

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 530 Session of 2017

INTRODUCED BY KILLION, BLAKE, ARGALL, AUMENT, BAKER, COSTA, FARNESE, FONTANA, GORDNER, GREENLEAF, HAYWOOD, LEACH, MCGARRIGLE, RAFFERTY, SABATINA, SCARNATI, TARTAGLIONE, VULAKOVICH, YUDICHAK AND BOSCOLA, MARCH 24, 2017

AS AMENDED ON SECOND CONSIDERATION, SEPTEMBER 19, 2017

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 QUALIFICATIONS FOR LICENSE, <--
5 for reciprocity, for restriction on the use of title
6 "licensed clinical social worker," FOR RESTRICTIONS ON THE <--
7 USE OF TITLE "LICENSED PROFESSIONAL COUNSELOR," for penalties
8 and for unlawful practice; and repealing provisions related
9 to appropriation.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. Sections 3, ~~10 and 16.1~~ 7(E) (3) (I) AND (F) (3) (I), <--
13 10, 16.1 AND 16.3 of the act of July 9, 1987 (P.L.220, No.39),
14 known as the Social Workers, Marriage and Family Therapists and
15 Professional Counselors Act, are 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 "CLINICAL SOCIAL WORK ASSESSMENT." A PROCESS OF EVALUATION <--  
14 IN WHICH A CLINICAL SOCIAL WORKER CONDUCTS A DIFFERENTIAL,  
15 INDIVIDUALIZED AND ACCURATE IDENTIFICATION OF THE PSYCHOSOCIAL  
16 AND BEHAVIORAL PROBLEMS EXISTING IN THE LIFE OF AN INDIVIDUAL  
17 CLIENT, FAMILY OR GROUP FOR THE PURPOSE OF ESTABLISHING A PLAN  
18 TO IMPLEMENT A COURSE OF PSYCHOTHERAPEUTIC COUNSELING. THE TERM  
19 INCLUDES, BUT IS NOT LIMITED TO, A MENTAL HEALTH EXAMINATION AND  
20 PSYCHOLOGICAL HISTORY.

21 "Commissioner." The Commissioner of Professional and  
22 Occupational Affairs.

23 "Diagnosis." The term includes the following:

24 (1) A clinical social work assessment, defined as the <--  
25 process of evaluation in which a clinical social worker  
26 conducts a differential, individualized and accurate  
27 identification of the psychosocial/behavioral problems  
28 existing in the life of the individual client, the family or  
29 group for the purpose of establishing a plan to implement a  
30 course of psychotherapeutic counseling. A clinical social

1 ~~work assessment includes, but is not limited to, a mental~~  
2 ~~status examination and a psychosocial history. A MARRIAGE AND <--~~  
3 ~~FAMILY THERAPIST ASSESSMENT OR A PROFESSIONAL COUNSELOR~~  
4 ~~ASSESSMENT.~~

5 ~~(2) The utilization by a clinical social worker of <--~~  
6 ~~currently accepted diagnostic classifications BY A CLINICAL <--~~  
7 ~~SOCIAL WORKER, A MARRIAGE AND FAMILY THERAPIST OR A~~  
8 ~~PROFESSIONAL COUNSELOR, including, but not limited to, the~~  
9 ~~American Psychiatric Association's Diagnostic and Statistical~~  
10 ~~Manual of Mental Disorders, as amended and supplemented, but~~  
11 ~~only to the extent of the clinical social worker's, MARRIAGE <--~~  
12 ~~AND FAMILY THERAPIST'S OR PROFESSIONAL COUNSELOR'S education,~~  
13 ~~training, experience and scope of practice as established by~~  
14 ~~this act.~~

15 ~~"Independent practice of clinical social work." The~~  
16 ~~application of clinical social work knowledge and skills by an~~  
17 ~~individual:~~

18 ~~(1) who regulates and is responsible for his or her own~~  
19 ~~practice and treatment procedures; and~~

20 ~~(2) whose practice is not affiliated with any other~~  
21 ~~practice, health care facility, government agency or~~  
22 ~~government-regulated social service agency.~~

23 ~~"INDEPENDENT PRACTICE OF MARRIAGE AND FAMILY THERAPY." THE <--~~  
24 ~~APPLICATION OF MARRIAGE AND FAMILY THERAPY KNOWLEDGE AND SKILLS~~  
25 ~~BY AN INDIVIDUAL:~~

