
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 786 Session of
2021

INTRODUCED BY BRIGGS, SANCHEZ AND WEBSTER, MARCH 8, 2021

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, MARCH 8, 2021

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 legislative intent, for definitions, for
5 license required, for State Board of Social Workers, Marriage
6 and Family Therapists and Professional Counselors, for powers
7 and functions of board, for qualifications for license, for
8 procedures for licensing, for exemption from licensure
9 examination, for reciprocity, for endorsement of out-of-State
10 licenses and for reinstatement of license; providing for
11 restriction on use of title "licensed professional art
12 therapist" and related titles; and further providing for
13 penalties, for license renewal, records and fees and for
14 unlawful practice.

15 The General Assembly of the Commonwealth of Pennsylvania
16 hereby enacts as follows:

17 Section 1. Section 2 of the act of July 9, 1987 (P.L.220,
18 No.39), known as the Social Workers, Marriage and Family
19 Therapists and Professional Counselors Act, is amended to read:

20 Section 2. Legislative intent.

21 The practice of social work, marriage and family therapy
22 [and], professional counseling and professional art therapy
23 within this Commonwealth is hereby declared to affect the public
24 safety and welfare and to be subject to regulation and control

1 in the public interest to protect the public from
2 unprofessional, improper, unauthorized and unqualified practice
3 of licensed social work, licensed marriage and family therapy
4 [and], licensed professional counseling and licensed
5 professional art therapy. This act regulates only those who hold
6 themselves out as licensed social workers, licensed clinical
7 social workers, licensed marriage and family therapists [or as],
8 licensed professional counselors or licensed professional art
9 therapists. Acquisition of a license under this act shall not be
10 made a condition of the employment of a person by the
11 Commonwealth or any of its political subdivisions or by
12 nonprofit agencies.

13 Section 2. The definition of "diagnosis" in section 3 of the
14 act, is amended and the section is amended by adding definitions
15 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 * * *

21 "Certified art therapist." An individual holding national
22 board certification from the Art Therapy Credentials Board.

23 * * *

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 or a professional art therapy 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 or a

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

9 * * *

10 "Independent practice of professional art therapy." The
11 application of professional art therapy knowledge and skills by
12 an individual:

13 (1) who styles oneself as a professional art therapist;

14 (2) who regulates and is responsible for his or her own
15 practice and treatment procedures; and

16 (3) whose practice is not affiliated with any other
17 practice, health care facility, government agency or
18 government-regulated social service agency.

19 * * *

20 "Licensed professional art therapist." An individual who
21 engages in the practice of professional art therapy and who
22 holds a current license under this act.

23 * * *

24 "Practice of professional art therapy." The integrative
25 application of psychotherapeutic principles and methods with
26 specialized training in strategic use of art media, the
27 neurobiological implications of art making and art-based
28 assessment models. The term includes the following:

29 (1) The evaluation, assessment, diagnosis and treatment
30 of normal and abnormal cognitive, developmental, behavioral

1 and emotional disorders in individuals, families and groups.

2 (2) Strategic application of therapeutic art
3 interventions, in the context of applied psychological theory
4 in a psychotherapeutic relationship.

5 (3) Facilitation of visual, nonverbal and verbal
6 receptive and expressive communication and implementation of
7 treatment plans to help clients improve cognitive and sensory
8 motor functions, increase self-awareness and self-esteem,
9 cope with traumatic experience and grief, reduce symptoms of
10 depression, anger and distress and improve educational
11 performance, vocational performance and social functioning.

12 * * *

13 "Professional art therapy assessment." The professional
14 application of psychotherapeutic and art therapy theories and
15 techniques to evaluate, identify and establish plans for
16 treatment of individuals, families and groups with emotional,
17 mental, addiction and behavioral disorders. The term includes a
18 mental health examination and psychological history.

19 * * *

20 Section 3. Sections 4, 5(a), (k) and (l) and 6(2) and (3) of
21 the act are amended to read:

22 Section 4. License required.

23 It shall be unlawful for any person to hold himself or
24 herself forth 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 art therapist unless he or
28 she shall first have obtained a license pursuant to this act.

29 Section 5. State Board of Social Workers, Marriage and Family
30 Therapists and Professional Counselors.

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

19 * * *

20 (k) Notice.--Reasonable notice of all meetings shall be
21 given in conformity with [the act of July 3, 1986 (P.L.388,
22 No.84), known as the Sunshine Act] 65 Pa.C.S. Ch. 7 (relating to
23 open meetings)).

