

## No. 1998-136

## AN ACT

## SB 619

Amending the act of July 9, 1987 (P.L.220, No.39), entitled "An act licensing and regulating the practice of social work; providing penalties; and making an appropriation," further providing for the short title, for legislative intent, for definitions, for licensure, for the licensing agency and its functions, for licensure qualifications and procedure and for examination exemptions; providing for examinations; further providing for reciprocity, for license sanctions, for license reinstatement, for multiple licensure, for nomenclature and for license renewal; providing for disclosure and for referral; and making an appropriation.

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

Section 1. Sections 1, 2, 3, 4, 5, 6, 7, 8 and 9 of the act of July 9, 1987 (P.L.220, No.39), known as the Social Workers' Practice Act, are amended to read:

Section 1. Short title.

This act shall be known and may be cited as the [Social Workers' Practice] *Social Workers, Marriage and Family Therapists and Professional Counselors Act*.

Section 2. Legislative intent.

The practice of social work, *marriage and family therapy and professional counseling* within this Commonwealth is hereby declared to affect the public safety and welfare and to be subject to regulation and control in the public interest to protect the public from unprofessional, improper, unauthorized and unqualified practice of licensed social work, *licensed marriage and family therapy and licensed professional counseling*. This act regulates only those who hold themselves out as licensed social workers, *licensed clinical social workers, licensed marriage and family therapists or as licensed professional counselors*. Acquisition of a license under this act shall not be made a condition of the employment of a person by the Commonwealth or any of its political subdivisions or by nonprofit agencies.

Section 3. Definitions.

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

*"Application of social work methods and theory."* Includes *psychosocial assessment, crisis intervention, case management, client-centered advocacy, psychotherapy and family therapy with individuals, couples, families and*

*groups in an effort to prevent or ameliorate family and personal dysfunction at home, at work and in the community.*

**“Board.”** The State Board of [Social Work Examiners] *Social Workers, Marriage and Family Therapists and Professional Counselors* under the Bureau of Professional and Occupational Affairs within the Department of State.

**“Commissioner.”** The Commissioner of Professional and Occupational Affairs.

**“Licensed clinical social worker.”** *A social worker who holds a current clinical license under this act.*

**“Licensed marriage and family therapist.”** *An individual who engages in or offers to engage in the practice of marriage and family therapy and who holds a current license under this act.*

**“Licensed professional counselor.”** *An individual who engages in the practice of professional counseling and who holds a current license under this act.*

**“Licensed social worker.”** A social worker who holds a current license under this act.

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

**“Practice of marriage and family therapy.”** *The professional application of psychotherapeutic and family systems theories and techniques to the evaluation, assessment and treatment of mental and emotional disorders, whether cognitive, affective or behavioral. The term includes the evaluation and assessment of mental and emotional disorders in the context of significant interpersonal relationships and the delivery of psychotherapeutic services to individuals, couples, families and groups for the purpose of treating such disorders.*

**“Practice of professional counseling.”** *Includes all of the following:*

*(1) The application of principles and practices of counseling, mental health and human development to evaluate and facilitate human growth*

*and adjustment throughout the life span and to prevent and treat mental, emotional or behavioral disorders and associated stresses which interfere with mental health and normal human growth and development.*

(2) *The evaluation and assessment of normal and abnormal mental, emotional, social, educational, vocational, family and behavioral functioning throughout the life span; individual, group, family counseling and psychotherapy; crisis intervention, career counseling and educational and vocational counseling; functional assessment of persons with disabilities; and professional consulting.*

(3) *Professional counselors' utilization of verbal and nonverbal approaches and specialization in the use of arts-based therapeutic approaches, such as art, dance, music or drama, to accomplish treatment objectives.*

“Practice of social work.” Holding oneself out to the public by any title or description of services incorporating the term “licensed social worker,” or using any words or symbols indicating or tending to indicate that he or she is a licensed social worker and, under such description, offering to render or rendering a service in which a special knowledge of social resources, human personality and capabilities and therapeutic techniques is directed at helping people to achieve adequate and productive personal, interpersonal and social adjustments in their individual lives, in their families and in their community.

“Provisional licensed social worker.” A social worker who holds a current provisional license under this act.

Section 4. [Social work license] *License* required.

