

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

AS REPORTED FROM COMMITTEE ON PROFESSIONAL LICENSURE, HOUSE OF
REPRESENTATIVES, AS AMENDED, JANUARY 26, 2010

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~~ ←
5 QUALIFICATIONS FOR LICENSE, for reciprocity, for restrictions ←
6 on the use of title "licensed social worker," for
7 restrictions on the use of title "licensed clinical social
8 worker," for restrictions on the use of title "licensed
9 marriage and family therapist" and for restrictions on the
10 use of title "licensed professional counselor"; prohibiting
11 unlicensed practice; further providing for penalties; and
12 further prohibiting unlawful 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 ←
21 holds a current clinical license under this act] AN INDIVIDUAL ←
22 WHO ENGAGES IN OR OFFERS TO ENGAGE IN THE PRACTICE OF CLINICAL
23 SOCIAL WORK AND WHO HOLDS A CURRENT LICENSE UNDER THIS ACT.

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

27 "Licensed professional counselor." [An individual who ←
28 engages in the practice of professional counseling and who holds
29 a current license under this act] AN INDIVIDUAL WHO ENGAGES IN ←
30 OR OFFERS TO ENGAGE IN THE PRACTICE OF PROFESSIONAL COUNSELING

1 AND WHO HOLDS A CURRENT LICENSE UNDER THIS ACT.

2 "Licensed social worker." [A social worker who holds a
3 current license under this act] AN INDIVIDUAL WHO ENGAGES IN OR
4 OFFERS TO ENGAGE IN THE PRACTICE OF LICENSED SOCIAL WORK AND WHO
5 HOLDS A CURRENT LICENSE UNDER THIS ACT.

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

1 differential planning and data gathering. The purpose of such
2 services is the prevention and treatment of undesired MENTAL OR ←
3 EMOTIONAL behavior and enhancement of mental health. The
4 practice of clinical social work includes PSYCHOTHERAPEUTIC ←
5 methods used to evaluate, assess, ~~diagnose~~, treat, and prevent ←
6 emotional and mental disorders, addiction, AND dysfunctions, ←
7 whether cognitive, affective or behavioral, and behavioral
8 disorders.

9 "PRACTICE OF LICENSED SOCIAL WORK." PROFESSIONAL APPLICATION ←
10 BY THOSE HOLDING A SOCIAL WORK LICENSE UNDER THIS ACT WHOSE
11 PROFESSIONAL APPLICATIONS INCLUDE THEORIES, PRINCIPLES AND
12 METHODS TO PREVENT, EXAMINE, FORMULATE AND IMPLEMENT A PLAN OF
13 ACTION BASED ON CLIENT NEEDS AND STRENGTHS AND INTERVENE TO
14 ADDRESS MENTAL, SOCIAL, EMOTIONAL, BEHAVIORAL, DEVELOPMENTAL AND
15 ADDICTIVE DISORDERS, CONDITIONS AND DISABILITIES, AS WELL AS
16 ADDRESS THE PSYCHOSOCIAL ASPECTS OF ILLNESS AND INJURY
17 EXPERIENCED BY INDIVIDUALS, COUPLES, FAMILIES, GROUPS,
18 COMMUNITIES, ORGANIZATIONS AND SOCIETY. LICENSED SOCIAL WORK MAY
19 ALSO INCLUDE ENGAGING IN THE ADMINISTRATION AND ASSESSMENT OF
20 PSYCHOSOCIAL FUNCTIONING, SOCIAL WORK ADVOCACY, CASE MANAGEMENT,
21 COUNSELING, CONSULTATION, RESEARCH, ADMINISTRATION AND
22 MANAGEMENT AND TEACHING.

23 "Practice of marriage and family therapy." The professional
24 application of psychotherapeutic and family systems theories and
25 techniques to the evaluation, assessment, ~~diagnosis~~ and ←
26 treatment of mental and emotional disorders, whether cognitive,
27 affective or behavioral. The term includes the evaluation and
28 assessment of mental and emotional disorders in the context of
29 significant interpersonal relationships and the delivery of
30 psychotherapeutic services to individuals, couples, families and

1 groups for the purpose of treating such disorders.

