
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 314 Session of
2019

INTRODUCED BY PASHINSKI, READSHAW, SCHLOSSBERG, SAMUELSON, MURT,
KORTZ, DONATUCCI, YOUNGBLOOD, JOZWIAK, CALTAGIRONE, BOBACK,
MARKOSEK, RABB, SCHWEYER, HILL-EVANS, DeLUCA, NEILSON,
CIRESI, ROEBUCK, HOWARD, KULIK, KINSEY, MULLINS, FIEDLER,
BURGOS AND DeLISSIO, FEBRUARY 1, 2019

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE,
FEBRUARY 1, 2019

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

1 Workers, Marriage and Family Therapists [and], Professional
2 Counselors and Professional Music Therapists Act.

3 Section 2. Legislative intent.

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

20 Section 2. The definition of "board" in section 3 of the
21 act, amended June 29, 2018 (P.L.505, No.76), is amended and the
22 section is amended by adding definitions to read:

23 Section 3. Definitions.

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

27 * * *

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

1 and Occupational Affairs within the Department of State.

2 * * *

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

6 * * *

7 "Practice of music therapy." As follows:

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

19 (2) The term includes:

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

1 the client's treatment team.

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

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

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

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

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

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

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

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

1 (i) The diagnosis of a physical, mental or
2 communication disorder.

3 (ii) A person licensed, certified or regulated under
4 the laws of this Commonwealth in another profession or
5 occupation or personnel supervised by a licensed
6 professional in this Commonwealth performing work,
7 including the use of music, incidental to the practice of
8 the person's licensed, certified or regulated profession
9 or occupation, if the person does not represent himself
10 or herself as a licensed professional music therapist.

11 (iii) A person whose training and national
12 certification attests to the person's preparation and
13 ability to practice the certified profession or
14 occupation, if the person does not represent himself or
15 herself as a licensed professional music therapist.

16 (iv) The practice of music therapy as an integral
17 part of a program of study for a student enrolled in an
18 accredited music therapy program, if the student does not
19 represent himself or herself as a licensed professional
20 music therapist.

21 (v) A person who practices music therapy under the
22 supervision of a licensed professional music therapist,
23 if the person does not represent himself or herself as a
24 licensed professional music therapist.

25 * * *

26 Section 3. Sections 4, 5 heading, (a), (c) and (1) and 6(2)
27 and (3) of the act are amended to read:

28 Section 4. License required.

29 It shall be unlawful for any person to hold himself or
30 herself forth as a licensed bachelor social worker, licensed

1 social worker, licensed clinical social worker, licensed
2 marriage and family therapist [or], licensed professional
3 counselor or licensed professional music therapist unless he or
4 she shall first have obtained a license pursuant to this act.

5 Section 5. State Board of Social Workers, Marriage and Family
6 Therapists [and], Professional Counselors and
7 Professional Music Therapists.

8 (a) Creation.--There is hereby created the State Board of
9 Social Workers, Marriage and Family Therapists [and],
10 Professional Counselors and Professional Music Therapists, a
11 departmental administrative board in the Department of State.
12 The board shall consist of [13] 15 members who are citizens of
13 the United States and who have been residents of this
14 Commonwealth for a two-year period, two of whom shall be public
15 members; five of whom shall be licensed social workers, at least
16 one of whom shall be a licensed clinical social worker and at
17 least one of whom shall be a licensed social worker; two of whom
18 shall be licensed marriage and family therapists; two of whom
19 shall be licensed professional counselors; one of whom shall be
20 either a licensed marriage and family therapist or a licensed
21 professional counselor whose membership shall rotate between
22 those professions at the expiration of the member's second term;
23 two of whom shall be licensed professional music therapists with
24 a master's degree in music therapy; and one of whom shall be the
25 Commissioner of Professional and Occupational Affairs.

