
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1091 Session of
2024

INTRODUCED BY CULVER, BROWN, COMITTA, SCHWANK, DILLON, MUTH,
BREWSTER, CAPPELLETTI, LAUGHLIN, YAW AND STREET,
MARCH 11, 2024

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
MARCH 11, 2024

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 reciprocity, for endorsement of
9 out-of-State licenses and for reinstatement of license;
10 providing for restrictions on use of title "Licensed
11 Recreational Therapist"; and further providing for penalties,
12 for license renewal and records and fees and for unlawful
13 practice.

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

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

19 Section 2. Legislative intent.

20 The practice of social work, marriage and family therapy,
21 recreational therapy and professional counseling within this
22 Commonwealth is hereby declared to affect the public safety and

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

14 Section 2. Section 3 of the act is amended by adding
15 definitions 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 "Licensed recreational therapist." An individual who engages
22 or offers to engage in the practice of recreational therapy and
23 who holds a current license under this act.

24 * * *

25 "Methods and techniques of recreational therapy." Methods
26 and techniques used by licensed recreational therapists which
27 may include any of the following:

28 (1) Conducting an individualized assessment for the
29 purpose of collecting systematic, comprehensive and accurate
30 data necessary to determine the course of action and

1 subsequent individualized treatment plan.

2 (2) Planning and developing an individualized
3 recreational therapy treatment plan that identifies an
4 individual's goals, objectives and potential treatment
5 intervention strategies for play, recreation, leisure and
6 community activities.

7 (3) Implementing an individualized recreational therapy
8 treatment plan that is consistent with the overall treatment
9 plan.

10 (4) Systematically evaluating and comparing the
11 individual's response to the individualized recreational
12 therapy treatment plan and making modifications as
13 appropriate.

14 (5) Developing a discharge plan in collaboration with
15 the individual and the individual's family, treatment team
16 and other identified support networks where appropriate.

17 (6) Identifying and training individuals in the use of
18 adaptive play, recreation and leisure equipment.

19 (7) Identifying, providing and educating individuals to
20 use play, recreation, leisure and community resources that
21 support a healthy, active and engaged life.

22 (8) Providing leisure education and counseling to
23 address issues that hinder health and engagement in play,
24 recreation, leisure and community activities.

25 (9) Providing community integration, reintegration,
26 inclusion and transitioning services to maximize health and
27 participation in play, recreation, leisure and community
28 activities.

29 (10) Addressing functional skill recovery, development
30 or maintenance related to health and participation in play,

1 recreation, leisure and community activities and utilizing
2 play, recreation, leisure and community activities as
3 modalities to advance health and functioning.

4 (11) Assisting individuals in constructing a healthy
5 leisure lifestyle that supports continued recovery, health
6 promotion and quality of life.

7 (12) Providing play, recreation, leisure and community
8 opportunities for individuals with illness, disability or
9 challenges for therapeutic purposes.

10 (13) Minimizing personal and environmental contextual
11 barriers and maximizing personal and environmental contextual
12 facilitators to enhance health and participation in play,
13 recreation, leisure and community activities.

14 (14) Collaborating with and educating the individual,
15 family, caregiver and others to foster an environment that is
16 responsive to the health, play, recreation, leisure and
17 community engagement needs of the individual.

18 (15) Consulting with groups, programs, organizations or
19 communities to improve physical, social and programmatic
20 accessibility in play, recreation, leisure and community
21 activities.

22 * * *

23 "Practice of recreational therapy." The professional
24 application of methods and techniques of recreational therapy
25 designed to treat an individual affected by an illness or
26 disabling condition in order to accomplish any of the following:

27 (1) Restore, remediate or rehabilitate the individual's
28 level of functioning and independence in play, leisure,
29 recreation and community activities.

30 (2) Promote health and wellness through engagement in

1 play, leisure, recreation and community activities.

2 (3) Reduce or eliminate limitations and restrictions to
3 participation in play, leisure, recreation and community
4 activities.

5 * * *

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

8 Section 4. License required.

9 It shall be unlawful for any person to hold himself or
10 herself forth as a licensed bachelor social worker, licensed
11 social worker, licensed clinical social worker, licensed
12 marriage and family therapist, licensed recreational therapist
13 or licensed professional counselor unless he or she shall first
14 have obtained a license pursuant to this act.

