
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1094 Session of
2018

INTRODUCED BY VOGEL, BOSCOLA, BLAKE, GORDNER, FONTANA, RAFFERTY,
HUTCHINSON, VULAKOVICH AND COSTA, MARCH 27, 2018

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
MARCH 27, 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," licensing
4 and regulating the practice of music therapy.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. The title and sections 1 and 2 of the act of July
8 9, 1987 (P.L.220, No.39), known as the Social Workers, Marriage
9 and Family Therapists and Professional Counselors Act, are
10 amended to read:

11 AN ACT

12 Licensing and regulating the practice of social work, marriage
13 and family therapy, professional counseling and professional
14 music therapy; providing penalties; and making an
15 appropriation.

16 Section 1. Short title.

17 This act shall be known and may be cited as the Social
18 Workers, Marriage and Family Therapists [and], Professional

1 Counselors and Professional Music Therapists Act.

2 Section 2. Legislative intent.

3 The practice of social work, marriage and family therapy
4 [and], professional counseling and licensed professional music
5 therapy within this Commonwealth is hereby declared to affect
6 the public safety and welfare and to be subject to regulation
7 and control in the public interest to protect the public from
8 unprofessional, improper, unauthorized and unqualified practice
9 of licensed social work, licensed marriage and family therapy
10 [and], licensed professional counseling and licensed
11 professional music therapy. This act regulates only those who
12 hold themselves out as licensed social workers, licensed
13 clinical social workers, licensed marriage and family therapists
14 [or as], licensed professional counselors or as licensed
15 professional music therapists. Acquisition of a license under
16 this act shall not be made a condition of the employment of a
17 person by the Commonwealth or any of its political subdivisions
18 or by nonprofit agencies.

19 Section 2. The definition of "board" in section 3 of the act
20 is amended and the section is amended by adding definitions to
21 read:

22 Section 3. Definitions.

23 The following words and phrases when used in this act shall
24 have the meanings given to them in this section unless the
25 context clearly indicates otherwise:

26 * * *

27 "Board." The State Board of Social Workers, Marriage and
28 Family Therapists [and], Professional Counselors and
29 Professional Music Therapists under the Bureau of Professional
30 and Occupational Affairs within the Department of State.

1 * * *

2 "Licensed professional music therapist." An individual who
3 engages in the practice of music therapy and who holds a current
4 license under this act.

5 * * *

6 "Practice of music therapy." As follows:

7 (1) The clinical and evidence-based use of music
8 interventions to accomplish individualized goals within a
9 therapeutic relationship through an individualized music
10 therapy treatment plan for a client or group of clients which
11 identifies the goals, objectives and potential strategies of
12 the music therapy services appropriate for the client or
13 group of clients using music therapy interventions,
14 including, but not limited to, music improvisation, receptive
15 music listening, song writing, lyric discussion, music and
16 imagery, music performance, learning through music and
17 movement to music.

18 (2) The term includes:

19 (i) Accepting referrals for music therapy services
20 from medical, developmental, mental health or education
21 professionals, family members, clients or caregivers,
22 provided that prior to providing music therapy services
23 to a client for a medical, developmental or mental health
24 condition, the licensed professional therapist
25 collaborates, as applicable, with the client's physician,
26 psychologist or mental health professional to review the
27 client's diagnosis, treatment needs and treatment plan
28 and, during the provision of music therapy services to a
29 client, the licensee collaborates, as applicable, with
30 the client's treatment team.

1 (ii) Conducting a music therapy assessment of a
2 client to collect systematic, comprehensive and accurate
3 information necessary to determine the appropriate type
4 of music therapy services to provide for the client.

5 (iii) Developing an individualized music therapy
6 treatment plan for a client.

7 (iv) Carrying out an individualized music therapy
8 treatment plan that is consistent with any other medical,
9 developmental, mental health or educational services
10 being provided to a client.

11 (v) Evaluating a client's response to music therapy
12 and the individualized music therapy treatment plan and
13 suggesting modifications, as appropriate.

14 (vi) Developing a plan for determining when the
15 provision of music therapy services is no longer needed
16 in collaboration with a client, a physician or other
17 provider of health care or education of a client, an
18 appropriate member of the family of a client and any
19 other appropriate person upon whom a client relies for
20 support.

21 (vii) Minimizing any barriers so that a client may
22 receive music therapy services in the least restrictive
23 environment.