26 ~~(1) WHO REGULATES AND IS RESPONSIBLE FOR HIS OR HER OWN~~  
27 ~~PRACTICE AND TREATMENT PROCEDURES; AND~~

28 ~~(2) WHOSE PRACTICE IS NOT AFFILIATED WITH ANY OTHER~~  
29 ~~PRACTICE, HEALTH CARE FACILITY, GOVERNMENT AGENCY OR~~  
30 ~~GOVERNMENT-REGULATED SOCIAL SERVICE AGENCY.~~

1 "INDEPENDENT PRACTICE OF PROFESSIONAL COUNSELING." THE  
2 APPLICATION OF PROFESSIONAL COUNSELING KNOWLEDGE AND SKILLS BY  
3 AN INDIVIDUAL:

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

6 (2) WHOSE PRACTICE IS NOT AFFILIATED WITH ANY OTHER  
7 PRACTICE, HEALTH CARE FACILITY, GOVERNMENT AGENCY OR  
8 GOVERNMENT-REGULATED SOCIAL SERVICE AGENCY.

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

11 "Licensed clinical social worker." [A social worker] An  
12 individual who engages in or advertises to engage in the  
13 practice of clinical social work and who holds a current  
14 clinical license under this act.

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

18 "Licensed professional counselor." An individual who engages  
19 in OR ADVERTISES TO ENGAGE IN the practice of professional <--  
20 counseling and who holds a current license under this act.

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

24 "MARRIAGE AND FAMILY THERAPIST ASSESSMENT." THE PROFESSIONAL <--  
25 APPLICATION OF PSYCHOTHERAPEUTIC AND FAMILY SYSTEMS THEORIES AND  
26 TECHNIQUES TO EVALUATE AND IDENTIFY PSYCHOSOCIAL AND BEHAVIORAL  
27 PROBLEMS IN THE CONTEXT OF SIGNIFICANT INTERPERSONAL  
28 RELATIONSHIPS BETWEEN INDIVIDUALS, COUPLES, FAMILIES AND GROUPS  
29 FOR THE PURPOSE OF TREATMENT. THE TERM INCLUDES, BUT IS NOT  
30 LIMITED TO, A MENTAL HEALTH EXAMINATION AND PSYCHOLOGICAL

1 HISTORY.

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

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

1 regulation.

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 [and assessment], ASSESSMENT, <--  
21 DIAGNOSIS AND TREATMENT of normal and abnormal mental,  
22 emotional, social, educational, vocational, family and  
23 behavioral functioning throughout the life span; individual,  
24 group, family counseling and psychotherapy; crisis  
25 intervention, career counseling and educational and  
26 vocational counseling; functional assessment of persons with  
27 disabilities; and professional consulting.

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

1 drama, to accomplish treatment objectives.

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

12 "PROFESSIONAL COUNSELOR ASSESSMENT." THE PROFESSIONAL <--  
13 APPLICATION OF PSYCHOTHERAPEUTIC AND COUNSELING THEORIES AND  
14 TECHNIQUES TO EVALUATE, IDENTIFY AND ESTABLISH COUNSELING PLANS  
15 FOR THE TREATMENT OF INDIVIDUALS, COUPLES, FAMILIES AND GROUPS  
16 WITH EMOTIONAL, MENTAL, ADDICTION AND PHYSICAL DISORDERS. THE  
17 TERM INCLUDES, BUT IS NOT LIMITED TO, A MENTAL HEALTH  
18 EXAMINATION AND PSYCHOLOGICAL HISTORY.

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

23 SECTION 7. QUALIFICATIONS FOR LICENSE. <--

24 \* \* \*

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

29 \* \* \*

30 (3) THE APPLICANT HAS COMPLIED WITH THE EXPERIENCE

1 REQUIREMENT AS FOLLOWS:

2 (I) AN INDIVIDUAL MEETING THE EDUCATIONAL  
3 REQUIREMENTS OF PARAGRAPH (2) (I) OR (II) MUST HAVE  
4 COMPLETED AT LEAST 3,000 HOURS OF SUPERVISED CLINICAL  
5 EXPERIENCE, ACCEPTABLE TO THE BOARD AS DETERMINED BY  
6 REGULATION, OBTAINED AFTER [THE COMPLETION OF 48 SEMESTER  
7 HOURS OR 72 QUARTER HOURS OF GRADUATE COURSEWORK] BEING  
8 GRANTED A MASTER'S DEGREE.

