
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, HOUSE OF REPRESENTATIVES, JUNE 20, 2018

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, 7(e)(3)(i) and (f)(3)(i), 10, 16.1
13 and 16.3 of the act of July 9, 1987 (P.L.220, No.39), known as
14 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:

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

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

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

14 "Clinical social work assessment." A process of evaluation
15 in which a clinical social worker conducts a differential,
16 individualized and accurate identification of the psychosocial
17 and behavioral problems existing in the life of an individual
18 client, family or group for the purpose of establishing a plan
19 to implement a course of psychotherapeutic counseling. The term
20 includes, but is not limited to, a mental health examination and
21 psychological history.

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

24 "Diagnosis." The term includes the following:

25 (1) A clinical social work assessment, a marriage and
26 family therapist assessment or a professional counselor
27 assessment.

28 (2) The utilization of currently accepted diagnostic
29 classifications by a clinical social worker, a marriage and
30 family therapist or a professional counselor, including, but

1 not limited to, the American Psychiatric Association's
2 Diagnostic and Statistical Manual of Mental Disorders, as
3 amended and supplemented, but only to the extent of the
4 clinical social worker's, marriage and family therapist's or
5 professional counselor's education, training, experience and
6 scope of practice as established by this act.

7 "Independent practice of clinical social work." The
8 application of clinical social work knowledge and skills by an
9 individual:

10 (1) WHO STYLES ONESELF AS A CLINICAL SOCIAL WORKER; <--

11 ~~(1)~~ (2) who regulates and is responsible for his or her <--
12 own practice and treatment procedures; and

13 ~~(2)~~ (3) whose practice is not affiliated with any other <--
14 practice, health care facility, government agency or
15 government-regulated social service agency.

16 "Independent practice of marriage and family therapy." The
17 application of marriage and family therapy knowledge and skills
18 by an individual:

19 (1) WHO STYLES ONESELF AS A MARRIAGE AND FAMILY <--
20 THERAPIST;

21 ~~(1)~~ (2) who regulates and is responsible for his or her <--
22 own practice and treatment procedures; and

23 ~~(2)~~ (3) whose practice is not affiliated with any other <--
24 practice, health care facility, government agency or
25 government-regulated social service agency.

26 "Independent practice of professional counseling." The
27 application of professional counseling knowledge and skills by
28 an individual:

29 (1) WHO STYLES ONESELF AS A PROFESSIONAL COUNSELOR; <--

30 ~~(1)~~ (2) who regulates and is responsible for his or her <--

1 own practice and treatment procedures; and
2 ~~(2)~~ (3) whose practice is not affiliated with any other <--
3 practice, health care facility, government agency or
4 government-regulated social service agency.

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

7 "Licensed clinical social worker." [A social worker] An
8 individual who engages in or advertises to engage in the
9 practice of clinical social work and who holds a current
10 clinical license under this act.

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

14 "Licensed professional counselor." An individual who engages
15 in or advertises to engage in the practice of professional
16 counseling and who holds a current license under this act.

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

20 "Marriage and family therapist assessment." The professional
21 application of psychotherapeutic and family systems theories and
22 techniques to evaluate and identify psychosocial and behavioral
23 problems in the context of significant interpersonal
24 relationships between individuals, couples, families and groups
25 for the purpose of treatment. The term includes, but is not
26 limited to, a mental health examination and psychological
27 history.

28 "Practice of bachelor social work." The professional
29 application of social work theory, knowledge, methods,
30 principles, values and ethics to restore or enhance social or

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

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

28 "Practice of marriage and family therapy." The professional
29 application of psychotherapeutic and family systems theories and
30 techniques to the evaluation, assessment, diagnosis and

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

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

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

16 (2) The evaluation [and assessment], assessment,
17 diagnosis and treatment of normal and abnormal mental,
18 emotional, social, educational, vocational, family and
19 behavioral functioning throughout the life span; individual,
20 group, family counseling and psychotherapy; crisis
21 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 "Professional counselor assessment." The professional
9 application of psychotherapeutic and counseling theories and
10 techniques to evaluate, identify and establish counseling plans
11 for the treatment of individuals, couples, families and groups
12 with emotional, mental, addiction and physical disorders. The
13 term includes, but is not limited to, a mental health
14 examination and psychological history.

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

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 3,000 hours of supervised clinical

1 experience, acceptable to the board as determined by
2 regulation, obtained after [the completion of 48 semester
3 hours or 72 quarter hours of graduate coursework] being
4 granted a master's degree.

5 * * *

6 (f) Professional counselors license.--An applicant is
7 qualified for a license to hold oneself out as a licensed
8 professional counselor if the applicant submits proof
9 satisfactory to the board that all of the following apply:

10 * * *

11 (3) The applicant has complied with the experience
12 requirements as follows:

13 (i) An individual meeting the educational
14 requirements of paragraph (2)(i) or (ii) must have
15 completed at least 3,000 hours of supervised clinical
16 experience, acceptable to the board as determined by
17 regulation, obtained after [the completion of 48 semester
18 hours or 72 quarter hours of graduate coursework] being
19 granted a master's degree.

20 * * *

21 Section 10. Reciprocity.

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

1 persons who are residents of this Commonwealth and who are
2 licensed pursuant to this act.

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

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

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

22 Section 16.3. Restriction on the use of title "Licensed
23 Professional Counselor."

24 Only individuals who have received licenses as licensed
25 professional counselors under this act may style themselves as
26 licensed professional counselors and use the letters "L.P.C." in
27 connection with their names. It shall be unlawful for an
28 individual to style oneself as a licensed professional
29 counselor, advertise or engage in the independent practice of
30 professional counseling or use any words or symbols indicating

1 or tending to indicate that the individual is a licensed
2 professional counselor without holding a license in good
3 standing under this act.

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

6 Section 17. Penalties.

7 * * *

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

28 * * *

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

30 Section 20. Unlawful practice.

1 (a) Unlawful practice prohibited.--It shall be unlawful for
2 any person to engage in the independent practice of clinical
3 social work, the independent practice of marriage and family
4 therapy or the independent practice of professional counseling
5 or hold himself or herself out as a licensed bachelor social
6 worker, licensed social worker, licensed clinical social worker,
7 marriage and family therapist and professional counselor without
8 possessing a valid, unexpired, unrevoked and unsuspended license
9 issued under this act.

10 * * *

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

12 [Section 21. Appropriation.

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

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