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

Section 5. State Board of [Social Work Examiners] *Social Workers, Marriage and Family Therapists and Professional Counselors.*

(a) Creation.—There is hereby created the State Board of [Social Work Examiners,] *Social Workers, Marriage and Family Therapists and Professional Counselors*, a departmental administrative board in the Department of State. The board shall consist of [seven] *13* members who are citizens of the United States and who have been residents of this Commonwealth for a two-year period, two of whom shall be public members[, four]; *five* of whom shall be [persons who meet the educational qualifications for licensure as specified in section 7] *licensed social workers, at least one of whom shall be a licensed clinical social worker and at least one of whom shall be a licensed social worker; two of whom shall be licensed marriage and family therapists; two of whom shall be licensed professional counselors; one of whom shall be either a licensed marriage and family therapist or a licensed professional counselor as hereafter*

***provided***; and one of whom shall be the Commissioner of Professional and Occupational Affairs.

(b) Term of office.—The members shall serve for four-year terms, except as provided in subsection (c), and shall be appointed by the Governor by and with the advice and consent of a majority of the members elected to the Senate. ***The term of the licensed professional counselor initially appointed for a two-year term shall thereafter alternate between licensed marriage and family therapists and licensed professional counselors.***

(c) Initial appointments.—Within 90 days of the effective date of this act, the Governor shall nominate **[one professional member to serve a four-year term; one public member and one professional member to serve three-year terms; one public member and one professional member to serve two-year terms; and one professional member to serve a one-year term.]** ***one professional member to serve as a clinical social worker member of the board; three professional members to serve as professional counselor members of the board, one of whom shall serve a two-year term, one of whom shall serve a three-year term and one of whom shall serve a four-year term; two professional members to serve as the marriage and family therapist members of the board, one of whom shall serve a two-year term and one of whom shall serve a four-year term. The professional members of the board initially appointed pursuant to this subsection need not be licensed by the licensure examination adopted by the board but, at the time of appointment, must have satisfied the education and experience requirements of this act for licensure as a clinical social worker, a marriage and family therapist or a professional counselor.***

(d) Continuation in office.—Each board member shall continue in office until a successor is duly appointed and qualified but no longer than six months after the expiration of the term. In the event that a board member shall die, resign or otherwise become disqualified during the term of office, a successor shall be appointed in the same way and with the same qualifications as set forth in this section and shall hold office for the unexpired portion of the unexpired term.

(e) Limit on terms.—No board member shall be eligible for appointment to serve more than two consecutive four-year terms.

(f) Forfeiture of membership.—A board member who fails to attend three consecutive meetings shall forfeit his or her seat unless the commissioner, upon written request from the member, finds that the member should be excused from a meeting because of illness or the death of a family member.

(g) Compensation.—Each member of the board, except the commissioner, shall receive per diem compensation at the rate of \$60 per diem when actually attending to the work of the board. Members shall also receive reasonable traveling, hotel and other necessary expenses incurred in the performance of their duties in accordance with Commonwealth regulations.

(h) Forfeiture for nonattendance.—A public member who fails to attend two consecutive statutorily mandated training seminars in accordance with

section 813(e) of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, shall forfeit his or her seat unless the commissioner, upon written request from the public member, finds that the public member should be excused from a meeting because of illness or the death of a family member.

(i) Quorum.—A majority of the members of the board serving in accordance with law shall constitute a quorum for purposes of conducting the business of the board. Except for temporary and automatic suspensions under section 11(d) and (e), a member may not be counted as part of a quorum or vote on any issue unless he or she is physically in attendance at the meeting.

(j) Meetings.—The board shall meet at least four times a year in Harrisburg.

(k) Notice.—Reasonable notice of all meetings shall be given in conformity with the act of July 3, 1986 (P.L.388, No.84), known as the Sunshine Act.

(l) Operating procedures.—The board shall meet within 30 days after the appointment of its [initial] *new* members and set up operating procedures and [an application form] *develop application forms* for licensing *clinical* social workers, *marriage and family therapists and professional counselors*. It shall be the responsibility of the board to circulate these forms and educate the public to the requirements of licensing in order to hold oneself out as a licensed social worker, *licensed clinical social worker, licensed marriage and family therapist or licensed professional counselor* within the Commonwealth.

Section 6. Powers and functions of board.

The board shall have the following powers:

(1) To pass upon the qualifications and fitness of applicants for licenses and reciprocal licenses and to adopt and revise rules and regulations requiring applicants to pass examinations relating to their qualifications as a prerequisite to the issuance of a license.

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

(3) To examine for, deny, approve, issue, revoke, suspend or renew licenses of social workers, *clinical social workers, marriage and family therapists and professional counselors* pursuant to this act and to conduct hearings in connection therewith.