2 "Practice of professional counseling." Includes, to the
3 extent compatible with a practitioner's education and
4 professional competence, all of the following:

5 (1) The application of principles and practices of
6 counseling, mental health and human development to evaluate
7 and facilitate human growth and adjustment throughout the
8 life span and to prevent and treat mental, emotional or
9 behavioral disorders and associated stresses which interfere
10 with mental health and normal human growth and development.

11 (2) The evaluation, ~~diagnosis~~ and assessment of normal ←
12 and abnormal mental, emotional, social, educational,
13 vocational, family and behavioral functioning throughout the
14 life span; individual, group, family counseling and
15 psychotherapy; crisis intervention, career counseling and
16 educational and vocational counseling; functional assessment
17 of persons with disabilities; and professional consulting.

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

22 "Practice of social work." Offering to render or rendering a
23 service in which a special knowledge of social resources, human
24 personality and capabilities [and therapeutic techniques] is ←
25 directed at helping [people] INDIVIDUALS, GROUPS OR COMMUNITIES ←
26 to achieve adequate and productive personal, interpersonal and
27 social adjustments in their individual lives, in their families
28 and in their community [or] AND holding oneself out to the ←
29 public by any title or description of services incorporating the
30 term "social worker" or PRACTICING SOCIAL WORK OR using any ←

1 words or symbols indicating or tending to indicate that one is a
2 social worker, except as otherwise provided by this act.

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

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

9 Section 2. Sections ~~4~~ 7(E) (3) AND (F) (3), 10, 16, 16.1, 16.2 ←
10 and 16.3 of the act, amended or added December 21, 1998
11 (P.L.1017, No.136), are amended to read:

12 ~~Section 4. License required.~~ ←

13 ~~It shall be unlawful for any person to hold himself or~~
14 ~~herself forth as a licensed social worker, licensed clinical~~
15 ~~social worker, licensed marriage and family therapist or~~
16 ~~licensed professional counselor or to practice psychotherapy~~
17 ~~unless he or she shall first have obtained a license pursuant to~~
18 ~~this act.~~

19 SECTION 7. QUALIFICATIONS FOR LICENSE. ←

20 * * *

21 (E) MARRIAGE AND FAMILY THERAPIST LICENSE.--AN APPLICANT
22 SHALL BE QUALIFIED TO HOLD ONESELF OUT AS A LICENSED MARRIAGE
23 AND FAMILY THERAPIST IF THE APPLICANT SUBMITS PROOF SATISFACTORY
24 TO THE BOARD THAT ALL OF THE FOLLOWING APPLY:

25 * * *

26 (3) THE APPLICANT HAS COMPLIED WITH THE EXPERIENCE
27 REQUIREMENT AS FOLLOWS:

28 (I) AN INDIVIDUAL MEETING THE EDUCATIONAL
29 REQUIREMENTS OF PARAGRAPH (2) (I) OR (II) MUST HAVE
30 COMPLETED AT LEAST THREE YEARS OR [3,600] 3,000 HOURS OF

1 SUPERVISED CLINICAL EXPERIENCE, ACCEPTABLE TO THE BOARD
2 AS DETERMINED BY REGULATION, OBTAINED AFTER THE
3 COMPLETION OF 48 SEMESTER HOURS OR 72 QUARTER HOURS OF
4 GRADUATE COURSEWORK.

5 (II) AN INDIVIDUAL MEETING THE EDUCATIONAL
6 REQUIREMENTS OF PARAGRAPH (2) (III) MUST HAVE COMPLETED AT
7 LEAST TWO YEARS OR 2,400 HOURS OF SUPERVISED CLINICAL
8 EXPERIENCE, ACCEPTABLE TO THE BOARD AS DETERMINED BY
9 REGULATION, ONE YEAR OR 1,200 HOURS OF WHICH WAS OBTAINED
10 SUBSEQUENT TO THE GRANTING OF THE DOCTORAL DEGREE.

