

---

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, SIPTROTH AND SEIP,  
JULY 13, 2007

---

SENATOR TOMLINSON, CONSUMER PROTECTION AND PROFESSIONAL  
LICENSURE, IN SENATE, AS AMENDED, MARCH 11, 2008

---

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 FURTHER PROVIDING FOR QUALIFICATIONS FOR LICENSE; providing ←  
6 for endorsement of out-of-State licenses; and further  
7 proscribing unlawful practice.

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

10 Section 1. The definition of "practice of social work" in  
11 section 3 of the act of July 9, 1987 (P.L.220, No.39), known as  
12 the Social Workers, Marriage and Family Therapists and  
13 Professional Counselors Act, amended December 21, 1998  
14 (P.L.1017, No.136), is amended and the section is amended by  
15 adding a definition to read:

16 Section 3. Definitions.

17 The following words and phrases when used in this act shall  
18 have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 \* \* \*

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

18 \* \* \*

19 "Social worker." A person who holds a current license under  
20 this act or has received a bachelors, masters or doctoral degree  
21 from an accredited school or program of social work or social  
22 welfare.

23 SECTION 1.1. SECTION 7(D) OF THE ACT, AMENDED DECEMBER 21, <—  
24 1998 (P.L.1017, NO.136), IS AMENDED TO READ:

25 SECTION 7. QUALIFICATIONS FOR LICENSE.

26 \* \* \*

27 (D) CLINICAL SOCIAL WORK LICENSE.--AN APPLICANT SHALL BE  
28 QUALIFIED FOR A LICENSE TO HOLD ONESELF OUT AS A LICENSED  
29 CLINICAL SOCIAL WORKER IF THE APPLICANT SUBMITS PROOF  
30 SATISFACTORY TO THE BOARD THAT ALL OF THE FOLLOWING APPLY:

1 (1) THE APPLICANT IS OF GOOD MORAL CHARACTER.

2 (2) THE APPLICANT HAS SUCCESSFULLY MET BOTH OF THE  
3 FOLLOWING REQUIREMENTS:

4 (I) HOLDS A MASTER'S DEGREE IN SOCIAL WORK OR SOCIAL  
5 WELFARE OR A DOCTORAL DEGREE IN SOCIAL WORK FROM AN  
6 ACCREDITED SCHOOL OF SOCIAL WORK AS RECOGNIZED BY THE  
7 BOARD.

8 (II) IS LICENSED UNDER THIS ACT AS A SOCIAL WORKER.

9 (3) THE APPLICANT HAS COMPLETED AT LEAST THREE YEARS OR  
10 [3,600] 3,000 HOURS OF SUPERVISED CLINICAL EXPERIENCE  
11 ACCEPTABLE TO THE BOARD AS DETERMINED BY REGULATION AFTER  
12 COMPLETION OF THE MASTER'S DEGREE IN SOCIAL WORK.

13 (4) THE APPLICANT HAS PASSED A CLINICAL SOCIAL WORK  
14 EXAMINATION ADOPTED BY THE BOARD.

15 (5) THE APPLICANT HAS SUBMITTED AN APPLICATION  
16 ACCOMPANIED BY THE APPLICATION FEE.

17 (6) THE APPLICANT HAS NOT BEEN CONVICTED OF A FELONY  
18 UNDER THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT  
19 OR OF AN OFFENSE UNDER THE LAWS OF ANOTHER JURISDICTION WHICH  
20 IF COMMITTED IN THIS COMMONWEALTH WOULD BE A FELONY UNDER THE  
21 CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT UNLESS:

22 (I) AT LEAST TEN YEARS HAVE ELAPSED FROM THE DATE OF  
23 CONVICTION;

24 (II) THE APPLICANT SATISFACTORILY DEMONSTRATED TO  
25 THE BOARD THAT THE APPLICANT HAS MADE SIGNIFICANT  
26 PROGRESS IN PERSONAL REHABILITATION SINCE THE CONVICTION  
27 SUCH THAT LICENSURE OF THE APPLICANT SHOULD NOT BE  
28 EXPECTED TO CREATE A SUBSTANTIAL RISK OF HARM TO THE  
29 HEALTH AND SAFETY OF CLIENTS OR THE PUBLIC OR A  
30 SUBSTANTIAL RISK OF FURTHER CRIMINAL VIOLATIONS; AND

1 (III) THE APPLICANT OTHERWISE SATISFIES THE  
2 QUALIFICATIONS CONTAINED IN OR AUTHORIZED BY THIS ACT.  
3 AS USED IN THIS PARAGRAPH, THE TERM "CONVICTED" INCLUDES A  
4 JUDGMENT, AN ADMISSION OF GUILT OR A PLEA OF NOLO CONTENDERE.

