upon probable
24 cause, have authority to compel a social worker to submit to
25 a mental or physical examination by a physician approved by
26 the board. Failure of a social worker to submit to such
27 examination when directed by the board, unless such failure
28 is due to circumstances beyond his or her control, shall
29 constitute an admission of the allegations against him or
30 her, consequent upon which a default and final order may be

1 entered without the taking of testimony or presentation of
2 evidence. A social worker affected under this paragraph shall
3 at reasonable intervals, as determined by the board, be
4 afforded an opportunity to demonstrate that he or she can
5 resume the competent practice of social work with reasonable
6 skill and safety.

7 (b) Board action.--When the board finds that the license or
8 application for license of any person may be refused, revoked,
9 restricted or suspended under the terms of subsection (a), the
10 board may:

11 (1) Deny the application for a license.

12 (2) Administer a public reprimand.

13 (3) Revoke, suspend, limit or otherwise restrict a
14 license as determined by the board.

15 (4) Require a licensee to submit to the care, counseling
16 or treatment of a physician designated by the board.

17 (5) Suspend enforcement of its findings thereof and
18 place a licensee on probation with the right to vacate the
19 probationary order for noncompliance.

20 (6) Restore a suspended license to practice social work
21 and impose any disciplinary or corrective measure which it
22 might originally have imposed.

23 (c) Hearing.--All actions of the board shall be taken
24 subject to the right of notice, hearing and adjudication and the
25 right of appeal therefrom in accordance with Title 2 of the
26 Pennsylvania Consolidated Statutes (relating to administrative
27 law and procedure).

28 (d) Temporary suspension.--The board shall temporarily
29 suspend a license under circumstances as determined by the board
30 to be an immediate and clear danger to the public health and

1 safety. The board shall issue an order to that effect without a
2 hearing, but upon due notice to the licensee concerned at his or
3 her last known address, which shall include a written statement
4 of all allegations against the licensee. The provisions of
5 subsection (c) shall not apply to temporary suspension. The
6 board shall thereupon commence formal action to suspend, revoke
7 or restrict the license of the person concerned as otherwise
8 provided for in this act. All actions shall be taken promptly
9 and without delay. Within 30 days following the issuance of an
10 order temporarily suspending a license, the board shall conduct,
11 or cause to be conducted, a preliminary hearing to determine
12 that there is a prima facie case supporting the suspension. The
13 licensee whose license has been temporarily suspended may be
14 present at the preliminary hearing and may be represented by
15 counsel, cross-examine witnesses, inspect physical evidence,
16 call witnesses, offer evidence and testimony and make a record
17 of the proceedings. If it is determined that there is not a
18 prima facie case, the suspended license shall be immediately
19 restored. The temporary suspension shall remain in effect until
20 vacated by the board, but in no event longer than 180 days.

21 (e) Automatic suspension.--A license issued under this act
22 shall automatically be suspended upon the legal commitment of a
23 licensee to an institution because of mental incompetence from
24 any cause upon filing with the board of a certified copy of such
25 commitment, conviction of a felony under the act of April 14,
26 1972 (P.L.233, No.64), known as The Controlled Substance, Drug,
27 Device and Cosmetic Act, or conviction of an offense under the
28 laws of another jurisdiction, which, if committed in this
29 Commonwealth, would be a felony under The Controlled Substance,
30 Drug, Device and Cosmetic Act. As used in this section the term

1 "conviction" shall include a judgment, an admission of guilt or
2 a plea of nolo contendere. Automatic suspension under this
3 section shall not be stayed pending an appeal or conviction.
4 Restoration of such license shall be made as provided in this
5 act for revocation or suspension of such license.

6 Section 12. Reinstatement of license.

7 Unless ordered to do so by Commonwealth Court or an appeal
8 therefrom, the board shall not reinstate the license of a person
9 to practice as a social worker pursuant to this act, which has
10 been revoked. Any person whose license has been revoked may
11 apply for reinstatement, after a period of at least five years,
12 but must meet all of the licensing qualifications of this act,
13 including the examination requirement, if he or she desires to
14 practice as a social worker pursuant to this act at any time
15 after such revocation.

16 Section 13. Reporting of multiple licensure.

17 Any licensed social worker of this Commonwealth who is also
18 licensed to practice social work in any other state, territory
19 or country shall report this information to the board on the
20 biennial renewal application. Any disciplinary action taken in
21 any other state, territory or country shall be reported to the
22 board on the biennial renewal application, or within 90 days of
23 disposition, whichever is sooner. Multiple licensure shall be
24 noted by the board on the licensed social worker's record, and
25 such state, territory or country shall be notified by the board
26 of any disciplinary actions taken against said licensed social
27 worker in this Commonwealth.