11 * * *

12 (F) PROFESSIONAL COUNSELORS LICENSE.--AN APPLICANT IS
13 QUALIFIED FOR A LICENSE TO HOLD ONESELF OUT AS A LICENSED
14 PROFESSIONAL COUNSELOR IF THE APPLICANT SUBMITS PROOF
15 SATISFACTORY TO THE BOARD THAT ALL OF THE FOLLOWING APPLY:

16 * * *

17 (3) THE APPLICANT HAS COMPLIED WITH THE EXPERIENCE
18 REQUIREMENTS AS FOLLOWS:

19 (I) AN INDIVIDUAL MEETING THE EDUCATIONAL
20 REQUIREMENTS OF PARAGRAPH (2) (I) OR (II) MUST HAVE
21 COMPLETED AT LEAST THREE YEARS OR [3,600] 3,000 HOURS OF
22 SUPERVISED CLINICAL EXPERIENCE, ACCEPTABLE TO THE BOARD
23 AS DETERMINED BY REGULATION, OBTAINED AFTER THE
24 COMPLETION OF 48 SEMESTER HOURS OR 72 QUARTER HOURS OF
25 GRADUATE COURSEWORK.

26 (II) AN INDIVIDUAL MEETING THE EDUCATIONAL
27 REQUIREMENTS OF PARAGRAPH (2) (III) MUST HAVE COMPLETED AT
28 LEAST TWO YEARS OR 2,400 HOURS OF SUPERVISED CLINICAL
29 EXPERIENCE, ACCEPTABLE TO THE BOARD AS DETERMINED BY
30 REGULATION, ONE YEAR OR 1,200 HOURS OF WHICH WAS OBTAINED

1 SUBSEQUENT TO THE GRANTING OF THE DOCTORAL DEGREE.

2 * * *

3 Section 10. Reciprocity.

4 (a) General rule.--The board shall have the power to grant a
5 reciprocal license to an applicant who is licensed or certified
6 as a social worker, clinical social worker, marriage and family
7 therapist or professional counselor in another state and has
8 demonstrated qualifications which equal or exceed those required
9 pursuant to this act in the determination of the board, provided
10 that no license shall be granted under this section to an
11 applicant unless the state in which the applicant is licensed
12 affords reciprocal treatment to persons who are residents of
13 this Commonwealth and who are licensed pursuant to this act.

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

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

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

1 good standing under this act.

2 Section 16.1. Restriction on the use of title "Licensed
3 Clinical Social Worker."

4 Only individuals who have received licenses as licensed
5 clinical social workers under this act may style themselves as
6 licensed clinical social workers and use the letters "L.C.S.W."
7 in connection with their names. It shall be unlawful for an
8 individual to style oneself as a licensed clinical social
9 worker, advertise or offer to engage in the practice of clinical
10 social work or use any words or symbols indicating or tending to
11 indicate that the individual is a licensed clinical social
12 worker without holding a license in good standing under this
13 act.

14 Section 16.2. Restriction on the use of title "Licensed
15 Marriage and Family Therapist."

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

26 Section 16.3. Restriction on the use of title "Licensed
27 Professional Counselor."

28 Only individuals who have received licenses as licensed
29 professional counselors under this act may style themselves as
30 licensed professional counselors and use the letters "L.P.C." in

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

8 Section 3. The act is amended by adding ~~a section~~ SECTIONS ←
9 to read:

10 Section 16.4 Unlicensed practice prohibited.

11 ~~No person shall practice as a licensed social worker,~~ ←
12 ~~licensed clinical social worker, licensed marriage and family~~
13 ~~therapist or licensed professional counselor in this~~
14 ~~Commonwealth unless the person holds a valid license to do so as~~
15 ~~provided in this act. The provisions of this section shall not~~
16 ~~apply to the following persons:~~

17 ~~(1) A person who is currently licensed, certified or~~
18 ~~regulated pursuant to another professional licensure law of~~
19 ~~this Commonwealth and who provides services within the~~
20 ~~person's scope of practice.~~

21 ~~(2) A person authorized to perform these services~~
22 ~~pursuant to the Federal laws as an employee of the government~~
23 ~~of the United States of America.~~