(4) To conduct hearings upon complaints concerning violations of the provisions of this act and the rules and regulations adopted pursuant to this act and seek the prosecution and enjoinder of all such violations.

(5) To expend moneys necessary to the proper carrying out of its assigned duties.

(6) To waive examination and grant a license in cases deemed exceptional by the board and in accordance with regulations promulgated by the board.

(7) To submit annually a report to the Professional Licensure Committee of the House of Representatives and the Consumer Protection and Professional Licensure Committee of the Senate containing a description of the types of complaints received, status of the cases, board action which has been taken and length of time from the initial complaint to final board resolution.

(8) To submit annually to the Appropriations Committees of the House of Representatives and the Senate, 15 days after the Governor has submitted his budget to the General Assembly, a copy of the budget request for the upcoming fiscal year which the board previously submitted to the Department of State.

#### Section 7. Qualifications for license.

(a) **[Regular] Social work** license.—An applicant shall be qualified for a license to hold oneself out as a licensed social worker, provided he or she submits proof satisfactory to the board that:

- (1) He or she is of good moral character.
- (2) He or she has received a master's degree from an accredited school of social work or social welfare or a doctoral degree in social work.
- (3) He or she has passed an examination duly adopted by the board.
- (4) His or her application has been accompanied by the application fee.
- (5) He or she has not been convicted of a felony under the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, or of an offense under the laws of another jurisdiction, which, if committed in this Commonwealth, would be a felony under The Controlled Substance, Drug, Device and Cosmetic Act, unless:

- (i) at least ten years have elapsed from the date of conviction;
- (ii) the applicant satisfactorily demonstrates to the board that he or she has made significant progress in personal rehabilitation since the conviction, such that licensure of the applicant should not be expected to create a substantial risk of harm to the health and safety of his or her clients or the public or a substantial risk of further criminal violations; and
- (iii) the applicant otherwise satisfies the qualifications contained in or authorized by this act.

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

(b) **Provisional social work** license.—An applicant shall be qualified for a provisional license to hold oneself out as a social worker with a provisional license, provided he or she submits proof satisfactory to the board that:

- (1) He or she is of good moral character.

(2) He or she has received a bachelor's degree in social work from an accredited school of social work or social welfare and has three years' experience under the supervision of a social worker who has graduated with a master's degree from an accredited school of social work or social welfare.

(3) He or she offers proof of current enrollment in a master's degree program at an accredited school of social work or social welfare.

(4) He or she passed an examination duly adopted by the board.

(5) His or her application has been accompanied by the application fee.

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

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

(ii) the applicant satisfactorily demonstrates to the board that he or she has made significant progress in personal rehabilitation since the conviction, such that licensure of the applicant should not be expected to create a substantial risk of harm to the health and safety of his or her clients or the public or a substantial risk of further criminal violations; and

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

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

(c) Limitation on provisional *social work* licenses.—No applicant may be issued more than three provisional licenses.

***(d) Clinical social work license.—An applicant shall be qualified for a license to hold oneself out as a licensed clinical social worker if the applicant submits proof satisfactory to the board that all of the following apply:***

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

***(2) The applicant has successfully met both of the following requirements:***

***(i) Holds a master's degree in social work or social welfare or a doctoral degree in social work from an accredited school of social work as recognized by the board.***

***(ii) Is licensed under this act as a social worker.***

***(3) The applicant has completed at least three years or 3,600 hours of supervised clinical experience acceptable to the board as determined by regulation after completion of the master's degree in social work.***

***(4) The applicant has passed a clinical social work examination adopted by the board.***

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

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

- (i) *at least ten years have elapsed from the date of conviction;***
- (ii) *the applicant satisfactorily demonstrated to the board that the applicant has made significant progress in personal rehabilitation since the conviction such that licensure of the applicant should not be expected to create a substantial risk of harm to the health and safety of clients or the public or a substantial risk of further criminal violations; and***
- (iii) *the applicant otherwise satisfies the qualifications contained in or authorized by this act.***

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

**(e) *Marriage and family therapist license.—An applicant shall be qualified to hold oneself out as a licensed marriage and family therapist if the applicant submits proof satisfactory to the board that all of the following apply:***

- (1) *The applicant is of good moral character.***
- (2) *The applicant has successfully met one of the following educational requirements:***