26 * * *

27 (c) Initial appointments.--Within 90 days of the effective
28 date of this act, the Governor shall nominate one professional
29 member to serve as a clinical social worker member of the board;
30 three professional members to serve as professional counselor

1 members of the board, one of whom shall serve a two-year term,
2 one of whom shall serve a three-year term and one of whom shall
3 serve a four-year term; two professional members to serve as the
4 marriage and family therapist members of the board, one of whom
5 shall serve a two-year term and one of whom shall serve a four-
6 year term[.]; and two professional members to serve as the
7 professional music therapist members of the board, one of whom
8 shall serve a two-year term and one of whom shall serve a four-
9 year term. The professional members of the board initially
10 appointed pursuant to this subsection need not be licensed by
11 the licensure examination adopted by the board but, at the time
12 of appointment, must have satisfied the education and experience
13 requirements of this act for licensure as a clinical social
14 worker, a marriage and family therapist [or], a professional
15 counselor or a professional music therapist.

16 * * *

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

29 Section 6. Powers and functions of board.

30 The board shall have the following powers:

1 * * *

2 (2) To adopt and, from time to time, revise such rules
3 and regulations as may be necessary to carry into effect the
4 provisions of this act. Such regulations may include, but
5 shall not be limited to, standards of professional practice
6 and conduct for licensed bachelor social workers, licensed
7 social workers, licensed clinical social workers, licensed
8 marriage and family therapists [and], licensed professional
9 counselors and licensed professional music therapists in
10 Pennsylvania.

11 (3) To examine for, deny, approve, issue, revoke,
12 suspend or renew licenses of bachelor social workers, social
13 workers, clinical social workers, marriage and family
14 therapists [and], professional counselors and professional
15 music therapists pursuant to this act and to conduct hearings
16 in connection therewith.

17 * * *

18 Section 4. Section 7 of the act is amended by adding a
19 subsection to read:

20 Section 7. Qualifications for license.

21 * * *

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

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

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

30 (3) The applicant provides proof of passing the

1 examination for board certification offered by the
2 Certification Board for Music Therapists or any successor
3 organization or of any organization transitioned into board
4 certification and provides proof that the applicant is
5 currently a board certified music therapist.

6 (4) The applicant remains actively certified by the
7 Certification Board for Music Therapists.

8 (5) The applicant has submitted an application
9 accompanied by the application fee.

10 (6) The board or any director shall waive the
11 examination requirements for an applicant until January 1,
12 2020, who is designated as a registered music therapist,
13 certified music therapist or advanced certified music
14 therapist and in good standing with the National Music
15 Therapy Registry.

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

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

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

1 violation; and
2 (iii) the applicant otherwise satisfies the
3 qualifications contained in or authorized by this act.

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

7 Section 5. Section 8(b) of the act is amended to read:

8 Section 8. Procedures for licensing.

9 * * *

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

18 Section 6. Section 10 of the act, amended June 29, 2018
19 (P.L.505, No.76), is amended to read:

20 Section 10. Reciprocity.

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

1 this Commonwealth and who are licensed pursuant to this act.

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

9 Section 7. Section 10.1 of the act is amended by adding a
10 subsection to read:

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

12 * * *

13 (d) Professional music therapist license.--The board may
14 issue a professional music therapist license without examination
15 to an applicant holding a professional music therapist license
16 in another state who submits proof satisfactory to the board of
17 all of the following:

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

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

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

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

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

29 (6) The applicant has submitted an application
30 accompanied by the application fee.

1 (7) The applicant has not been convicted of a felony
2 under The Controlled Substance, Drug, Device and Cosmetic
3 Act, or of an offense under the laws of another jurisdiction,
4 which, if committed in this Commonwealth, would be a felony
5 under The Controlled Substance, Drug, Device and Cosmetic
6 Act, unless:

7 (i) at least ten years have elapsed from the date of
8 conviction;

9 (ii) the applicant satisfactorily demonstrates to
10 the board that the applicant has made significant
11 progress in personal rehabilitation since the conviction,
12 such that licensure of the applicant should not be
13 expected to create a substantial risk of harm to the
14 health and safety of the applicant's clients or the
15 public or a substantial risk of further criminal
16 violation; and

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

19 As used in this paragraph, the term "convicted" shall include
20 a judgment, an admission of guilt or a plea of nolo
21 contendere.

