
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1250 Session of
2009

INTRODUCED BY GERGELY, SEIP, BELFANTI, BRENNAN, D. COSTA,
DeLUCA, DONATUCCI, FRANKEL, GALLOWAY, PAYTON, SIPTROTH,
STURLA, VULAKOVICH AND WALKO, APRIL 13, 2009

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, APRIL 13, 2009

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 providing for definitions, for license required, for
5 reciprocity, for restrictions on the use of title "licensed
6 social worker," for restrictions on the use of title
7 "licensed clinical social worker," for restrictions on the
8 use of title "licensed marriage and family therapist" and for
9 restrictions on the use of title "licensed professional
10 counselor"; prohibiting unlicensed practice; further
11 providing for penalties; and further prohibiting unlawful
12 practice.

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

15 Section 1. Section 3 of the act of July 9, 1987 (P.L.220,
16 No.39), known as the Social Workers, Marriage and Family
17 Therapists and Professional Counselors Act, amended December 21,
18 1998 (P.L.1017, No.136), February 13, 2002 (P.L.83, No.4) and
19 July 9, 2008 (P.L.929, No.68), is amended to read:

20 Section 3. Definitions.

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

1 context clearly indicates otherwise:

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

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

12 "Clinical mental health services." The provision of
13 therapeutic skills, knowledge and activities, by those licensed
14 under this act, in the differential diagnosis and treatment of
15 psychosocial function, disability, disturbances or maladaptive
16 behavior including addictions, emotional, mental and behavioral
17 disorders.

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

20 "Licensed clinical social worker." A social worker who holds
21 a current clinical license under this act.

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

25 "Licensed professional counselor." An individual who engages
26 in the practice of professional counseling and who holds a
27 current license under this act.

28 "Licensed social worker." A social worker who holds a
29 current license under this act.

30 "Practice of clinical social work." [Holding oneself out to

1 the public by any title or description of services incorporating
2 the term "licensed clinical social worker" or using any words or
3 symbols indicating or tending to indicate that one is a licensed
4 clinical social worker and under such description offering to
5 render or rendering a service in which a special knowledge of
6 social resources, human personality and capabilities and
7 therapeutic techniques is directed at helping people to achieve
8 adequate and productive personal, interpersonal and social
9 adjustments in their individual lives, in their families and in
10 their community. The term includes person and environment
11 perspectives, systems theory and cognitive/behavioral theory, to
12 the assessment and treatment of psychosocial disability and
13 impairment, including mental and emotional disorders,
14 developmental disabilities and substance abuse. The term
15 includes the application of social work methods and theory. The
16 term includes the practice of social work plus additional
17 concentrated training and study as defined by the board by
18 regulation.] The use of scientific and applied knowledge,
19 theories, and methods for the purpose of describing, preventing,
20 evaluating and treating individual, couple, marital, family or
21 group behavior, based on the person-in-environment perspective
22 of psychosocial development, normal and abnormal behavior,
23 psychopathology, unconscious motivation, interpersonal
24 relationships, environmental stress, differential assessment,
25 differential planning and data gathering. The purpose of such
26 services is the prevention and treatment of undesired behavior
27 and enhancement of mental health. The practice of clinical
28 social work includes methods used to evaluate, assess, diagnose,
29 treat, and prevent emotional and mental disorders, addiction,
30 dysfunctions, whether cognitive, affective or behavioral, and

1 behavioral disorders.

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

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

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

20 (2) The evaluation, diagnosis and assessment of normal
21 and abnormal mental, emotional, social, educational,
22 vocational, family and behavioral functioning throughout the
23 life span; individual, group, family counseling and
24 psychotherapy; crisis intervention, career counseling and
25 educational and vocational counseling; functional assessment
26 of persons with disabilities; and professional consulting.

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

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

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

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

17 Section 2. Sections 4, 10, 16, 16.1, 16.2 and 16.3 of the
18 act, amended or added December 21, 1998 (P.L.1017, No.136), are
19 amended to read:

20 Section 4. License required.

21 It shall be unlawful for any person to hold himself or
22 herself forth as a licensed social worker, licensed clinical
23 social worker, licensed marriage and family therapist or
24 licensed professional counselor or to practice psychotherapy
25 unless he or she shall first have obtained a license pursuant to
26 this act.

27 Section 10. Reciprocity.

28 (a) General rule.--The board shall have the power to grant a
29 reciprocal license to an applicant who is licensed or certified
30 as a social worker, clinical social worker, marriage and family

1 therapist or professional counselor in another state and has
2 demonstrated qualifications which equal or exceed those required
3 pursuant to this act in the determination of the board, provided
4 that no license shall be granted under this section to an
5 applicant unless the state in which the applicant is licensed
6 affords reciprocal treatment to persons who are residents of
7 this Commonwealth and who are licensed pursuant to this act.