**(i) *Within five years after the board has promulgated final regulations, has successfully completed a planned program of 60 semester hours or 90 quarter hours of graduate coursework which is closely related to marriage and family therapy, including a master's degree in marriage and family therapy from an accredited educational institution or a master's degree in a field determined by the board by regulation to be closely related to the practice of marriage and family therapy from an accredited educational institution, with graduate level coursework in marriage and family therapy acceptable to the board from an accredited educational institution or from a program recognized by a national accrediting agency.***

**(ii) *Has successfully completed a planned program of 60 semester hours or 90 quarter hours of graduate coursework which is closely related to marriage and family therapy, including a 48-semester-hour or 72-quarter-hour master's degree in marriage and family therapy from an accredited educational institution or a 48-semester-hour or 72-quarter-hour master's degree in a field determined by the board by regulation to be closely related to the practice of marriage and family therapy from an accredited educational institution, with graduate level coursework in marriage and family therapy acceptable to the board from an accredited educational institution or from a program recognized by a national accrediting agency.***



*(iii) holds a doctoral degree in marriage and family therapy from an accredited educational institution or holds a doctoral degree in a field determined by the board by regulation to be closely related to the practice of marriage and family therapy from an accredited educational institution with graduate level coursework in marriage and family therapy acceptable to the board from an accredited educational institution or from a program recognized by a national accrediting agency.*

*(3) The applicant has complied with the experience requirement as follows:*

*(i) An individual meeting the educational requirements of paragraph (2)(i) or (ii) must have completed at least three years or 3,600 hours of supervised clinical experience, acceptable to the board as determined by regulation, obtained after the completion of 48 semester hours or 72 quarter hours of graduate coursework.*

*(ii) An individual meeting the educational requirements of paragraph (2)(iii) must have completed at least two years or 2,400 hours of supervised clinical experience, acceptable to the board as determined by regulation, one year or 1,200 hours of which was obtained subsequent to the granting of the doctoral degree.*

*(4) The applicant has passed an examination adopted by the board.*

*(5) The application has been accompanied by the application fee.*

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

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

*(ii) the applicant satisfactorily demonstrates to the board that the applicant has made significant progress in personal rehabilitation since the conviction such that licensure of the applicant should not be expected to create a substantial risk of harm to the health and safety of clients or the public or a substantial risk of further criminal violation; and*

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

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

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

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

*(2) The applicant has successfully met one of the following educational requirements:*

*(i) Within five years after the board has promulgated final regulations, has successfully completed a planned program of 60 semester hours or 90 quarter hours of graduate coursework in counseling or a field determined by the board by regulation to be closely related to the practice of professional counseling, including a master's degree in counseling or a field determined by the board by regulation to be closely related to the practice of professional counseling, from an accredited educational institution.*

*(ii) Has successfully completed a planned program of 60 semester hours or 90 quarter hours of graduate coursework in counseling or a field determined by the board by regulation to be closely related to the practice of professional counseling, including a 48-semester-hour or 72-quarter-hour master's degree in counseling or a field determined by the board by regulation to be closely related to the practice of professional counseling, from an accredited educational institution.*

*(iii) Holds a doctoral degree in counseling from an accredited educational institution or holds a doctoral degree in a field determined by the board by regulation to be closely related to the practice of professional counseling from an accredited educational institution.*

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

*(i) An individual meeting the educational requirements of paragraph (2)(i) or (ii) must have completed at least three years or 3,600 hours of supervised clinical experience, acceptable to the board as determined by regulation, obtained after the completion of 48 semester hours or 72 quarter hours of graduate coursework.*

*(ii) An individual meeting the educational requirements of paragraph (2)(iii) must have completed at least two years or 2,400 hours of supervised clinical experience, acceptable to the board as determined by regulation, one year or 1,200 hours of which was obtained subsequent to the granting of the doctoral degree.*

*(4) The applicant has passed an examination adopted by the board.*

*(5) The application has been accompanied by the application fee.*

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

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

*(ii) the applicant satisfactorily demonstrates to the board that the applicant has made significant progress in personal rehabilitation since the conviction such that licensure of the applicant should not be expected to create a substantial risk of harm to the health and*

*safety of clients or the public or a substantial risk of further criminal violations; and*

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

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

#### Section 8. Procedures for licensing.

(a) Affidavit required.—Each application form for an applicant submitted to the board for examination or licensure shall have attached as part of the form an affidavit or affirmation for the applicant to complete as to the veracity of the information on the application.