15 Section 5. State Board of Social Workers, Marriage and Family
16 Therapists, Recreational Therapists and
17 Professional Counselors.

18 (a) Creation.--There is hereby created the State Board of
19 Social Workers, Marriage and Family Therapists, Recreational
20 Therapists and Professional Counselors, a departmental
21 administrative board in the Department of State. The board shall
22 consist of [13] 15 members who are citizens of the United States
23 and who have been residents of this Commonwealth for a two-year
24 period, two of whom shall be public members; [five] six of whom
25 shall be licensed social workers, at least one of whom shall be
26 a licensed clinical social worker and at least one of whom shall
27 be a licensed social worker; two of whom shall be licensed
28 marriage and family therapists; two of whom shall be licensed
29 professional counselors; one of whom shall be either a licensed
30 marriage and family therapist or a licensed professional

1 counselor whose membership shall rotate between those
2 professions at the expiration of the member's second term; one
3 of whom shall be a licensed recreational therapist; and one of
4 whom shall be the Commissioner of Professional and Occupational
5 Affairs.

6 * * *

7 (c) Initial appointments.--Within 90 days of the effective
8 date of this act, the Governor shall nominate one professional
9 member to serve as a clinical social worker member of the board;
10 three professional members to serve as professional counselor
11 members of the board, one of whom shall serve a two-year term,
12 one of whom shall serve a three-year term and one of whom shall
13 serve a four-year term; two professional members to serve as the
14 marriage and family therapist members of the board, one of whom
15 shall serve a two-year term and one of whom shall serve a four-
16 year term; and one professional member to serve as the licensed
17 recreational therapist member of the board, who shall serve a
18 four-year term. The professional members of the board initially
19 appointed pursuant to this subsection need not be licensed by
20 the licensure examination adopted by the board but, at the time
21 of appointment, must have satisfied the education and experience
22 requirements of this act for licensure as a clinical social
23 worker, a marriage and family therapist, a recreational
24 therapist or a professional counselor.

25 * * *

26 (1) Operating procedures.--The board shall meet within 30
27 days after the appointment of its new members and set up
28 operating procedures and develop application forms for licensing
29 clinical social workers, marriage and family therapists,
30 licensed recreational therapists and professional counselors. It

1 shall be the responsibility of the board to circulate these
2 forms and educate the public to the requirements of licensing in
3 order to hold oneself out as a licensed bachelor social worker,
4 licensed social worker, licensed clinical social worker,
5 licensed marriage and family therapist, recreational therapist
6 or licensed professional counselor within [the] this
7 Commonwealth.

8 Section 6. Powers and functions of board.

9 The board shall have the following powers:

10 * * *

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

20 (3) To examine for, deny, approve, issue, revoke,
21 suspend or renew licenses of bachelor social workers, social
22 workers, clinical social workers, marriage and family
23 therapists, licensed recreational therapists and professional
24 counselors pursuant to this act and to conduct hearings in
25 connection therewith.

26 * * *

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

29 Section 7. Qualifications for license.

30 * * *

1 (h) Recreational therapist license.--An applicant shall be
2 qualified for a license to hold oneself out as a licensed
3 recreational therapist if the applicant submits proof
4 satisfactory to the board that the applicant:

5 (1) Is at least 18 years of age.

6 (2) Will uphold ethical guidelines and professional
7 conduct established by the profession.

8 (3) Has submitted a completed application and fee as
9 required by the board by regulation.

10 (4) Has completed certification requirements for and
11 maintains certification by the National Council for
12 Therapeutic Recreation Certification.

13 (5) Is not addicted to alcohol, narcotics or other
14 habit-forming drugs.

15 (6) Has not been convicted of a felony under the act of
16 April 14, 1972 (P.L.233, No.64), known as The Controlled
17 Substance, Drug, Device and Cosmetic Act, or of an offense
18 under the laws of another jurisdiction which, if committed in
19 this Commonwealth, would be a felony under The Controlled
20 Substance, Drug, Device and Cosmetic Act, unless the
21 following apply:

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 and the licensure of the applicant is not expected to
28 create a substantial risk of harm to the health and
29 safety of the applicant's clients or the public or a
30 substantial risk of further criminal violations.