5 \* \* \*

6 Section 2. The act is amended by adding a section to read:

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

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

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

13 (2) The applicant holds a master's degree in social work  
14 or social welfare or a doctoral degree in social work from an  
15 accredited school of social work as recognized by the board  
16 and has passed a clinical social work examination acceptable  
17 to the board.

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

20 ~~(4) The applicant has, at a minimum, been actively~~ <—  
21 ~~engaged in the practice of clinical social work for five of~~  
22 ~~the last seven years immediately preceding the filing of the~~  
23 ~~application for licensure by endorsement with the board.~~

24 ~~(5) (4) The applicant has completed a minimum of 3,000~~ <—  
25 ~~hours of supervised clinical experience acceptable to the~~  
26 ~~board.~~

27 ~~(6) (5) The applicant has submitted an application~~ <—  
28 ~~accompanied by the application fee.~~

29 ~~(7) (6) The applicant has not been convicted of a felony~~ <—  
30 ~~under the act of April 14, 1972 (P.L.233, No.64), known as~~

1 The Controlled Substance, Drug, Device and Cosmetic Act, or  
2 an offense under the laws of another jurisdiction, which, if  
3 committed in this Commonwealth, would be a felony under The  
4 Controlled Substance, Drug, Device and Cosmetic Act, unless:

5 (i) at least ten years have elapsed from the date of  
6 conviction;

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

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

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

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

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

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

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

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

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

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

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

14           (i) at least ten years have elapsed from the date of  
15 conviction;

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

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

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

28           (c) Professional counselor license.--The board may issue a  
29 professional counselor license without examination to an  
30 applicant holding a professional counselor license in another

1 state who submits proof satisfactory to the board of all of the  
2 following:

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

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

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

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

10 (5) The applicant has, at a minimum, been actively  
11 engaged in the practice of professional counselor work for  
12 five of the last seven years immediately preceding the filing  
13 of the application for licensure by endorsement with the  
14 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 Controlled Substance, Drug, Device and Cosmetic  
19 Act, or of an offense under the laws of another jurisdiction,  
20 which, if committed in this Commonwealth, would be a felony  
21 under The Controlled Substance, Drug, Device and Cosmetic  
22 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 violations; 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" shall include  
6 a judgment, admission of guilt or a plea of nolo contendere.

7 Section 3. Section 20 of the act is amended by adding a  
8 subsection to read:

9 Section 20. Unlawful practice.

10 \* \* \*

11 (a.1) Title.--It shall be unlawful for an individual to hold  
12 oneself out as a social worker, use the title of "social worker"  
13 or use the abbreviation of "S.W." without meeting the definition  
14 of "social worker." This subsection includes advertising as a  
15 social worker and adopting or using any title or description, ~~or~~ <—  
16 a derivative thereof OF SERVICES INCORPORATING THE TERM "SOCIAL <—  
17 WORKER" and their related abbreviations, which implies directly  
18 or indirectly that the individual is a social worker. THIS <—  
19 SUBSECTION SHALL NOT APPLY TO THE FOLLOWING INDIVIDUALS:

20 (1) AN INDIVIDUAL EMPLOYED BY THE COMMONWEALTH IN A  
21 SOCIAL WORK POSITION ON THE EFFECTIVE DATE OF THIS  
22 SUBSECTION, DURING THE TIME OF EMPLOYMENT BY THE  
23 COMMONWEALTH.

24 (2) AN INDIVIDUAL EMPLOYED AS A SCHOOL SOCIAL WORKER IN  
25 A PUBLIC OR PRIVATE SCHOOL IN THIS COMMONWEALTH ON OR BEFORE  
26 THE EFFECTIVE DATE OF THIS SUBSECTION, DURING THE TIME OF  
27 EMPLOYMENT AS A SCHOOL SOCIAL WORKER.

28 \* \* \*

29 Section 4. The State Board of Social Workers, Marriage and  
30 Family Therapists and Professional Counselors and the Department



1 of Health shall promulgate regulations to implement the  
2 amendment or addition of sections 3, 10.1 and 20(a.1) of the act  
3 within three years of the effective date of this act.

4 Section 5. This act shall take effect in 60 days.