24 ~~(3) A rabbi, priest, minister or member of the clergy of~~
25 ~~any religious denomination or sect if the activities and~~
26 ~~services that person performs are within the scope of the~~
27 ~~performance of the regular or specialized ministerial duties~~
28 ~~of an established and legally recognizable church,~~
29 ~~denomination or sect and the person performing the services~~
30 ~~remains accountable to the established authority of the~~

1 ~~church, denomination or sect.~~

2 ~~(4) A person employed by the Commonwealth prior to the~~
3 ~~effective date of this section may continue to deliver mental~~
4 ~~health services as permitted by the person's current employee~~
5 ~~classification.~~

6 ~~(5) A student, intern or trainee who is pursuing a~~
7 ~~course of study in a master degree program in social work,~~
8 ~~counseling, marriage and family therapy or a doctoral program~~
9 ~~in psychology at an accredited institution of higher~~
10 ~~education or training institution if the person's activities~~
11 ~~are performed under qualified supervision and are part of the~~
12 ~~person's supervised course of study.~~

13 ~~(6)~~

14 NO PERSON SHALL ENGAGE IN THE PRACTICE OF LICENSED SOCIAL
15 WORK, CLINICAL SOCIAL WORK, MARRIAGE AND FAMILY THERAPY OR
16 PROFESSIONAL COUNSELING IN THIS COMMONWEALTH UNLESS THE PERSON
17 HOLDS A VALID LICENSE TO DO SO AS PROVIDED IN THIS ACT. THE
18 PROVISIONS OF THIS SECTION SHALL NOT APPLY TO THE FOLLOWING
19 PERSONS:

20 (1) A PERSON WHO HOLDS A VALID LICENSE OR IS CERTIFIED
21 OR REGULATED PURSUANT TO ANOTHER PROFESSIONAL LICENSURE LAW
22 OR STATE CERTIFICATION OF THIS COMMONWEALTH AND WHO PROVIDES
23 SERVICES WITHIN THE PERSON'S SCOPE OF PRACTICE OR EMPLOYMENT
24 FUNCTIONS, WHICH SHALL INCLUDE A STUDENT, INTERN OR TRAINEE
25 PURSUING A COURSE OF STUDY IN AN OCCUPATION OR PROFESSION
26 GOVERNED BY ANOTHER PROFESSIONAL LICENSURE LAW OR STATE
27 CERTIFICATION OF THIS COMMONWEALTH.

28 (2) A SUPERVISEE PROVIDING PSYCHOLOGICAL SERVICES UNDER
29 THE ACT OF MARCH 23, 1972 (P.L.136, NO.52), KNOWN AS THE
30 PROFESSIONAL PSYCHOLOGISTS PRACTICE ACT.

1 (3) A PERSON AUTHORIZED TO PERFORM THESE SERVICES
2 PURSUANT TO THE FEDERAL LAWS AS AN EMPLOYEE OF THE GOVERNMENT
3 OF THE UNITED STATES OF AMERICA.

4 (4) A MEMBER OF OTHER RECOGNIZED PROFESSIONS, INCLUDING
5 CLERGY, DRUG AND ALCOHOL ABUSE COUNSELORS, MENTAL HEALTH
6 COUNSELORS, CRISIS INTERVENTION COUNSELORS, PASTORAL
7 COUNSELORS, REHABILITATION COUNSELORS, CASE MANAGERS AND
8 PSYCHOANALYSTS, DOING WORK CONSISTENT WITH THE TRAINING AND
9 CODE OF ETHICS OF THEIR RESPECTIVE PROFESSIONS.

10 (5) A PERSON EMPLOYED BY THE COMMONWEALTH OR ANY OF ITS
11 POLITICAL SUBDIVISIONS AS PERMITTED BY THE PERSON'S EMPLOYEE
12 CLASSIFICATION.

13 (6) A STUDENT, INTERN OR TRAINEE WHO IS PURSUING A
14 COURSE OF STUDY IN A PROGRAM IN SOCIAL WORK, COUNSELING,
15 MARRIAGE AND FAMILY THERAPY OR PSYCHOLOGY AT AN ACCREDITED
16 INSTITUTION OF HIGHER EDUCATION OR TRAINING INSTITUTION IF
17 THE PERSON'S ACTIVITIES ARE PERFORMED UNDER QUALIFIED
18 SUPERVISION AND ARE PART OF THE PERSON'S SUPERVISED COURSE OF
19 STUDY.