(b) Issuance of license.—The board shall issue to each person who meets the licensure requirements of this act a certificate setting forth that such person is licensed to hold himself or herself out as a licensed social worker [or as], a provisional social worker, *a licensed clinical social worker, a licensed marriage and family therapist or a licensed professional counselor.*

#### Section 9. Exemption from licensure examination.

(a) *Clinical social worker.*—The requirements of section [7(a)(3)] 7(d)(4) shall not apply and a license shall be issued without examination to [any person who has submitted an application for license, accompanied by the required fee, within two years after the effective date of this act, who is a resident of this Commonwealth, who has submitted proof of his or her practice of social work for a two-year period and who, on the effective date of this act, holds a master's degree in social work from an accredited school of social work or social welfare or a doctoral degree in social work.] *an applicant who meets all of the following requirements:*

(1) *Has submitted an application for a clinical social worker license, accompanied by the required fee, within three years after the effective date of this paragraph.*

(2) *Is licensed under this act as a social worker.*

(3) *Can demonstrate proof of practice of clinical social work for at least five of the seven years immediately prior to the date of application for license and that such practice was conducted in this Commonwealth.*

(4) *Has successfully met one of the following educational requirements:*

(i) *Has a doctoral degree in social work from an accredited educational institution.*

(ii) *Has a master's degree in social work of at least 48 credit hours with a specialty in direct practice social work from an accredited educational institution.*

(iii) *Has a master's degree in social work of at least 48 credit hours with a specialty other than direct practice social work and has taken either 12 additional credit hours of graduate study in direct practice social work or has within the past ten years completed sufficient continuing education in courses satisfactory to the board to*

*equal 12 credit hours at a ratio of 15 continuing education hours equaling one credit hour.*

*(5) Can demonstrate holding a current professional certification in clinical social work and having passed a national certification examination in clinical social work administered by a nationally recognized credentialing agency approved by the board. If passing an examination was not a prerequisite for obtaining professional certification, an applicant must demonstrate to the board that certification was obtained pursuant to meeting certification criteria satisfactory to the board.*

*(b) Marriage and family therapists.—The requirements of section 7(e)(4) shall not apply and a license shall be issued without examination to an applicant who meets all of the following requirements:*

*(1) Has submitted an application for a marriage and family therapist license, accompanied by the required fee, within three years after the effective date of this paragraph.*

*(2) Is a resident of this Commonwealth.*

*(3) Can demonstrate proof of practice of marriage and family therapy for at least five of the seven years immediately prior to the date of application for license.*

*(4) Has successfully met one of the following educational requirements:*

*(i) Has a doctoral degree in marriage and family therapy or in a field determined by the board by regulation to be closely related to the practice of marriage and family therapy from an accredited educational institution with graduate level coursework in marriage and family therapy acceptable to the board.*

*(ii) Has a master's degree of at least 48 semester hours or 72 quarter hours in marriage and family therapy or in a field determined by the board by regulation to be closely related to the practice of marriage and family therapy from an accredited educational institution with graduate level coursework in marriage and family therapy acceptable to the board.*

*(iii) Has a master's degree of less than 48 semester hours or 72 quarter hours but not less than 36 semester hours or 54 quarter hours in marriage and family therapy or in a field determined by the board by regulation to be closely related to the practice of marriage and family therapy from an accredited educational institution with graduate level coursework in marriage and family therapy acceptable to the board and has within the past ten years completed sufficient continuing education satisfactory to the board to equal the number of hours needed to achieve a total of 48 semester hours or 72 quarter hours at a ratio of 15 continuing education hours equaling one semester hour.*

*(5) Can demonstrate holding a current professional certification in marriage and family therapy and having passed an examination in marriage and family therapy approved by the board.*

*(c) Professional counselors.—The requirements of section 7(f)(4) shall not apply and a license shall be issued without examination to an applicant who meets all of the following requirements:*

*(1) Has submitted an application for a professional counselor license, accompanied by the required fee, within three years after the effective date of this paragraph.*

*(2) Is a resident of this Commonwealth.*

*(3) Can demonstrate proof of practice of professional counseling for at least five of the seven years immediately prior to the date of application for license.*

*(4) Has successfully met one of the following educational requirements:*

*(i) Has a doctoral degree in professional counseling or a field determined by the board by regulation to be closely related to the practice of professional counseling from an accredited educational institution.*

*(ii) Has a master's degree of at least 48 semester hours or 72 quarter hours in professional counseling or a field determined by the board by regulation to be closely related to the practice of professional counseling from an accredited educational institution.*