28 Section 14. Surrender of suspended or revoked license.

29 The board shall require a person whose license or
30 registration has been suspended or revoked to return the license

1 or registration in such manner as the board directs. Failure to
2 do so shall be a misdemeanor of the third degree.

3 Section 15. Impaired professional.

4 (a) Appointment of professional consultant.--The board, with
5 the approval of the commissioner, shall appoint and fix the
6 compensation of a professional consultant who is a licensee of
7 the board, or such other professional as the board may determine
8 with education and experience in the identification, treatment
9 and rehabilitation of persons with physical or mental
10 impairments. Such consultant shall be accountable to the board
11 and shall act as a liaison between the board and treatment
12 programs, such as alcohol and drug treatment programs licensed
13 by the Department of Health, psychological counseling, and
14 impaired professional support groups, which are approved by the
15 board and which provide services to licensees under this act.

16 (b) Subsequent action by board.--The board may defer and
17 ultimately dismiss any of the types of corrective action set
18 forth in this act for an impaired professional so long as the
19 professional is progressing satisfactorily in an approved
20 treatment program, provided that the provisions of this
21 subsection shall not apply to a professional convicted of a
22 felonious act prohibited by the act of April 14, 1972 (P.L.233,
23 No.64), known as The Controlled Substance, Drug, Device and
24 Cosmetic Act, or convicted of, pleaded guilty to, or entered a
25 plea of nolo contendere to a felony relating to a controlled
26 substance in a court of law or the United States or any other
27 state, territory or country. An approved program provider shall,
28 upon request, disclose to the consultant such information in its
29 possession regarding any impaired professional in treatment
30 which the program provider is not prohibited from disclosing by

1 an act of this Commonwealth, another state or the United States.
2 Such requirement of disclosure by an approved program provider
3 shall apply in the case of impaired professionals who enter an
4 agreement in accordance with this section, impaired
5 professionals who are the subject of a board investigation or
6 disciplinary proceeding and impaired professionals who
7 voluntarily enter a treatment program other than under the
8 provisions of this section but who fail to complete the program
9 successfully or to adhere to an aftercare plan developed by the
10 program provider.

11 (c) Agreement.--An impaired professional who enrolls in an
12 approved treatment program shall enter into an agreement with
13 the board under which the professional's license shall be
14 suspended or revoked but enforcement of the suspension or
15 revocation may be stayed for the length of time the professional
16 remains in the program and makes satisfactory progress, complies
17 with the terms of the agreement and adheres to any limitations
18 on his or her practice, imposed by the board to protect the
19 public. Failure to enter into such an agreement shall disqualify
20 the professional from the impaired professional program and
21 shall activate an immediate investigation and disciplinary
22 proceeding by the board.

23 (d) Report by provider.--If, in the opinion of the
24 consultant after consultation with the provider, an impaired
25 professional who is enrolled in an approved treatment program
26 has not progressed satisfactorily, the consultant shall disclose
27 to the board all information in his or her possession relevant
28 to the issue of impairment regarding said professional, and the
29 board shall institute proceedings to determine if the stay of
30 the enforcement of the suspension or revocation of the impaired

1 professional's license shall be vacated.

2 (e) Immunity.--An approved program provider who makes a
3 disclosure pursuant to this section shall not be subject to
4 civil liability for such disclosure or its consequences.

5 (f) Reports by others.--Any hospital or health care
6 facility, peer or colleague who has substantial evidence that a
7 professional has an active addictive disease for which the
8 professional is not receiving treatment, is diverting a
9 controlled substance or is mentally or physically incompetent to
10 carry out the duties of his or her license shall make or cause
11 to be made a report to the board, provided that any person or
12 facility who acts in a treatment capacity to an impaired
13 professional in an approved treatment program is exempt from the
14 mandatory reporting requirements of this subsection. Any person
15 or facility who reports pursuant to this section in good faith
16 and without malice shall be immune from any civil or criminal
17 liability arising from such report. Failure to provide such
18 report within a reasonable time from receipt of knowledge of
19 impairment shall subject the person or facility to a fine not to
20 exceed \$1,000. The board shall levy this penalty only after
21 affording the accused party the opportunity for a hearing, as
22 provided in Title 2 of the Pennsylvania Consolidated Statutes
23 (relating to administrative law and procedure).

24 Section 16. Restrictions on the use of title "Licensed Social
25 Worker."

26 Only individuals who have received a license under this act
27 may style themselves as licensed social workers and use the
28 letters "L.S.W." in connection with their names, and it shall be
29 unlawful for an individual to style himself or herself as a
30 licensed social worker or use any words or symbols indicating or

1 tending to indicate that he or she is a licensed social worker
2 without holding a license in good standing under this act.