20 (7) An individual who has earned an educational degree
21 required for licensure under this act working under the
22 supervision of an individual licensed as a psychologist,
23 psychiatrist, social worker, clinical social worker, marriage
24 and family therapist or professional counselor while that
25 individual meets the requirements necessary for licensure.

26 (8) A PERSON WHOSE JOB IS REGULATED BY STATUTES OR
27 REGULATIONS, OR OFFICIAL BULLETINS, OFFICIAL OPINIONS OR
28 OTHER SIMILAR DOCUMENTS ISSUED BY THE FEDERAL OR STATE
29 GOVERNMENT OR A BRANCH THEREOF.

30 (9) EMPLOYEES OF BUSINESS AND INDUSTRIAL ORGANIZATIONS



1 WHO APPLY THE PRINCIPLES OF PSYCHOLOGY TO THE EMPLOYMENT
2 PLACEMENT, EVALUATION, SELECTION, PROMOTION OR JOB ADJUSTMENT
3 OF THEIR OWN OFFICERS OR EMPLOYEES OR THOSE OF ANY ASSOCIATED
4 ORGANIZATION. NO BUSINESS OR INDUSTRIAL FIRM OR CORPORATION
5 MAY SELL OR OFFER TO THE PUBLIC OR TO INDIVIDUALS OR TO OTHER
6 FIRMS OR CORPORATIONS FOR REMUNERATION ANY PSYCHOLOGICAL ACTS
7 OR SERVICES UNLESS SUCH SERVICES ARE PERFORMED BY INDIVIDUALS
8 DULY AND APPROPRIATELY LICENSED.

9 (10) A SCHOOL PSYCHOLOGIST CERTIFIED BY THE DEPARTMENT
10 OF EDUCATION, INCLUDING A SCHOOL PSYCHOLOGIST PERFORMING IN
11 PRIVATE PRACTICE THOSE ACTS WHICH HE IS PERMITTED TO PERFORM
12 IN THE PUBLIC AND PRIVATE SCHOOLS OF THIS COMMONWEALTH.

13 (11) A VOLUNTEER PROVIDING SERVICES IN A FEDERAL OR
14 STATE-DECLARED EMERGENCY.

15 SECTION 16.5. QUALIFIED MEMBERS OF OTHER RECOGNIZED PROFESSIONS.

16 (A) RECOGNIZED PROFESSIONS.--FOR PURPOSES OF DECIDING
17 WHETHER A GIVEN GROUP QUALIFIES AS A RECOGNIZED PROFESSION UNDER
18 SECTION 16.4(4), THE BOARD SHALL BE GUIDED BY THE FOLLOWING
19 CRITERIA:

20 (1) THE GROUP'S ACTIVITY AND FOCUS MUST BE BASED ON AN
21 IDENTIFIABLE BODY OF THEORETICAL KNOWLEDGE WHICH, ALTHOUGH IT
22 MAY INCLUDE AREAS OF COMMON KNOWLEDGE SHARED WITH SOCIAL
23 WORK, MARRIAGE AND FAMILY THERAPY AND PROFESSIONAL
24 COUNSELING, IS DEMONSTRABLY DIFFERENT, IN THE AGGREGATE, FROM
25 THE BODY OF THEORETICAL KNOWLEDGE UNDERLYING SOCIAL WORK,
26 MARRIAGE AND FAMILY THERAPY AND PROFESSIONAL COUNSELING.

27 (2) THE GROUP MUST REGULATE ENTRANCE INTO PROFESSIONAL
28 MEMBERSHIP BY MEANS OF STANDARDS OF KNOWLEDGE, TRAINING AND
29 PROFICIENCY GENERALLY ACCEPTED BY THE PROFESSION WITH WHICH
30 IT IDENTIFIES.

1 (3) THE GROUP'S ACTIVITY MUST BE GUIDED BY GENERALLY
2 ACCEPTED QUALITY STANDARDS, ETHICAL PRINCIPLES AND
3 REQUIREMENTS FOR AN INDEPENDENT PROFESSION.

