

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1693 Session of 2007

INTRODUCED BY GERGELY, CALTAGIRONE, CAPPELLI, FRANKEL, GOODMAN, JOSEPHS, KORTZ, KULA, LONGIETTI, MAHONEY, MCGEEHAN, READSHAW, SHIMKUS, SOLOBAY, YOUNGBLOOD AND SIPTROTH, JULY 13, 2007

AS REPORTED FROM COMMITTEE ON PROFESSIONAL LICENSURE, HOUSE OF REPRESENTATIVES, AS AMENDED, OCTOBER 17, 2007

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 DEFINING "PRACTICE OF SOCIAL WORK"; DEFINING "SOCIAL WORKER";
5 providing for endorsement of out-of-State licenses; AND <—
6 FURTHER PROSCRIBING UNLAWFUL PRACTICE.

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

9 ~~Section 1. The act of July 9, 1987 (P.L.220, No.39), known <—
10 as the Social Workers, Marriage and Family Therapists and
11 Professional Counselors Act, is amended by adding a section to
12 read:~~

13 SECTION 1. THE DEFINITION OF "PRACTICE OF SOCIAL WORK" IN <—
14 SECTION 3 OF THE ACT OF JULY 9, 1987 (P.L.220, NO.39), KNOWN AS
15 THE SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND
16 PROFESSIONAL COUNSELORS ACT, AMENDED DECEMBER 21, 1998
17 (P.L.1017, NO.136), IS AMENDED AND THE SECTION IS AMENDED BY
18 ADDING A DEFINITION TO READ:

19 SECTION 3. DEFINITIONS.

1 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL  
2 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
3 CONTEXT CLEARLY INDICATES OTHERWISE:

4 \* \* \*

5 "PRACTICE OF SOCIAL WORK." [HOLDING ONESELF OUT TO THE  
6 PUBLIC BY ANY TITLE OR DESCRIPTION OF SERVICES INCORPORATING THE  
7 TERM "LICENSED SOCIAL WORKER," OR USING ANY WORDS OR SYMBOLS  
8 INDICATING OR TENDING TO INDICATE THAT HE OR SHE IS A LICENSED  
9 SOCIAL WORKER AND, UNDER SUCH DESCRIPTION, OFFERING] OFFERING TO  
10 RENDER OR RENDERING A SERVICE IN WHICH A SPECIAL KNOWLEDGE OF  
11 SOCIAL RESOURCES, HUMAN PERSONALITY AND CAPABILITIES AND  
12 THERAPEUTIC TECHNIQUES IS DIRECTED AT HELPING PEOPLE TO ACHIEVE  
13 ADEQUATE AND PRODUCTIVE PERSONAL, INTERPERSONAL AND SOCIAL  
14 ADJUSTMENTS IN THEIR INDIVIDUAL LIVES, IN THEIR FAMILIES AND IN  
15 THEIR COMMUNITY[.] OR HOLDING ONESELF OUT TO THE PUBLIC BY ANY  
16 TITLE OR DESCRIPTION OF SERVICES INCORPORATING THE TERM "SOCIAL  
17 WORKER" OR USING ANY WORDS OR SYMBOLS INDICATING OR TENDING TO  
18 INDICATE THAT ONE IS A SOCIAL WORKER, EXCEPT AS OTHERWISE  
19 PROVIDED BY THIS ACT.

20 \* \* \*

21 "SOCIAL WORKER." A PERSON WHO HOLDS A CURRENT LICENSE UNDER  
22 THIS ACT OR HAS RECEIVED A BACHELORS, MASTERS OR DOCTORAL DEGREE  
23 FROM AN ACCREDITED SCHOOL OR PROGRAM OF SOCIAL WORK OR SOCIAL  
24 WELFARE.

25 SECTION 2. THE ACT IS AMENDED BY ADDING A SECTION TO READ:  
26 Section 10.1. Endorsement of out-of-State licenses.

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

1           (1) The applicant is of good moral character.

2           (2) The applicant holds a master's degree in social work  
3 or social welfare or a doctoral degree in social work from an  
4 accredited school of social work as recognized by the board  
5 and has passed a clinical social work examination acceptable  
6 to the board.

7           (3) The applicant holds a clinical social work license  
8 that is in good standing from another state.

9           (4) The applicant has, at a minimum, been actively  
10 engaged in the practice of clinical social work for five of  
11 the last seven years immediately preceding the filing of the  
12 application for licensure by endorsement with the board.

13           (5) The applicant has completed a minimum of 3,000 hours  
14 of supervised clinical experience acceptable to the board.

