
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1415 Session of
2015

INTRODUCED BY MICCARELLI, FRANKEL, YOUNGBLOOD, MURT, KILLION,
RADER, GROVE, COHEN, WATSON, STURLA, MILNE AND DEASY,
JUNE 26, 2015

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, JUNE 26, 2015

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 reciprocity, for restriction
5 on the use of title "licensed clinical social worker," for
6 penalties and for unlawful practice; and repealing provisions
7 related to appropriation.

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

10 Section 1. Section 3 of the act of July 9, 1987 (P.L.220,
11 No.39), known as the Social Workers, Marriage and Family
12 Therapists and Professional Counselors Act, amended December 21,
13 1998 (P.L.1017, No.136), February 13, 2002 (P.L.83, No.4), July
14 9, 2008 (P.L.929, No.68) and October 22, 2014 (P.L.2884,
15 No.179), is amended 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
19 context clearly indicates otherwise:

20 "Application of social work methods and theory." Includes

1 psychosocial assessment, crisis intervention, case management,
2 client-centered advocacy, psychotherapy and family therapy with
3 individuals, couples, families and groups in an effort to
4 prevent or ameliorate family and personal dysfunction at home,
5 at work and in the community.

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

10 "Client." A person with whom a licensee has established a
11 formal provider-client relationship and to whom the licensee is
12 providing, or has provided, professional services.

13 "Commissioner." The Commissioner of Professional and
14 Occupational Affairs.

15 "Independent practice of clinical social work." The
16 application of clinical social work knowledge and skills by a
17 licensed clinical social worker who regulates and is responsible
18 for his or her own practice and treatment procedures.

19 "Licensed bachelor social worker." A social worker who holds
20 a current bachelor's level license under this act.

21 "Licensed clinical social worker." [A social worker] An
22 individual who engages in or advertises to engage in the
23 practice of clinical social work and who holds a current
24 clinical license under this act.

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

28 "Licensed professional counselor." An individual who engages
29 in the practice of professional counseling and who holds a
30 current license under this act.

1 "Licensed social worker." [A social worker] An individual
2 who engages in or advertises to engage in the practice of social
3 work and who holds a current license under this act.

4 "Practice of bachelor social work." The professional
5 application of social work theory, knowledge, methods,
6 principles, values and ethics to restore or enhance social or
7 psychosocial functioning of individuals, couples, families,
8 groups, organizations and communities. This practice is basic
9 generalist nonclinical practice that includes interviewing,
10 planning, intervention, case management, mediation, supportive
11 counseling, information and referral, problem solving, client
12 education, advocacy, community organization and the development,
13 implementation and administration of policies, programs and
14 activities.

15 "Practice of clinical social work." Holding oneself out to
16 the public by any title or description of services incorporating
17 the term "licensed clinical social worker" or using any words or
18 symbols indicating or tending to indicate that one is a licensed
19 clinical social worker and under such description offering to
20 render or rendering a service in which a special knowledge of
21 social resources, human personality and capabilities and
22 therapeutic techniques is directed at helping people to achieve
23 adequate and productive personal, interpersonal and social
24 adjustments in their individual lives, in their families and in
25 their community. The term includes person and environment
26 perspectives, systems theory and cognitive/behavioral theory, to
27 the assessment, diagnosis and treatment of psychosocial
28 disability and impairment, including mental and emotional
29 disorders, developmental disabilities and substance abuse. The
30 term includes the application of social work methods and theory.

1 The term includes the practice of social work plus additional
2 concentrated training and study as defined by the board by
3 regulation.

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

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

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

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

29 (3) Professional counselors' utilization of verbal and
30 nonverbal approaches and specialization in the use of arts-

1 based therapeutic approaches, such as art, dance, music or
2 drama, to accomplish treatment objectives.

3 "Practice of social work." Offering to render or rendering a
4 service in which a special knowledge of social resources, human
5 personality and capabilities and therapeutic techniques is
6 directed at helping people to achieve adequate and productive
7 personal, interpersonal and social adjustments in their
8 individual lives, in their families and in their community or
9 holding oneself out to the public by any title or description of
10 services incorporating the term "social worker" or using any
11 words or symbols indicating or tending to indicate that one is a
12 social worker, except as otherwise provided by 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. Section 10 of the act, amended October 22, 2014
18 (P.L.2884, No.179), is amended to read:

19 Section 10. Reciprocity.

20 (a) General rule.--The board shall have the power to grant a
21 reciprocal license to an applicant who is licensed or certified
22 as a bachelor social worker, social worker, clinical social
23 worker, marriage and family therapist or professional counselor
24 in another state and has demonstrated qualifications which equal
25 or exceed those required pursuant to this act in the
26 determination of the board, provided that no license shall be
27 granted under this section to an applicant unless the state in
28 which the applicant is licensed affords reciprocal treatment to
29 persons who are residents of this Commonwealth and who are
30 licensed pursuant to this act.

1 (b) Emergencies.--The board shall have the power to allow an
2 individual who is licensed or certified as a clinical social
3 worker in another state to practice in this Commonwealth without
4 licensure for no more than 60 days as part of a relief effort
5 related to a state of emergency as declared by the Federal
6 Government or the Governor.

7 Section 3. Section 16.1 of the act, added December 21, 1998
8 (P.L.1017, No.136), is amended to read:

9 Section 16.1. Restriction on the use of title "Licensed
10 Clinical Social Worker."

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

21 Section 4. Sections 17(b) and 20(a) of the act, amended
22 October 22, 2014 (P.L.2884, No.179), are amended to read:

23 Section 17. Penalties.

24 * * *

25 (b) Civil penalty.--In addition to any other civil remedy or
26 criminal penalty provided for in this act, the board, by a vote
27 of the majority of the maximum number of the authorized
28 membership of the board as provided by law, or by a vote of the
29 majority of the duly qualified and confirmed membership or a
30 minimum of three members, whichever is greater, may levy a civil

1 penalty of up to \$1,000 on any current licensee who violates any
2 provision of this act, on any person who engages in the
3 independent practice of clinical social work without being
4 licensed pursuant to this act or on any person who holds himself
5 or herself out as a licensed bachelor social worker, licensed
6 social worker, licensed clinical social worker, licensed
7 marriage and family therapist or licensed professional counselor
8 without being so licensed pursuant to this act. The board shall
9 levy this penalty only after affording the accused party the
10 opportunity for a hearing, as provided in Title 2 of the
11 Pennsylvania Consolidated Statutes (relating to administrative
12 law and procedure).

13 * * *

14 Section 20. Unlawful practice.

15 (a) Unlawful practice prohibited.--It shall be unlawful for
16 any person to engage in the independent practice of clinical
17 social work or hold himself or herself out as a licensed
18 bachelor social worker, licensed social worker, licensed
19 clinical social worker, marriage and family therapist and
20 professional counselor without possessing a valid, unexpired,
21 unrevoked and unsuspended license issued under this act.

22 * * *

23 Section 5. Section 21 of the act is repealed:

24 [Section 21. Appropriation.

25 The sum of \$85,000, or as much thereof as may be necessary,
26 is hereby appropriated from the Professional Licensure
27 Augmentation Account within the General Fund to the Bureau of
28 Professional and Occupational Affairs in the Department of State
29 for the payment of costs of processing licenses and renewals,
30 for the operation of the board and for other general costs of

1 the bureau operations relating to this act. The appropriation
2 granted shall be repaid by the board within three years of the
3 beginning of issuance of licenses by the board.]

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