4 (4) THE GROUP MUST EXHIBIT THE ORDINARY ACCOUTREMENTS OF
5 A PROFESSION, WHICH MAY INCLUDE PROFESSIONAL JOURNALS,
6 REGIONAL AND NATIONAL CONFERENCES, SPECIFIC ACADEMIC
7 CURRICULA AND DEGREES, CONTINUING EDUCATION OPPORTUNITIES,
8 REGIONAL AND NATIONAL CERTIFICATION AND AWARDS FOR
9 OUTSTANDING PRACTICE WITHIN THE PROFESSION.

10 (B) QUALIFIED MEMBERS.--FOR PURPOSES OF DECIDING WHETHER A
11 PERSON DOING WORK UNDER SECTION 16.4(4) IS A QUALIFIED MEMBER OF
12 A RECOGNIZED PROFESSION, THE BOARD SHALL CONSIDER WHETHER THE
13 PERSON IS IN COMPLIANCE WITH THE ACADEMIC, TRAINING AND
14 PROFICIENCY STANDARDS OF THE PROFESSION.

15 (C) SCOPE OF PRACTICE.--FOR PURPOSES OF DECIDING WHETHER A
16 PERSON DOING WORK UNDER SECTION 16.4(4) IS PRACTICING ONLY
17 WITHIN THE SCOPE OF THE RECOGNIZED PROFESSION, THE BOARD SHALL
18 CONSIDER WHETHER THE PROFESSIONAL ACTIVITIES ENGAGED IN ARE
19 GENERALLY ACCEPTED WITHIN THE PROFESSION AS PART OF ITS PRACTICE
20 AND ARE CONSISTENT WITH THE TRAINING AND CODE OF ETHICS OF THE
21 PROFESSION.

22 Section 4. Section ~~17~~ 17(B) of the act is amended to read: ←

23 Section 17. Penalties.

24 ~~(a) Criminal penalties. A person who violates this act~~ ←
25 ~~commits a misdemeanor of the third degree and shall, upon~~
26 ~~conviction, be sentenced to pay a fine of up to \$1,000 or to~~
27 ~~imprisonment for not more than 90 days, or both.~~

28 ~~(a.1) Unlicensed practice of clinical mental health~~
29 ~~services.~~

30 ~~(1) A person who violates this act or regulations of the~~

~~board by engaging in the unlicensed practice of clinical
mental health services or claiming to be licensed to practice
clinical mental services under this act commits a misdemeanor
of the third degree and, in addition, is subject to a civil
penalty of not more than \$500 for each offense. Each day that
a violation is committed constitutes a separate offense.~~

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

~~(3) The board may sanction a person's failure to timely
renew a license while continuing to engage in the practice of
clinical mental health services as an administrative
violation rather than as a violation of this subsection or
grounds for unprofessional conduct and may impose a civil
penalty of not more than \$1,000.~~

* * *

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

1 Pennsylvania Consolidated Statutes (relating to administrative
2 law and procedure).

3 ~~(c) Disposition. All fines and civil penalties imposed in~~ ←
4 ~~accordance with this section shall be paid into the Professional~~
5 ~~Licensure Augmentation Account.~~

6 * * * ←

7 Section 5. Section 20(a) of the act, amended December 21,
8 1998 (P.L.1017, No.136), is amended to read:

9 Section 20. Unlawful practice.

10 (a) Unlawful practice prohibited.--It shall be unlawful for
11 any person to engage in the practice of or hold himself or
12 herself out as a licensed social worker, licensed clinical
13 social worker, licensed marriage and family therapist [and] or
14 licensed professional counselor without possessing a valid,
15 unexpired, unrevoked and unsuspended license issued under this
16 act.

17 * * *

18 SECTION 6. THE STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND ←
19 FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS SHALL PROMULGATE
20 REGULATIONS TO CARRY OUT THIS ACT. PUBLICATION OF THE FINAL-FORM
21 REGULATIONS UNDER THIS SECTION SHALL TAKE PLACE WITHIN 18 MONTHS
22 OF THE EFFECTIVE DATE OF THIS SECTION.

23 Section ~~6~~ 7. This act shall take effect in 120 days. ←