24 (l) Operating procedures.--The board shall meet within 30
25 days after the appointment of its new members and set up
26 operating procedures and develop application forms for licensing
27 clinical social workers, marriage and family therapists and
28 professional counselors. It shall be the responsibility of the
29 board to circulate these forms and educate the public to the
30 requirements of licensing in order to hold oneself out as a

1 licensed bachelor social worker, licensed social worker,
2 licensed clinical social worker, licensed marriage and family
3 therapist [or], licensed professional counselor or licensed
4 professional art therapist within the Commonwealth.

5 Section 6. Powers and functions of board.

6 The board shall have the following powers:

7 * * *

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

17 (3) To examine for, deny, approve, issue, revoke,
18 suspend or renew licenses of bachelor social workers, social
19 workers, clinical social workers, marriage and family
20 therapists [and], professional counselors and professional
21 art therapists pursuant to this act and to conduct hearings
22 in connection therewith.

23 * * *

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

26 Section 7. Qualifications for license.

27 * * *

28 (h) Professional art therapist license.--An applicant shall
29 be qualified to hold oneself out as a licensed professional art
30 therapist if the applicant submits proof satisfactory to the

1 board that all of the following apply:

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

3 (2) The applicant has successfully met one of the

4 following educational requirements:

5 (i) Holds a master's degree with a minimum of 60
6 semester hours or 90 quarter hours of graduate coursework
7 in art therapy from a program that was approved by the
8 American Art Therapy Association or accredited by the
9 Commission on Accreditation of Allied Health Education
10 Programs at the time the degree was conferred.

11 (ii) Has successfully completed a master's degree
12 with a minimum of 60 semester hours or 90 quarter hours
13 of graduate coursework in art therapy or a field
14 determined by the board by regulation to be closely
15 related to the practice of professional art therapy.

16 (iii) Holds a doctoral degree in art therapy from an
17 accredited educational institution or holds a doctoral
18 degree in a field determined by the board by regulation
19 to be closely related to the practice of professional art
20 therapy from an accredited educational institution.

21 (3) The applicant has complied with the experience
22 requirements as follows:

23 (i) An individual meeting the educational
24 requirements of paragraph (2)(i) or (ii) must have
25 completed at least 3,000 hours of supervised clinical
26 experience, acceptable to the board as determined by
27 regulation, which was obtained subsequent to granting of
28 the master's degree.

29 (ii) An individual meeting the educational
30 requirements of paragraph (2)(iii) must have completed at

1 least 2,400 hours of supervised clinical experience,
2 acceptable to the board as determined by regulation,
3 1,200 hours of which was obtained subsequent to the
4 granting of the doctoral degree.

5 (4) The applicant's postgraduate experience is completed
6 under supervision by a licensed professional art therapist, a
7 certified art therapist or any other licensed mental health
8 professional acceptable to the board as determined by
9 regulation.

10 (5) The applicant has passed an examination adopted by
11 the board.

12 (6) The application has been accompanied by the
13 application fee.

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

21 (i) at least five years have elapsed from the date
22 of conviction; or

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

1 for the remainder of the five years required in
2 subparagraph (i).

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

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

7 Section 8. Procedures for licensing.

8 * * *

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

16 Section 6. Section 9 of the act is amended by adding a
17 subsection to read:

18 Section 9. Exemption from licensure examination.

19 * * *

20 (d) Professional art therapists.--The requirements of
21 section 7(h) (5) shall not apply and a license shall be issued
22 without examination to an applicant who meets all of the
23 following requirements:

24 (1) Has submitted an application for a professional art
25 therapist license, accompanied by the required fee, within
26 two years after the effective date of this paragraph.

27 (2) Can demonstrate proof of practice of professional
28 art therapy for at least five of the seven years immediately
29 prior to the date of application for license.

30 (3) Has successfully met one of the following

1 educational requirements:

2 (i) Has a doctoral degree in art therapy or a field
3 determined by the board by regulation to be closely
4 related to the practice of professional art therapy from
5 an accredited educational institution.

6 (ii) Has a master's degree of at least 48 semester
7 hours or 72 quarter hours from a program in art therapy
8 approved by the American Art Therapy Association.

9 (iii) Has a master's degree from an accredited
10 educational institution with a course of study that the
11 Art Therapy Credentials Board has determined is
12 equivalent to an approved program in art therapy for
13 purposes of meeting the education requirements for
14 registration as an art therapist.

15 (4) Holds a current credential as a certified art
16 therapist and has passed the national board certification
17 examination of the Art Therapy Credentials Board.

18 Section 7. Section 10 of the act is amended to read:

19 Section 10. Reciprocity.

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

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

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

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

11 * * *

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

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

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

20 (3) The applicant has completed a minimum of 3,000 hours
21 of supervised clinical experience acceptable to the board.