*(iii) Has a master's degree of less than 48 semester hours or 72 quarter hours but not less than 36 semester hours or 54 quarter hours in professional counseling or a field determined by the board by regulation to be closely related to the practice of professional counseling and has within the past ten years completed sufficient continuing education satisfactory to the board to equal the number of hours needed to achieve a total of 48 semester hours or 72 quarter hours at a ratio of 15 continuing education hours equaling one semester hour.*

*(5) Can demonstrate holding a current professional certification in professional counseling and having passed a national certification examination in professional counseling administered by a nationally recognized credentialing agency approved by the board.*

Section 2. The act is amended by adding a section to read:

#### **Section 9.1 Examinations.**

*The board shall contract with a professional testing organization for the examination of qualified applicants for licensure. All written, oral and practical examinations shall be prepared and administered by a qualified and approved professional testing organization in the manner prescribed for written examinations by section 812.1 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.*

Section 3. Sections 10, 11, 12, 13 and 16 of the act are amended to read:

**Section 10. Reciprocity.**

The board shall have the power to grant a reciprocal license to an applicant who is licensed or certified as a social worker, *clinical social worker, marriage and family therapist or professional counselor* in another state and has demonstrated qualifications which equal or exceed those required pursuant to this act in the determination of the board, provided that no license shall be granted under this section to an applicant unless the state in which the applicant is licensed affords reciprocal treatment to persons who are residents of this Commonwealth and who are licensed pursuant to this act.

**Section 11. Refusal, suspension and revocation of licenses.**

(a) Grounds.—The board may refuse, suspend, revoke, limit or restrict a license or reprimand a licensee for any of the following:

(1) Being convicted of a felony or a crime of moral turpitude in any state or Federal court or being convicted of the equivalent of a felony in any foreign country, territory or possession. As used in this paragraph, the term “convicted” includes a finding or verdict of guilt, an admission of guilt or a plea of nolo contendere or receiving probation without verdict, disposition in lieu of trial or an accelerated rehabilitative disposition in the disposition of felony charges.

(2) Being found guilty of immoral or unprofessional conduct. Unprofessional conduct shall include any departure from or failure to conform to the standards of acceptable and prevailing [social work] practice. In proceedings based on this paragraph, actual injury to the client need not be established.

(3) Violating standards of professional practice or conduct adopted by the board.

(4) Presenting false credentials or documents or making a false statement of fact in support of his or her application for a license.

(5) Submitting a false or deceptive biennial renewal to the board.

(6) Having a license [to practice social work] suspended, revoked or refused or receiving other disciplinary action by the proper [social work] licensing authority of any other state, territory, possession or country.

(7) Violating a regulation promulgated by the board, including, but not limited to, standards of professional practice and conduct, or violating an order of the board previously entered in a disciplinary proceeding.

(8) Being unable to practice [social work] with reasonable skill and safety by reason of illness, drunkenness, excessive use of drugs, narcotics, chemicals or any other type of material, or as a result of any mental or physical condition. In enforcing this paragraph, the board shall, upon probable cause, have authority to compel a [social worker] licensee to submit to a mental or physical examination by a physician approved by the board. Failure of a [social worker] licensee to submit to such examination when directed by the board, unless such failure is due to circumstances beyond his or her control, shall constitute an admission of the allegations against him or her, consequent upon which a default and final order may

be entered without the taking of testimony or presentation of evidence. A **[social worker] licensee** affected under this paragraph shall at reasonable intervals, as determined by the board, be afforded an opportunity to demonstrate that he or she can resume **[the] competent practice [of social work]** with reasonable skill and safety.

(b) Board action.—When the board finds that the license or application for license of any person may be refused, revoked, restricted or suspended under the terms of subsection (a), the board may:

- (1) Deny the application for a license.
- (2) Administer a public reprimand.
- (3) Revoke, suspend, limit or otherwise restrict a license as determined by the board.
- (4) Require a licensee to submit to the care, counseling or treatment of a physician designated by the board.
- (5) Suspend enforcement of its findings thereof and place a licensee on probation with the right to vacate the probationary order for noncompliance.
- (6) Restore a suspended license **[to practice social work]** and impose any disciplinary or corrective measure which it might originally have imposed.

(c) Hearing.—All actions of the board shall be taken subject to the right of notice, hearing and adjudication and the right of appeal therefrom in accordance with Title 2 of the Pennsylvania Consolidated Statutes (relating to administrative law and procedure).