9 \* \* \*

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

14 \* \* \*

15 (3) THE APPLICANT HAS COMPLIED WITH THE EXPERIENCE  
16 REQUIREMENTS AS FOLLOWS:

17 (I) AN INDIVIDUAL MEETING THE EDUCATIONAL  
18 REQUIREMENTS OF PARAGRAPH (2) (I) OR (II) MUST HAVE  
19 COMPLETED AT LEAST 3,000 HOURS OF SUPERVISED CLINICAL  
20 EXPERIENCE, ACCEPTABLE TO THE BOARD AS DETERMINED BY  
21 REGULATION, OBTAINED AFTER [THE COMPLETION OF 48 SEMESTER  
22 HOURS OR 72 QUARTER HOURS OF GRADUATE COURSEWORK] BEING  
23 GRANTED A MASTER'S DEGREE.

24 \* \* \*

25 Section 10. Reciprocity.

26 (a) General rule.--The board shall have the power to grant a  
27 reciprocal license to an applicant who is licensed or certified  
28 as a bachelor social worker, social worker, clinical social  
29 worker, marriage and family therapist or professional counselor  
30 in another state and has demonstrated qualifications which equal



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

7 (b) Emergencies.--The board shall have the power to allow an  
8 individual who is licensed or certified as a clinical social  
9 worker, A MARRIAGE AND FAMILY THERAPIST OR A PROFESSIONAL <--  
10 COUNSELOR in another state to practice in this Commonwealth  
11 without licensure for no more than 60 days as part of a relief  
12 effort related to a state of emergency as declared by the  
13 Federal Government or the Governor.

14 Section 16.1. Restriction on the use of title "Licensed  
15 Clinical Social Worker."

16 Only individuals who have received licenses as licensed  
17 clinical social workers under this act may style themselves as  
18 licensed clinical social workers and use the letters "L.C.S.W."  
19 in connection with their names. It shall be unlawful for an  
20 individual to style oneself as a licensed clinical social  
21 worker, advertise or engage in the independent practice of  
22 clinical social work or use any words or symbols indicating or  
23 tending to indicate that the individual is a licensed clinical  
24 social worker without holding a license in good standing under  
25 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 ENGAGE IN THE INDEPENDENT PRACTICE OF  
4 PROFESSIONAL COUNSELING OR USE ANY WORDS OR SYMBOLS INDICATING  
5 OR TENDING TO INDICATE THAT THE INDIVIDUAL IS A LICENSED  
6 PROFESSIONAL COUNSELOR WITHOUT HOLDING A LICENSE IN GOOD  
7 STANDING UNDER THIS ACT.

8 Section 2. Section 17(b) of the act, amended June 23, 2016  
9 (P.L.387, No.54), is amended to read:

10 Section 17. Penalties.

11 \* \* \*

12 (b) Civil penalty.--In addition to any other civil remedy or  
13 criminal penalty provided for in this act, the board, by a vote  
14 of the majority of the maximum number of the authorized  
15 membership of the board as provided by law, or by a vote of the  
16 majority of the duly qualified and confirmed membership or a  
17 minimum of three members, whichever is greater, may levy a civil  
18 penalty of up to \$10,000 on any current licensee who violates  
19 any provision of this act, on any person who engages in the  
20 independent practice of clinical social work, THE INDEPENDENT <--  
21 PRACTICE OF MARRIAGE AND FAMILY THERAPY OR THE INDEPENDENT  
22 PRACTICE OF PROFESSIONAL COUNSELING without being licensed  
23 pursuant to this act or on any person who holds himself or  
24 herself out as a licensed bachelor social worker, licensed  
25 social worker, licensed clinical social worker, licensed  
26 marriage and family therapist, licensed professional counselor  
27 or marriage and family therapist without being so licensed  
28 pursuant to this act. The board shall levy this penalty only  
29 after affording the accused party the opportunity for a hearing,  
30 as provided in Title 2 of the Pennsylvania Consolidated Statutes

1 (relating to administrative law and procedure).

2 \* \* \*

3 Section 3. Section 20(a) of the act is amended to read:

4 Section 20. Unlawful practice.

5 (a) Unlawful practice prohibited.--It shall be unlawful for  
6 any person to engage in the independent practice of clinical  
7 social work, THE INDEPENDENT PRACTICE OF MARRIAGE AND FAMILY <--  
8 THERAPY OR THE INDEPENDENT PRACTICE OF PROFESSIONAL COUNSELING  
9 or hold himself or herself out as a licensed bachelor social  
10 worker, licensed social worker, licensed clinical social worker,  
11 marriage and family therapist and professional counselor without  
12 possessing a valid, unexpired, unrevoked and unsuspended license  
13 issued under this act.

14 \* \* \*

15 Section 4. Section 21 of the act is repealed:

16 [Section 21. Appropriation.

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

26 Section 5. This act shall take effect in 120 days.