15           (6) The applicant has submitted an application  
16 accompanied by the application fee.

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

23           (i) at least ten years have elapsed from the date of  
24 conviction;

25           (ii) the applicant satisfactorily demonstrates to  
26 the board that the applicant has made significant  
27 progress in personal rehabilitation since the conviction  
28 such that licensure of the applicant should not be  
29 expected to create a substantial risk of harm to the  
30 health and safety of the applicant's clients or the

1 public or a substantial risk of further criminal  
2 violation; and

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

5 As used in this paragraph, the term "convicted" includes a  
6 judgment, an admission of guilt or a plea of nolo contendere.

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

12 (1) The applicant is of good moral character.

13 (2) The applicant meets the educational requirements as  
14 specified in section 7(e)(2).

15 (3) The applicant has completed a minimum of 3,000 hours  
16 of supervised clinical experience acceptable to the board.

17 (4) The applicant holds a marriage and family therapy  
18 license that is in good standing from another state.

19 (5) The applicant has, at a minimum, been actively  
20 engaged in the practice of marriage and family therapy for  
21 five of the last seven years immediately preceding the filing  
22 of the application for licensure by endorsement with the  
23 board.

24 (6) The applicant has submitted an application  
25 accompanied by the application fee.

26 (7) The applicant has not been convicted of a felony  
27 under The Controlled Substance, Drug, Device and Cosmetic  
28 Act, or of an offense under the laws of another jurisdiction,  
29 which, if committed in this Commonwealth, would be a felony  
30 under The Controlled Substance, Drug, Device and Cosmetic

1 Act, unless:

2 (i) at least ten years have elapsed from the date of  
3 conviction;

4 (ii) the applicant satisfactorily demonstrates to  
5 the board that the applicant has made significant  
6 progress in personal rehabilitation since the conviction,  
7 such that licensure of the applicant should not be  
8 expected to create a substantial risk of harm to the  
9 health and safety of the applicant's clients or the  
10 public or a substantial risk of further criminal  
11 violation; and

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

14 As used in this paragraph, the term "convicted" shall include  
15 a judgment, admission of guilt or a plea of nolo contendere.

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

21 (1) The applicant is of good moral character.

22 (2) The applicant meets the educational requirements as  
23 specified in section 7(f)(2).

24 (3) The applicant has completed a minimum of 3,000 hours  
25 of supervised clinical experience acceptable to the board.

26 (4) The applicant holds a professional counselor license  
27 that is in good standing from another state.

28 (5) The applicant has, at a minimum, been actively  
29 engaged in the practice of professional counselor work for  
30 five of the last seven years immediately preceding the filing

1 of the application for licensure by endorsement with the  
2 board.

3 (6) The applicant has submitted an application  
4 accompanied by the application fee.

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

11 (i) at least ten years have elapsed from the date of  
12 conviction;

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

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

23 As used in this paragraph, the term "convicted" shall include  
24 a judgment, admission of guilt or a plea of nolo contendere.

25 SECTION 3. SECTION 20 OF THE ACT IS AMENDED BY ADDING A <—

26 SUBSECTION TO READ:

27 SECTION 20. UNLAWFUL PRACTICE.

28 \* \* \*

29 (A.1) TITLE.--IT SHALL BE UNLAWFUL FOR AN INDIVIDUAL TO HOLD  
30 ONESELF OUT AS A SOCIAL WORKER, USE THE TITLE OF "SOCIAL WORKER"

1 OR USE THE ABBREVIATION OF "S.W." WITHOUT MEETING THE DEFINITION  
2 OF "SOCIAL WORKER." THIS SUBSECTION INCLUDES ADVERTISING AS A  
3 SOCIAL WORKER AND ADOPTING OR USING ANY TITLE OR DESCRIPTION, OR  
4 A DERIVATIVE THEREOF AND THEIR RELATED ABBREVIATIONS, WHICH  
5 IMPLIES DIRECTLY OR INDIRECTLY THAT THE INDIVIDUAL IS A SOCIAL  
6 WORKER.

7 \* \* \*

8 SECTION 4. THE STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND  
9 FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS AND THE DEPARTMENT  
10 OF HEALTH SHALL PROMULGATE REGULATIONS TO IMPLEMENT THE  
11 AMENDMENT OR ADDITION OF SECTIONS 3, 10.1 AND 20(A.1) OF THE ACT  
12 WITHIN THREE YEARS OF THE EFFECTIVE DATE OF THIS ACT.

13 Section ~~2~~ 5. This act shall take effect in 60 days.

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