1 (iii) The applicant otherwise satisfies the
2 qualifications required under this act.

3 Section 5. Sections 8(b) and 10 of the act are amended to
4 read:

5 Section 8. Procedures for licensing.

6 * * *

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

14 Section 10. Reciprocity.

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

26 (b) Emergencies.--The board shall have the power to allow an
27 individual who is licensed or certified as a clinical social
28 worker, [a] marriage and family therapist, licensed recreational
29 therapist or [a] professional counselor in another state to
30 practice in this Commonwealth without licensure for no more than

1 60 days as part of a relief effort related to a state of
2 emergency as declared by the Federal Government or the Governor.

3 Section 6. Section 10.1 of the act is amended by adding a
4 subsection to read:

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

6 * * *

7 (d) Recreational therapist license.--The board may issue a
8 recreational therapist license to an applicant holding a
9 recreational therapist license in another state who submits
10 proof satisfactory to the board of all of the following:

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

12 (2) The applicant meets the certification requirements
13 under section 7(h)(4).

14 (3) The applicant holds a recreation therapy license
15 that is in good standing from another state.

16 (4) The applicant has submitted an application
17 accompanied by the application fee.

18 (5) Has not been convicted, include the entrance of a
19 judgment or an admission of guilt or a plea of nolo
20 contendere, of a felony under the act of April 14, 1972
21 (P.L.233, No.64), known as The Controlled Substance, Drug,
22 Device and Cosmetic Act, or of an offense under the laws of
23 another jurisdiction which, if committed in this
24 Commonwealth, would be a felony under The Controlled
25 Substance, Drug, Device and Cosmetic Act, unless the
26 following apply:

27 (i) At least ten years have elapsed from the date of
28 conviction.

29 (ii) The applicant satisfactorily demonstrates to
30 the board that the applicant has made significant

1 progress in personal rehabilitation since the conviction
2 and the licensure of the applicant is not expected to
3 create a substantial risk of harm to the health and
4 safety of the applicant's clients or the public or a
5 substantial risk of further criminal violations.

6 (iii) The applicant otherwise satisfies the
7 qualifications required under this act.

8 Section 7. 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, licensed
14 recreational therapist or professional counselor pursuant to
15 this act, which has been revoked. Any person whose license has
16 been revoked may apply for reinstatement, after a period of at
17 least five years, but must meet all of the licensing
18 qualifications of this act, including the examination
19 requirement, if he or she desires to practice as a bachelor
20 social worker, social worker, clinical social worker, marriage
21 and family therapist, licensed recreational therapist or
22 professional counselor pursuant to this act at any time after
23 such revocation.

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

25 Section 16.5. Restrictions on use of title "Licensed
26 Recreational Therapist."

27 A person may not practice or hold himself or herself out as
28 being able to engage in the practice of recreational therapy,
29 use the term "recreational therapist," "licensed recreational
30 therapist," the initials "CTRS/L" or other similar terms or

1 provide recreational therapy services in this Commonwealth
2 without being licensed under this act to do so.

3 Section 9. Sections 17(b), 18(b) and 20(a) of the act are
4 amended to read:

5 Section 17. Penalties.

6 * * *

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

29 * * *

30 Section 18. License renewal; records and fees.

1 * * *

2 (b) Records.--A record of all persons licensed to practice
3 as bachelor social workers, social workers, clinical social
4 workers, marriage and family therapists, licensed recreational
5 therapists and professional counselors in Pennsylvania shall be
6 kept in the office of the board and shall be open to public
7 inspection and copying upon payment of a nominal fee for copying
8 the record.

9 * * *

10 Section 20. Unlawful practice.

11 (a) Unlawful practice prohibited.--It shall be unlawful for
12 any person to engage in the independent practice of clinical
13 social work, the independent practice of marriage and family
14 therapy, the independent practice of recreational therapy or the
15 independent practice of professional counseling or hold himself
16 or herself out as a licensed bachelor social worker, licensed
17 social worker, licensed clinical social worker, marriage and
18 family therapist, licensed recreational therapist and
19 professional counselor without possessing a valid, unexpired,
20 unrevoked and unsuspended license issued under this act.

21 * * *

22 Section 10. This act shall take effect in 60 days.