22 Section 8. Section 12 of act is amended to read:

23 Section 12. Reinstatement of license.

24 Unless ordered to do so by Commonwealth Court or an appeal
25 therefrom, the board shall not reinstate the license of a person
26 to practice as a bachelor social worker, social worker, clinical
27 social worker, marriage and family therapist [or], professional
28 counselor or professional music therapist pursuant to this act,
29 which has been revoked. Any person whose license has been
30 revoked may apply for reinstatement, after a period of at least

1 five years, but must meet all of the licensing qualifications of
2 this act, including the examination requirement, if he or she
3 desires to practice as a bachelor social worker, social worker,
4 clinical social worker, marriage and family therapist [or],
5 professional counselor or professional music therapist pursuant
6 to this act at any time after such revocation.

7 Section 9. The act is amended by adding a section to read:

8 Section 16.5. Restrictions on use of title "Licensed

9 Professional Music Therapist."

10 Only individuals who have received licenses as licensed
11 professional music therapists under this act may style
12 themselves as licensed professional music therapists and use the
13 letters "L.P.M.T." in connection with their names. It shall be
14 unlawful for an individual to style himself or herself as a
15 licensed professional music therapist or a music therapist, or
16 use any words or symbols indicating or tending to indicate that
17 the individual is a licensed professional music therapist or a
18 music therapist without holding a license in good standing under
19 this act.

20 Section 10. Section 17(b) of the act, amended June 29, 2018
21 (P.L.505, No.76), is amended to read:

22 Section 17. Penalties.

23 * * *

24 (b) Civil penalty.--In addition to any other civil remedy or
25 criminal penalty provided for in this act, the board, by a vote
26 of the majority of the maximum number of the authorized
27 membership of the board as provided by law, or by a vote of the
28 majority of the duly qualified and confirmed membership or a
29 minimum of three members, whichever is greater, may levy a civil
30 penalty of up to \$10,000 on any current licensee who violates

1 any provision of this act, on any person who engages in the
2 independent practice of clinical social work, the independent
3 practice of marriage and family therapy or the independent
4 practice of professional counseling without being licensed
5 pursuant to this act or on any person who holds himself or
6 herself out as a licensed bachelor social worker, licensed
7 social worker, licensed clinical social worker, licensed
8 marriage and family therapist, licensed professional counselor
9 [or], marriage and family therapist or licensed professional
10 music therapist without being so licensed pursuant to this act.
11 The board shall levy this penalty only after affording the
12 accused party the opportunity for a hearing, as provided in
13 Title 2 of the Pennsylvania Consolidated Statutes (relating to
14 administrative law and procedure).

15 * * *

16 Section 11. Section 18(b) of the act is amended to read:

17 Section 18. License renewal; records and fees.

18 * * *

19 (b) Records.--A record of all persons licensed to practice
20 as bachelor social workers, social workers, clinical social
21 workers, marriage and family therapists [and], professional
22 counselors and professional music therapists in Pennsylvania
23 shall be kept in the office of the board and shall be open to
24 public inspection and copying upon payment of a nominal fee for
25 copying the record.

26 * * *

27 Section 12. Section 20(a) of the act, amended June 29, 2018
28 (P.L.505, No.76), is amended to read:

29 Section 20. Unlawful practice.

30 (a) Unlawful practice prohibited.--It shall be unlawful for

1 any person to engage in the independent practice of clinical
2 social work, the independent practice of marriage and family
3 therapy [or], the independent practice of professional
4 counseling or the independent practice of professional music
5 therapy or hold himself or herself out as a licensed bachelor
6 social worker, licensed social worker, licensed clinical social
7 worker, marriage and family therapist [and], professional
8 counselor and licensed professional music therapist without
9 possessing a valid, unexpired, unrevoked and unsuspended license
10 issued under this act.

11 * * *

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