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

24 (5) The applicant has, at a minimum, been actively
25 engaged in the practice of professional art therapy work for
26 five of the last seven years immediately preceding the filing
27 of the application for licensure by endorsement with the
28 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 the applicant otherwise satisfies the
7 qualifications contained in or authorized by this act and:

8 (i) at least five years have elapsed from the date
9 of conviction; or

10 (ii) the applicant satisfactorily demonstrates to
11 the board that the applicant has made significant
12 progress in personal rehabilitation since the conviction
13 such that licensure of the applicant should not be
14 expected to create a substantial risk of harm to the
15 health and safety of clients or the public or a
16 substantial risk of further criminal violation,
17 in which case the board may issue a probationary license
18 for the remainder of the five years required in
19 subparagraph (i).

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

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

24 Section 12. Reinstatement of license.

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

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

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

9 Section 16.5. Restriction on use of title "licensed

10 professional art therapist" and related titles.

11 (a) General rule.--Only individuals who have received
12 licenses as licensed professional art therapists under this act
13 may engage in the independent practice of professional art
14 therapy, use the letters "L.P.A.T." in connection with their
15 names, or represent themselves to the public as licensed
16 professional art therapists, professional art therapists or art
17 therapists. It shall be unlawful for an individual to style
18 oneself as a professional art therapist, advertise or engage in
19 the independent practice of professional art therapy or use any
20 words or symbols indicating or tending to indicate that the
21 individual is a licensed professional art therapist,
22 professional art therapist or otherwise qualified to practice
23 professional art therapy without holding a license in good
24 standing under this act.

25 (b) Nonapplicability.--This section shall not apply to the
26 following:

27 (1) A person employed by the Commonwealth in an art
28 therapist position on the effective date of this subsection,
29 during the time of employment by the Commonwealth in that
30 position.

1 (2) A person who holds a valid license or is certified
2 or regulated pursuant to another professional licensure law
3 or State certification of the Commonwealth and who is
4 credentialed by the Art Therapy Credentials Board as a
5 certified art therapist.

6 (3) A person who is practicing professional art therapy
7 under supervision to meet the supervised clinical experience
8 requirement to become a licensed professional art therapist
9 pursuant to this act if the person does not represent himself
10 or herself as a licensed professional art therapist or
11 professional art therapist.

12 (4) A student enrolled in an art therapy academic
13 program with an accredited educational institution while
14 practicing art therapy under qualified supervision and as
15 part of an approved course of study if the person does not
16 represent himself or herself as a professional art therapist
17 or art therapist. A student enrolled in an art therapy
18 program may identify himself or herself only as an "art
19 therapy student" or "art therapy intern."

20 Section 11. Sections 17(b), 18(b) and 20(a) of the act are
21 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 or the independent practice
5 of professional art therapy without being licensed pursuant to
6 this act or on any person who holds himself or herself out as a
7 licensed bachelor social worker, licensed social worker,
8 licensed clinical social worker, licensed marriage and family
9 therapist, licensed professional counselor or marriage and
10 family therapist or licensed professional art therapist or
11 professional art therapist without being so licensed pursuant to
12 this act. The board shall levy this penalty only after affording
13 the accused party the opportunity for a hearing, as provided in
14 Title 2 of the Pennsylvania Consolidated Statutes (relating to
15 administrative law and procedure).

16 * * *

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 art therapists in Pennsylvania shall
23 be kept in the office of the board and shall be open to public
24 inspection and copying upon payment of a nominal fee for copying
25 the record.

26 * * *

27 Section 20. Unlawful practice.

28 (a) Unlawful practice prohibited.--It shall be unlawful for
29 any person to engage in the independent practice of clinical
30 social work, the independent practice of marriage and family

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

9 * * *

10 Section 12. Within 60 days of the effective date of this
11 section, the Governor shall nominate two professional members to
12 serve as the licensed professional art therapist members of the
13 State Board of Social Workers, Marriage and Family Therapists
14 and Professional Counselors. The professional members initially
15 appointed pursuant to this section need not be licensed by the
16 licensure examination adopted by the State Board of Social
17 Workers, Marriage and Family Therapists and Professional
18 Counselors but, at the time of appointment, must satisfy all
19 other requirements of this act for licensure as a professional
20 art therapist.

21 Section 13. The State Board of Social Workers, Marriage and
22 Family Therapists and Professional Counselors shall promulgate
23 final regulations to carry out the provisions of this act within
24 18 months of the effective date of this section.

25 Section 14. This act shall take effect as follows:

26 (1) The following provisions shall take effect in 24
27 months:

28 (i) The amendment of section 4 of the act.

29 (ii) The addition of section 16.5 of the act.

30 (iii) The amendment of section 17(b) of the act.

1 (iv) The amendment of section 20(a) of the act.
2 (2) The remainder of this act shall take effect in 60
3 days.