(d) Temporary suspension.—The board shall temporarily suspend a license under circumstances as determined by the board to be an immediate and clear danger to the public health and safety. The board shall issue an order to that effect without a hearing, but upon due notice to the licensee concerned at his or her last known address, which shall include a written statement of all allegations against the licensee. The provisions of subsection (c) shall not apply to temporary suspension. The board shall thereupon commence formal action to suspend, revoke or restrict the license of the person concerned as otherwise provided for in this act. All actions shall be taken promptly and without delay. Within 30 days following the issuance of an order temporarily suspending a license, the board shall conduct, or cause to be conducted, a preliminary hearing to determine that there is a prima facie case supporting the suspension. The licensee whose license has been temporarily suspended may be present at the preliminary hearing and may be represented by counsel, cross-examine witnesses, inspect physical evidence, call witnesses, offer evidence and testimony and make a record of the proceedings. If it is determined that there is not a prima facie case, the suspended license shall be immediately restored. The temporary suspension shall remain in effect until vacated by the board, but in no event longer than 180 days.

(e) Automatic suspension.—A license issued under this act shall automatically be suspended upon the legal commitment of a licensee to an institution because of mental incompetence from any cause upon filing with the board of a certified copy of such commitment, conviction of a felony under the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, or conviction of an offense under the laws of another jurisdiction, which, if committed in this Commonwealth, would be a felony under The Controlled Substance, Drug, Device and Cosmetic Act. As used in this section, the term “conviction” shall include a judgment, an admission of guilt or a plea of *nolo contendere*. Automatic suspension under this section shall not be stayed pending an appeal or conviction. Restoration of such license shall be made as provided in this act for revocation or suspension of such license.

#### Section 12. Reinstatement of license.

Unless ordered to do so by Commonwealth Court or an appeal therefrom, the board shall not reinstate the license of a person to practice as a social worker, *clinical social worker, marriage and family therapist or professional counselor* pursuant to this act, which has been revoked. Any person whose license has been revoked may apply for reinstatement, after a period of at least five years, but must meet all of the licensing qualifications of this act, including the examination requirement, if he or she desires to practice as a social worker, *clinical social worker, marriage and family therapist or professional counselor* pursuant to this act at any time after such revocation.

#### Section 13. Reporting of multiple licensure.

Any [licensed social worker of this Commonwealth] *licensee of the board* who is also licensed to practice [social work] in any other state, territory or country shall report this information to the board on the biennial renewal application. Any disciplinary action taken in any other state, territory or country shall be reported to the board on the biennial renewal application, or within 90 days of disposition, whichever is sooner. Multiple licensure shall be noted by the board on the [licensed social worker's] *licensee's* record, and such state, territory or country shall be notified by the board of any disciplinary actions taken against said [licensed social worker] *licensee* in this Commonwealth.

#### Section 16. Restrictions on the use of title “Licensed Social Worker.”

Only individuals who have received [a license] *licenses as licensed social workers* under this act may style themselves as licensed social workers and use the letters “L.S.W.” in connection with their names, and it shall be unlawful for an individual to style himself or herself as a licensed social worker or use any words or symbols indicating or tending to indicate that he or she is a licensed social worker without holding a license in good standing under this act.

Section 4. The act is amended by adding sections to read:

**Section 16.1. Restriction on the use of title “Licensed Clinical Social Worker.”**



***Only individuals who have received licenses as licensed clinical social workers under this act may style themselves as licensed clinical social workers and use the letters "L.C.S.W." in connection with their names. It shall be unlawful for an individual to style oneself as a licensed clinical social worker or use any words or symbols indicating or tending to indicate that the individual is a licensed clinical social worker without holding a license in good standing under this act.***

***Section 16.2. Restriction on the use of title "Licensed Marriage and Family Therapist."***

***Only individuals who have received licenses as licensed marriage and family therapists under this act may style themselves as licensed marriage and family therapists and use the letters "L.M.F.T." in connection with their names. It shall be unlawful for an individual to style oneself as a licensed marriage and family therapist or use any words or symbols indicating or tending to indicate that the individual is a licensed marriage and family therapist without holding a license in good standing under this act.***

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

***Only individuals who have received licenses as licensed professional counselors under this act may style themselves as licensed professional counselors and use the letters "L.P.C." in connection with their names. It shall be unlawful for an individual to style oneself as a licensed professional counselor or use any words or symbols indicating or tending to indicate that the individual is a licensed professional counselor without holding a license in good standing under this act.***

Section 5. Sections 18 and 20 of the act are amended to read:

Section 18. License renewal; records and fees.