24 (viii) Collaborating with and educating a client and
25 the family or caregiver of the client or any other
26 appropriate person about the needs of the client that are
27 being addressed in music therapy and the manner in which
28 the music therapy addresses those needs.

29 (3) The term does not include the following:

30 (i) The diagnosis of any physical, mental or

1 communication disorder.

2 (ii) A person whose training and national
3 certification attests to the person's preparation and
4 ability to practice his or her certified profession or
5 occupation, if the person does not represent himself or
6 herself as a licensed professional music therapist.

7 (iii) The practice of music therapy as an integral
8 part of a program of study for a student enrolled in an
9 accredited music therapy program, if the student does not
10 represent himself or herself as a licensed professional
11 music therapist.

12 (iv) A person who practices music therapy under the
13 supervision of a licensed professional music therapist,
14 if the person does not represent himself or herself as a
15 licensed professional music therapist.

16 * * *

17 Section 3. Section 4 of the act is amended to read:

18 Section 4. License required.

19 It shall be unlawful for any person to hold himself or
20 herself forth as a licensed bachelor social worker, licensed
21 social worker, licensed clinical social worker, licensed
22 marriage and family therapist [or], licensed professional
23 counselor or licensed professional music therapist unless he or
24 she shall first have obtained a license pursuant to this act.

25 Section 4. Section 5 heading, (a), (c) and (l) of the act
26 are amended to read:

27 Section 5. State Board of Social Workers, Marriage and Family
28 Therapists [and], Professional Counselors and
29 Professional Music Therapists.

30 (a) Creation.--There is hereby created the State Board of

1 Social Workers, Marriage and Family Therapists [and],
2 Professional Counselors and Professional Music Therapists, a
3 departmental administrative board in the Department of State.
4 The board shall consist of [13] 15 members who are citizens of
5 the United States and who have been residents of this
6 Commonwealth for a two-year period, two of whom shall be public
7 members; five of whom shall be licensed social workers, at least
8 one of whom shall be a licensed clinical social worker and at
9 least one of whom shall be a licensed social worker; two of whom
10 shall be licensed marriage and family therapists; two of whom
11 shall be licensed professional counselors; one of whom shall be
12 either a licensed marriage and family therapist or a licensed
13 professional counselor as hereafter provided; two of whom shall
14 be licensed professional music therapists with a master's degree
15 in music therapy; and one of whom shall be the Commissioner of
16 Professional and Occupational Affairs.

17 * * *

18 (c) Initial appointments.--Within 90 days of the effective
19 date of this act, the Governor shall nominate one professional
20 member to serve as a clinical social worker member of the board;
21 three professional members to serve as professional counselor
22 members of the board, one of whom shall serve a two-year term,
23 one of whom shall serve a three-year term and one of whom shall
24 serve a four-year term; two professional members to serve as the
25 marriage and family therapist members of the board, one of whom
26 shall serve a two-year term and one of whom shall serve a four-
27 year term[.]; and two professional members to serve as the
28 licensed professional music therapist members of the board, one
29 of whom shall serve a two-year term and one of whom shall serve
30 a four-year term. The professional members of the board

1 initially appointed pursuant to this subsection need not be
2 licensed by the licensure examination adopted by the board but,
3 at the time of appointment, must have satisfied the education
4 and experience requirements of this act for licensure as a
5 clinical social worker, a marriage and family therapist [or], a
6 professional counselor or a licensed professional music
7 therapist.

8 * * *

9 (1) Operating procedures.--The board shall meet within 30
10 days after the appointment of its new members and set up
11 operating procedures and develop application forms for licensing
12 clinical social workers, marriage and family therapists [and],
13 professional counselors and licensed professional music
14 therapists. It shall be the responsibility of the board to
15 circulate these forms and educate the public to the requirements
16 of licensing in order to hold oneself out as a licensed bachelor
17 social worker, licensed social worker, licensed clinical social
18 worker, licensed marriage and family therapist [or], licensed
19 professional counselor or licensed professional music therapist
20 within the Commonwealth.

