

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 837 Session of 2015

INTRODUCED BY AUMENT, RAFFERTY, SMITH, PILEGGI, HUGHES AND SCAVELLO, MAY 20, 2015

SENATOR TOMLINSON, CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, AS AMENDED, APRIL 5, 2016

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 State Board of Social Workers, Marriage and
5 Family Therapists and Professional Counselors, for
6 restriction on the use of title "Licensed Marriage and Family
7 Therapist" and for penalties.

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

10 Section 1. Sections 5(a) and 16.2 of the act of July 9, 1987
11 (P.L.220, No.39), known as the Social Workers, Marriage and
12 Family Therapists and Professional Counselors Act, amended or
13 added December 21, 1998 (P.L.1017, No.136), are amended to read:

14 Section 5. State Board of Social Workers, Marriage and Family
15 Therapists and Professional Counselors.

16 (a) Creation.--There is hereby created the State Board of
17 Social Workers, Marriage and Family Therapists and Professional
18 Counselors, a departmental administrative board in the
19 Department of State. The board shall consist of 13 members who
20 are citizens of the United States and who have been residents of

1 this Commonwealth for a two-year period, two of whom shall be
2 public members; five of whom shall be licensed social workers,
3 at least one of whom shall be a licensed clinical social worker
4 and at least one of whom shall be a licensed social worker; two
5 of whom shall be licensed marriage and family therapists; two of
6 whom shall be licensed professional counselors; one of whom
7 shall be either a licensed marriage and family therapist or a
8 licensed professional counselor [as hereafter provided] whose
9 membership shall rotate between those professions at the
10 expiration of the member's second term; and one of whom shall be
11 the Commissioner of Professional and Occupational Affairs.

12 * * *

13 Section 16.2. Restriction on the use of title "Licensed
14 Marriage and Family Therapist["], "Marriage and
15 Family Therapist" and related titles.

16 (a) General rule.--Only individuals who have received
17 licenses as [licensed] marriage and family therapists under this
18 act may style themselves as licensed marriage and family
19 therapists, marriage and family therapists, family therapists,
20 marriage therapists, or couples therapists and use the letters
21 "L.M.F.T." or "M.F.T." in connection with their names. It shall
22 be unlawful for an individual to style oneself as a licensed
23 marriage and family therapist, marriage and family therapist,
24 family therapist, marriage therapist, or couples therapist or
25 use any words or symbols indicating or tending to indicate that
26 the individual is a licensed marriage and family therapist
27 without [holding a license] being licensed as a marriage and
28 family therapist in good standing under this act.

29 (b) Nonapplicability.--This section shall not apply to the
30 following:

1 (1) A person employed by the Commonwealth in a marriage
2 and family therapist position on the effective date of this
3 subsection, during the time of employment by the
4 Commonwealth.

5 (2) A person employed as a school marriage and family
6 therapist in a public or private school in this Commonwealth
7 on or before the effective date of this subsection, during
8 the time of employment as a school marriage and family
9 therapist.

10 (3) A person who holds a valid license or is certified
11 or regulated pursuant to another professional licensure law
12 or State certification of this Commonwealth and who is
13 credentialed by the American Association of Marriage and
14 Family Therapists as a Clinical Fellow.

15 (4) A person who is working to meet the supervised
16 experience requirement to become a licensed marriage and
17 family therapist and whose duties are supervised by a
18 licensed marriage and family therapist or other licensed
19 mental health professional, as long as the person does not
20 represent himself or herself as a licensed marriage and
21 family therapist.

22 (5) A person who is a student of marriage and family
23 therapy and is enrolled in a prescribed course of study at an
24 accredited educational institution, so long as the person
25 does not represent himself or herself as a licensed marriage
26 and family therapist.

27 (6) A PERSON WHO PROVIDES FAITH-BASED MARRIAGE, FAMILY <--
28 OR COUPLES THERAPY, PROVIDED THE PERSON CLEARLY IDENTIFIES HE
29 OR SHE OFFERS FAITH-BASED SERVICES AND DOES NOT REPRESENT
30 HIMSELF OR HERSELF AS A LICENSED MARRIAGE AND FAMILY

1 THERAPIST.

2 Section 2. Section 17(b) of the act, amended October 22,
3 2014 (P.L.2884, No.179), is amended to read:

4 Section 17. Penalties.

5 * * *

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] \$10,000 on any current licensee who
13 violates any provision of this act or on any person who holds
14 himself or herself out as a licensed bachelor social worker,
15 licensed social worker, licensed clinical social worker,
16 licensed marriage and family therapist [or], licensed
17 professional counselor or marriage and family therapist without
18 being so licensed pursuant to this act. The board shall levy
19 this penalty only after affording the accused party the
20 opportunity for a hearing, as provided in Title 2 of the
21 Pennsylvania Consolidated Statutes (relating to administrative
22 law and procedure).

23 * * *

24 Section 3. The State Board of Social Workers, Marriage and
25 Family Therapists and Professional Counselors shall promulgate
26 final regulations to carry out this act. Publication of the
27 final-form regulations under this section shall take place
28 within 18 months of the effective date of this section.

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