

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL****No. 1415** Session of  
2015

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INTRODUCED BY MICCARELLI, FRANKEL, YOUNGBLOOD, MURT, KILLION,  
RADER, GROVE, COHEN, WATSON, STURLA, MILNE, DEASY, ADOLPH,  
HELM, DIGIROLAMO, WHEELAND, MAHONEY, REGAN, DAVIS, KINSEY,  
D. PARKER, HANNA, SANTORA, PHILLIPS-HILL, CARROLL, BULLOCK  
AND CALTAGIRONE, JUNE 26, 2015

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AS REPORTED FROM COMMITTEE ON PROFESSIONAL LICENSURE, HOUSE OF  
REPRESENTATIVES, AS AMENDED, JUNE 6, 2016

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## 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

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

15 "Commissioner." The Commissioner of Professional and  
16 Occupational Affairs.

17 "DIAGNOSIS." THE TERM INCLUDES THE FOLLOWING:

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18 (1) A CLINICAL SOCIAL WORK ASSESSMENT, DEFINED AS THE  
19 PROCESS OF EVALUATION IN WHICH A CLINICAL SOCIAL WORKER  
20 CONDUCTS A DIFFERENTIAL, INDIVIDUALIZED AND ACCURATE  
21 IDENTIFICATION OF THE PSYCHOSOCIAL/BEHAVIORAL PROBLEMS  
22 EXISTING IN THE LIFE OF THE INDIVIDUAL CLIENT, THE FAMILY OR  
23 GROUP FOR THE PURPOSE OF ESTABLISHING A PLAN TO IMPLEMENT A  
24 COURSE OF PSYCHOTHERAPEUTIC COUNSELING. A CLINICAL SOCIAL  
25 WORK ASSESSMENT INCLUDES, BUT IS NOT LIMITED TO, A MENTAL  
26 STATUS EXAMINATION AND A PSYCHOSOCIAL HISTORY.

27 (2) THE UTILIZATION BY A CLINICAL SOCIAL WORKER OF  
28 CURRENTLY ACCEPTED DIAGNOSTIC CLASSIFICATIONS INCLUDING, BUT  
29 NOT LIMITED TO, THE AMERICAN PSYCHIATRIC ASSOCIATION'S  
30 DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS, AS

1 AMENDED AND SUPPLEMENTED, BUT ONLY TO THE EXTENT OF THE  
2 CLINICAL SOCIAL WORKER'S EDUCATION, TRAINING, EXPERIENCE AND  
3 SCOPE OF PRACTICE AS ESTABLISHED BY THIS ACT.

4 "Independent practice of clinical social work." The  
5 application of clinical social work knowledge and skills by a <--  
6 licensed clinical social worker who regulates and is responsible  
7 for his or her own practice and treatment procedures. AN <--

8 INDIVIDUAL:

9 (1) WHO REGULATES AND IS RESPONSIBLE FOR HIS OR HER OWN  
10 PRACTICE AND TREATMENT PROCEDURES; AND

11 (2) WHOSE PRACTICE IS NOT AFFILIATED WITH ANY OTHER  
12 PRACTICE, HEALTH CARE FACILITY, GOVERNMENT AGENCY OR  
13 GOVERNMENT-REGULATED SOCIAL SERVICE AGENCY.

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

16 "Licensed clinical social worker." [A social worker] An  
17 individual who engages in or advertises to engage in the  
18 practice of clinical social work and who holds a current  
19 clinical license under this act.

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

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

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

29 "Practice of bachelor social work." The professional  
30 application of social work theory, knowledge, methods,

1 principles, values and ethics to restore or enhance social or  
2 psychosocial functioning of individuals, couples, families,  
3 groups, organizations and communities. This practice is basic  
4 generalist nonclinical practice that includes interviewing,  
5 planning, intervention, case management, mediation, supportive  
6 counseling, information and referral, problem solving, client  
7 education, advocacy, community organization and the development,  
8 implementation and administration of policies, programs and  
9 activities.

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

29 "Practice of marriage and family therapy." The professional  
30 application of psychotherapeutic and family systems theories and

1 techniques to the evaluation, assessment and treatment of mental  
2 and emotional disorders, whether cognitive, affective or  
3 behavioral. The term includes the evaluation and assessment of  
4 mental and emotional disorders in the context of significant  
5 interpersonal relationships and the delivery of  
6 psychotherapeutic services to individuals, couples, families and  
7 groups for the purpose of treating such disorders.

8 "Practice of professional counseling." Includes, to the  
9 extent compatible with a practitioner's education and  
10 professional competence, all of the following:

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

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

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

28 "Practice of social work." Offering to render or rendering a  
29 service in which a special knowledge of social resources, human  
30 personality and capabilities and therapeutic techniques is

1 directed at helping people to achieve adequate and productive  
2 personal, interpersonal and social adjustments in their  
3 individual lives, in their families and in their community or  
4 holding oneself out to the public by any title or description of  
5 services incorporating the term "social worker" or using any  
6 words or symbols indicating or tending to indicate that one is a  
7 social worker, except as otherwise provided by this act.

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

12 Section 2. Section 10 of the act, amended October 22, 2014  
13 (P.L.2884, No.179), is amended to read:

14 Section 10. Reciprocity.

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

26 (b) Emergencies.--The board shall have the power to allow an  
27 individual who is licensed or certified as a clinical social  
28 worker in another state to practice in this Commonwealth without  
29 licensure for no more than 60 days as part of a relief effort  
30 related to a state of emergency as declared by the Federal

1 Government or the Governor.

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

4 Section 16.1. Restriction on the use of title "Licensed  
5 Clinical Social Worker."

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

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

18 Section 17. Penalties.

19 \* \* \*

20 (b) Civil penalty.--In addition to any other civil remedy or  
21 criminal penalty provided for in this act, the board, by a vote  
22 of the majority of the maximum number of the authorized  
23 membership of the board as provided by law, or by a vote of the  
24 majority of the duly qualified and confirmed membership or a  
25 minimum of three members, whichever is greater, may levy a civil  
26 penalty of up to \$1,000 on any current licensee who violates any  
27 provision of this act, on any person who engages in the  
28 independent practice of clinical social work without being  
29 licensed pursuant to this act or on any person who holds himself  
30 or herself out as a licensed bachelor social worker, licensed

1 social worker, licensed clinical social worker, licensed  
2 marriage and family therapist or licensed professional counselor  
3 without being so licensed pursuant to this act. The board shall  
4 levy this penalty only after affording the accused party the  
5 opportunity for a hearing, as provided in Title 2 of the  
6 Pennsylvania Consolidated Statutes (relating to administrative  
7 law and procedure).

8 \* \* \*

9 Section 20. Unlawful practice.

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

17 \* \* \*

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

19 [Section 21. Appropriation.

20 The sum of \$85,000, or as much thereof as may be necessary,  
21 is hereby appropriated from the Professional Licensure  
22 Augmentation Account within the General Fund to the Bureau of  
23 Professional and Occupational Affairs in the Department of State  
24 for the payment of costs of processing licenses and renewals,  
25 for the operation of the board and for other general costs of  
26 the bureau operations relating to this act. The appropriation  
27 granted shall be repaid by the board within three years of the  
28 beginning of issuance of licenses by the board.]

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