3 Section 17. Penalties.

4 (a) Criminal penalties.--A person who violates this act
5 commits a misdemeanor of the third degree and shall, upon
6 conviction, be sentenced to pay a fine of up to \$1,000 or to
7 imprisonment for not more than 90 days, or both.

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

21 (c) Disposition.--All fines and civil penalties imposed in
22 accordance with this section shall be paid into the Professional
23 Licensure Augmentation Account.

24 Section 18. License renewal; records and fees.

25 (a) Renewal term.--Renewal of license shall be on a biennial
26 basis. The board may by regulation require evidence of
27 professional activity or continuing education as a condition of
28 license renewal. No credit shall be given for any course in
29 office management or practice building.

30 (b) Records.--A record of all persons licensed to practice

1 as social workers in Pennsylvania shall be kept in the office of
2 the board and shall be open to public inspection and copying
3 upon payment of a nominal fee for copying the record.

4 (c) Fees.--

5 (1) All fees required pursuant to this act shall be
6 fixed by the board by regulation and shall be subject to the
7 act of June 25, 1982 (P.L.633, No.181), known as the
8 Regulatory Review Act. If the revenues raised by fees, fines
9 and civil penalties imposed pursuant to this act are not
10 sufficient to meet expenditures over a two-year period, the
11 board shall increase those fees by regulation so that the
12 projected revenues will meet or exceed projected
13 expenditures.

14 (2) If the Bureau of Professional and Occupational
15 Affairs determines that the fees established by the board
16 pursuant to paragraph (c)(1) are inadequate to meet the
17 minimum enforcement efforts required by this act, then the
18 bureau, after consultation with the board and subject to the
19 Regulatory Review Act, shall increase the fees by regulation
20 in an amount so that adequate revenues are raised to meet the
21 required enforcement effort.

22 Section 19. Subpoenas.

23 (a) Power to issue.--The board shall have the authority to
24 issue subpoenas, upon application of an attorney responsible for
25 representing the Commonwealth in disciplinary matters before the
26 board, for the purpose of investigating alleged violations of
27 the disciplinary provisions administered by the board. The board
28 shall have the power to subpoena witnesses, to administer oaths,
29 to examine witnesses and to take such testimony or compel the
30 production of such books, records, papers and documents as it

1 may deem necessary or proper in, and pertinent to, any
2 proceeding, investigation or hearing, held or had by it. Client
3 records may not be subpoenaed without consent of the client or
4 without order of a court of competent jurisdiction on a showing
5 that the records are reasonably necessary for the conduct of the
6 investigation. The court may impose such limitations on the
7 scope of the subpoena as are necessary to prevent unnecessary
8 intrusion into client confidential information. The board is
9 authorized to apply to Commonwealth Court to enforce its
10 subpoenas.

11 (b) Notification of board.--An attorney responsible for
12 representing the Commonwealth in disciplinary matters before the
13 board shall notify the board immediately upon receiving
14 notification of an alleged violation of this act. The board
15 shall maintain current records of all reports of alleged
16 violations and periodically review the records for the purpose
17 of determining that each alleged violation has been resolved in
18 a timely manner.

19 Section 20. Unlawful practice.

20 (a) Unlawful practice prohibited.--It shall be unlawful for
21 any person to hold himself or herself forth as a licensed social
22 worker without possessing a valid, unexpired, unrevoked and
23 unsuspended license issued under this act.

24 (b) Injunction.--Unlawful practice may be enjoined by the
25 courts upon petition of the commissioner or the board. In any
26 proceeding under this section, it shall not be necessary to show
27 that any person is individually injured by the actions
28 complained of. If the court finds that the respondent has
29 violated this section, it shall enjoin him or her from so
30 practicing until he or she has been duly licensed. Procedure in

1 such cases shall be the same as in any other injunction suit.

2 (c) Remedy cumulative.--The injunctive remedy provided in
3 this section shall be in addition to any other civil or criminal
4 prosecution and punishment.

5 Section 21. Appropriation.

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

15 Section 22. Severability.

16 The provisions of this act are severable. If any provision of
17 this act or its application to any person or circumstance is
18 held invalid, the invalidity shall not affect other provisions
19 or applications of this act which can be given effect without
20 the invalid provision or application.

21 Section 23. Effective date.

22 This act shall take effect as follows:

23 (1) Section 20 of this act shall take effect in 18
24 months.

25 (2) The remainder of this act shall take effect in 60
26 days.