(a) Renewal term.—Renewal of license shall be on a biennial basis. The board may by regulation require evidence of professional activity or continuing education as a condition of license renewal. No credit shall be given for any course in office management or practice building.

(b) Records.—A record of all persons licensed to practice as social workers, *clinical social workers, marriage and family therapists and professional counselors* in Pennsylvania shall be kept in the office of the board and shall be open to public inspection and copying upon payment of a nominal fee for copying the record.

(c) Fees.—

(1) All fees required pursuant to this act shall be fixed by the board by regulation and shall be subject to the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act. If the revenues raised by fees, fines and civil penalties imposed pursuant to this act are not sufficient to meet expenditures over a two-year period, the board shall increase those fees by regulation so that the projected revenues will meet or exceed projected expenditures.

(2) If the Bureau of Professional and Occupational Affairs determines that the fees established by the board pursuant to paragraph (1) are inadequate to meet the minimum enforcement efforts required by this act, then the bureau, after consultation with the board and subject to the Regulatory Review Act, shall increase the fees by regulation in an amount so that adequate revenues are raised to meet the required enforcement effort.

Section 20. Unlawful practice.

(a) Unlawful practice prohibited.—It shall be unlawful for any person to hold himself or herself out as a licensed social worker, *licensed clinical social worker, marriage and family therapist and professional counselor* without possessing a valid, unexpired, unrevoked and unsuspended license issued under this act.

(b) Injunction.—Unlawful practice may be enjoined by the courts upon petition of the commissioner or the board. In any proceeding under this section, it shall not be necessary to show that any person is individually injured by the actions complained of. If the court finds that the respondent has violated this section, it shall enjoin him or her from so practicing until he or she has been duly licensed. Procedure in such cases shall be the same as in any other injunction suit.

(c) Remedy cumulative.—The injunctive remedy provided in this section shall be in addition to any other civil or criminal prosecution and punishment.

Section 6. The act is amended by adding sections to read:

**Section 20.1. Disclosure.**

*Marriage and family therapists and professional counselors licensed under this act shall furnish each client with a copy of a disclosure statement prior to rendering professional services. The disclosure statement shall be displayed in a conspicuous location at the place where the services are performed. The statement shall include the following:*

*(1) The name, title, business address and business telephone number of the marriage and family therapist or professional counselor providing services.*

*(2) The formal professional education of the marriage and family therapist or professional counselor, including the institutions attended and the degrees received.*

*(3) The marriage and family therapist's or professional counselor's professional philosophy and approach to treatment, services provided and professional credentials held.*

*(4) In the case of marriage and family therapists or professional counselors engaged in a private individual practice, partnership or group practice, the fee schedule listed by type of service or hourly rate.*

*(5) At the end of the disclosure statement, the sentence "This information is required by the Board of Social Workers, Marriage and Family Therapists and Professional Counselors, which regulates marriage and family therapists and professional counselors."*

*(6) Immediately beneath the statement required by paragraph (5), the name, address and telephone number of the board.*

**Section 20.2. Referral.**

*Licensees under this act shall refer health care problems which fall outside the boundaries of their professional competence and scope of practice as defined in section 3 to appropriate licensed practitioners. Such health care problems include mental health care problems which there is reason to believe are biologically based and individuals who are in a suicidal or psychotic state. Nothing in this section shall be construed as authorizing any licensee under this act to engage in the practice of psychology as defined in the act of March 23, 1972 (P.L.136, No.52), known as the Professional Psychologists Practice Act; the practice of medicine as defined in the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985; or the practice of osteopathic medicine as defined in the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act.*

Section 7. The sum of \$95,000, or as much thereof as may be necessary, is hereby appropriated from the Professional Licensure Augmentation Account within the General Fund to the Bureau of Occupational Affairs in the Department of State for the fiscal year July 1, 1998, to June 30, 1999, for the payment of costs of processing licenses and renewals, for the operation of the board and for other general costs of the bureau operations relating to this act. The appropriation granted shall be repaid by the board within three years of the beginning of issuance of licenses by the board through fees collected from marriage and family therapists, professional counselors and clinical social workers.

Section 8. This act shall take effect in 60 days.

APPROVED—The 21st day of December, A.D. 1998.

THOMAS J. RIDGE