8 (b) Emergencies.--The board shall have the power to allow
9 individuals who are licensed or certified as a social worker,
10 clinical social worker, marriage and family therapist or
11 professional counselor in another state to practice in this
12 Commonwealth without licensure for no more than 60 days as part
13 of a relief effort related to a state of emergency as declared
14 by the Governor or Federal Government.

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

17 Only individuals who have received licenses as licensed
18 social workers under this act may style themselves as licensed
19 social workers and use the letters "L.S.W." in connection with
20 their names, and it shall be unlawful for an individual to style
21 himself or herself as a licensed social worker, advertise or
22 offer to engage in the practice of social work or use any words
23 or symbols indicating or tending to indicate that he or she is a
24 licensed social worker without holding a license in good
25 standing under this act.

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

28 Only individuals who have received licenses as licensed
29 clinical social workers under this act may style themselves as
30 licensed clinical social workers and use the letters "L.C.S.W."

1 in connection with their names. It shall be unlawful for an
2 individual to style oneself as a licensed clinical social
3 worker, advertise or offer to engage in the practice of clinical
4 social work or use any words or symbols indicating or tending to
5 indicate that the individual is a licensed clinical social
6 worker without holding a license in good standing under this
7 act.

8 Section 16.2. Restriction on the use of title "Licensed
9 Marriage and Family Therapist."

10 Only individuals who have received licenses as licensed
11 marriage and family therapists under this act may style
12 themselves as licensed marriage and family therapists and use
13 the letters "L.M.F.T." in connection with their names. It shall
14 be unlawful for an individual to style oneself as a licensed
15 marriage and family therapist, advertise or offer to engage in
16 the practice of marriage and family therapist or use any words
17 or symbols indicating or tending to indicate that the individual
18 is a licensed marriage and family therapist without holding a
19 license in good standing under this act.

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

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

1 standing under this act.

2 Section 3. The act is amended by adding a section to read:

3 Section 16.4 Unlicensed practice prohibited.

4 No person shall practice as a licensed social worker,
5 licensed clinical social worker, licensed marriage and family
6 therapist or licensed professional counselor in this
7 Commonwealth unless the person holds a valid license to do so as
8 provided in this act. The provisions of this section shall not
9 apply to the following persons:

10 (1) A person who is currently licensed, certified or
11 regulated pursuant to another professional licensure law of
12 this Commonwealth and who provides services within the
13 person's scope of practice.

14 (2) A person authorized to perform these services
15 pursuant to the Federal laws as an employee of the government
16 of the United States of America.

17 (3) A rabbi, priest, minister or member of the clergy of
18 any religious denomination or sect if the activities and
19 services that person performs are within the scope of the
20 performance of the regular or specialized ministerial duties
21 of an established and legally recognizable church,
22 denomination or sect and the person performing the services
23 remains accountable to the established authority of the
24 church, denomination or sect.

25 (4) A person employed by the Commonwealth prior to the
26 effective date of this section may continue to deliver mental
27 health services as permitted by the person's current employee
28 classification.

29 (5) A student, intern or trainee who is pursuing a
30 course of study in a master degree program in social work,

1 counseling, marriage and family therapy or a doctoral program
2 in psychology at an accredited institution of higher
3 education or training institution if the person's activities
4 are performed under qualified supervision and are part of the
5 person's supervised course of study.

6 (6) An individual who has earned an educational degree
7 required for licensure under this act working under the
8 supervision of an individual licensed as a psychologist,
9 psychiatrist, social worker, clinical social worker, marriage
10 and family therapist or professional counselor while that
11 individual meets the requirements necessary for licensure.

12 Section 4. Section 17 of the act is amended to read:

13 Section 17. Penalties.

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

18 (a.1) Unlicensed practice of clinical mental health
19 services.--

20 (1) A person who violates this act or regulations of the
21 board by engaging in the unlicensed practice of clinical
22 mental health services or claiming to be licensed to practice
23 clinical mental services under this act commits a misdemeanor
24 of the third degree and, in addition, is subject to a civil
25 penalty of not more than \$500 for each offense. Each day that
26 a violation is committed constitutes a separate offense.

27 (2) All fees received for services described in this
28 subsection shall be refunded by the person convicted under
29 this subsection.

30 (3) The board may sanction a person's failure to timely

1 renew a license while continuing to engage in the practice of
2 clinical mental health services as an administrative
3 violation rather than as a violation of this subsection or
4 grounds for unprofessional conduct and may impose a civil
5 penalty of not more than \$1,000.

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

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

25 Section 5. Section 20(a) of the act, amended December 21,
26 1998 (P.L.1017, No.136), is amended to read:

27 Section 20. Unlawful practice.

28 (a) Unlawful practice prohibited.--It shall be unlawful for
29 any person to engage in the practice of or hold himself or
30 herself out as a licensed social worker, licensed clinical

1 social worker, licensed marriage and family therapist [and] or
2 licensed professional counselor without possessing a valid,
3 unexpired, unrevoked and unsuspended license issued under this
4 act.

5 * * *

6 Section 6. This act shall take effect in 120 days.