21 Section 5. Section 6(2) and (3) of the act are amended to
22 read:

23 Section 6. Powers and functions of board.

24 The board shall have the following powers:

25 * * *

26 (2) To adopt and, from time to time, revise such rules
27 and regulations as may be necessary to carry into effect the
28 provisions of this act. Such regulations may include, but
29 shall not be limited to, standards of professional practice
30 and conduct for licensed bachelor social workers, licensed

1 social workers, licensed clinical social workers, licensed
2 marriage and family therapists [and], licensed professional
3 counselors and licensed professional music therapists in
4 Pennsylvania.

5 (3) To examine for, deny, approve, issue, revoke,
6 suspend or renew licenses of bachelor social workers, social
7 workers, clinical social workers, marriage and family
8 therapists [and], professional counselors and professional
9 music therapists pursuant to this act and to conduct hearings
10 in connection therewith.

11 * * *

12 Section 6. Section 7 of the act is amended by adding a
13 subsection to read:

14 Section 7. Qualifications for license.

15 * * *

16 (h) Professional music therapist license.--An applicant
17 shall be qualified for a license to hold oneself out as a
18 licensed professional music therapist, provided the applicant
19 submits proof satisfactory to the board that:

20 (1) The applicant is of good moral character.

21 (2) The applicant has completed the education and
22 clinical training requirements established by the American
23 Music Therapy Association or any successor organization.

24 (3) The applicant provides proof of passing the
25 examination for board certification offered by the
26 Certification Board for Music Therapists or any successor
27 organization or of any organization transitioned into board
28 certification and provides proof that the applicant is
29 currently a board certified music therapist.

30 (4) The applicant remains actively certified by the

1 Certification Board for Music Therapists.

2 (5) The applicant has submitted an application
3 accompanied by the application fee.

4 (6) The board or any director shall waive the
5 examination requirements for an applicant until January 1,
6 2020, who is designated as a registered music therapist,
7 certified music therapist or advanced certified music
8 therapist and in good standing with the national music
9 therapy registry.

10 (7) The applicant has not been convicted of a felony
11 under The Controlled Substance, Drug, Device and Cosmetic
12 Act, or of an offense under the laws of another jurisdiction,
13 which, if committed in this Commonwealth, would be a felony
14 under The Controlled Substance, Drug, Device and Cosmetic
15 Act, unless:

16 (i) at least ten years have elapsed from the date of
17 conviction;

18 (ii) the applicant satisfactorily demonstrates to
19 the board that the applicant has made significant
20 progress in personal rehabilitation since the conviction,
21 such that licensure of the applicant should not be
22 expected to create a substantial risk of harm to the
23 health and safety of the applicant's clients or the
24 public or a substantial risk of further criminal
25 violation; and

26 (iii) the applicant otherwise satisfies the
27 qualifications contained in or authorized by this act.

28 As used in this paragraph, the term "convicted" shall include
29 a judgment, an admission of guilt or a plea of nolo
30 contendere.

1 Section 7. Sections 8(b) and 10 of the act are amended to
2 read:

3 Section 8. Procedures for licensing.

4 * * *

5 (b) Issuance of license.--The board shall issue to each
6 person who meets the licensure requirements of this act a
7 certificate setting forth that such person is licensed to hold
8 himself or herself out as a licensed bachelor social worker, a
9 licensed social worker, a licensed clinical social worker, a
10 licensed marriage and family therapist [or], a licensed
11 professional counselor or a licensed professional music
12 therapist.

13 Section 10. Reciprocity.

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

25 Section 8. Section 10.1 of the act is amended by adding a
26 subsection to read:

27 Section 10.1. Endorsement of out-of-State licenses.

28 * * *

29 (d) Professional music therapist license.--The board may
30 issue a professional music therapist license without examination

1 to an applicant holding a professional music therapist license
2 in another state who submits proof satisfactory to the board of
3 all of the following:

4 (1) The applicant is of good moral character.

5 (2) The applicant meets the educational requirements as
6 specified in section 7(h).

7 (3) The applicant has completed a minimum of 1,200 hours
8 of supervised clinical experience acceptable to the board.

9 (4) The applicant holds a music therapy license that is
10 in good standing from another state.

11 (5) The applicant has, at a minimum, been actively
12 engaged in the practice of music therapy for five of the last
13 seven years immediately preceding the filing of the
14 application for licensure by endorsement with the board.

15 (6) The applicant has submitted an application
16 accompanied by the application fee.

17 (7) The applicant has not been convicted of a felony
18 under The Controlled Substance, Drug, Device and Cosmetic
19 Act, or of an offense under the laws of another jurisdiction,
20 which, if committed in this Commonwealth, would be a felony
21 under The Controlled Substance, Drug, Device and Cosmetic
22 Act, unless:

23 (i) at least ten years have elapsed from the date of
24 conviction;

25 (ii) the applicant satisfactorily demonstrates to
26 the board that the applicant has made significant
27 progress in personal rehabilitation since the conviction,
28 such that licensure of the applicant should not be
29 expected to create a substantial risk of harm to the
30 health and safety of the applicant's clients or the

1 public or a substantial risk of further criminal
2 violation; and

3 (iii) the applicant otherwise satisfies the
4 qualifications contained in or authorized by this act.

5 As used in this paragraph, the term "convicted" shall include
6 a judgment, an admission of guilt or a plea of nolo
7 contendere.

8 Section 9. Section 12 of the act is amended to read:

9 Section 12. Reinstatement of license.

10 Unless ordered to do so by Commonwealth Court or an appeal
11 therefrom, the board shall not reinstate the license of a person
12 to practice as a bachelor social worker, social worker, clinical
13 social worker, marriage and family therapist [or], professional
14 counselor or professional music therapist pursuant to this act,
15 which has been revoked. Any person whose license has been
16 revoked may apply for reinstatement, after a period of at least
17 five years, but must meet all of the licensing qualifications of
18 this act, including the examination requirement, if he or she
19 desires to practice as a bachelor social worker, social worker,
20 clinical social worker, marriage and family therapist [or],
21 professional counselor or professional music therapist pursuant
22 to this act at any time after such revocation.

23 Section 10. The act is amended by adding a section to read:

24 Section 16.5. Restrictions on use of title "Licensed
25 Professional Music Therapist."

26 (a) Use of title.--Only individuals who have received
27 licenses as licensed professional music therapists under this
28 act may style themselves as licensed professional music
29 therapists and use the letters "L.P.M.T." in connection with
30 their names, and it shall be unlawful for an individual to style

1 himself or herself as a licensed professional music therapist, a
2 music therapist, or use any words or symbols indicating or
3 tending to indicate that the individual is a licensed
4 professional music therapist or a music therapist without
5 holding a license in good standing under this act.

6 (b) Construction.--Nothing in this section shall be
7 construed to prohibit a person who is licensed or certified to
8 practice a profession by a Commonwealth agency or board from
9 practicing within the scope of that license or certificate or as
10 otherwise authorized by law so long as the person does not
11 represent himself or herself as a licensed professional music
12 therapist.

13 Section 11. Section 17(b) of the act is amended to read:

14 Section 17. Penalties.

15 * * *

16 (b) Civil penalty.--In addition to any other civil remedy or
17 criminal penalty provided for in this act, the board, by a vote
18 of the majority of the maximum number of the authorized
19 membership of the board as provided by law, or by a vote of the
20 majority of the duly qualified and confirmed membership or a
21 minimum of three members, whichever is greater, may levy a civil
22 penalty of up to \$1,000 on any current licensee who violates any
23 provision of 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 [or], licensed professional
27 counselor or licensed professional music therapist without being
28 so licensed pursuant to this act. The board shall levy this
29 penalty only after affording the accused party the opportunity
30 for a hearing, as provided in Title 2 of the Pennsylvania

1 Consolidated Statutes (relating to administrative law and
2 procedure).

3 * * *

4 Section 12. Sections 18(b) and 20(a) of the act are amended
5 to read:

6 Section 18. License renewal; records and fees.

7 * * *

8 (b) Records.--A record of all persons licensed to practice
9 as bachelor social workers, social workers, clinical social
10 workers, marriage and family therapists [and], professional
11 counselors and licensed professional music therapists in
12 Pennsylvania shall be kept in the office of the board and shall
13 be open to public inspection and copying upon payment of a
14 nominal fee for copying the record.

15 * * *

16 Section 20. Unlawful practice.

17 (a) Unlawful practice prohibited.--It shall be unlawful for
18 any person to hold himself or herself out as a licensed bachelor
19 social worker, licensed social worker, licensed clinical social
20 worker, marriage and family therapist [and], professional
21 counselor and licensed professional music therapist without
22 possessing a valid, unexpired, unrevoked and unsuspended license
23 issued under this act.

24 * * *

25 Section 13. This act shall take effect in 60 days.