

No. 2014-179

AN ACT

SB 807

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 definitions, for license required, for the licensing agency and its functions, for powers and functions of board, for qualifications for license, for procedures for licensing, for reciprocity and for reinstatement of license; providing for nomenclature; and further providing for penalties, for license renewal and records and fees and for unlawful practice.

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

Section 1. The definition of "provisional licensed social worker" in section 3 of the act of July 9, 1987 (P.L.220, No.39), known as the Social Workers, Marriage and Family Therapists and Professional Counselors Act, amended December 21, 1998 (P.L.1017, No.136), is amended and the section is amended by adding definitions to read:

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:

* * *

"Licensed bachelor social worker." A social worker who holds a current bachelor's level license under this act.

* * *

"Practice of bachelor social work." The professional application of social work theory, knowledge, methods, principles, values and ethics to restore or enhance social or psychosocial functioning of individuals, couples, families, groups, organizations and communities. This practice is basic generalist nonclinical practice that includes interviewing, planning, intervention, case management, mediation, supportive counseling, information and referral, problem solving, client education, advocacy, community organization and the development, implementation and administration of policies, programs and activities.

* * *

["Provisional licensed social worker." A social worker who holds a current provisional license under this act.]

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Section 2. Sections 4, 5(1) and 6(2) and (3) of the act, amended December 21, 1998 (P.L.1017, No.136), are amended to read:

Section 4. License required.

It shall be unlawful for any person to hold himself or herself forth as a ***licensed bachelor social worker***, 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 Workers, Marriage and Family Therapists and Professional Counselors.

* * *

(1) Operating procedures.—The board shall meet within 30 days after the appointment of its new members and set up operating procedures and 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 bachelor social worker*, 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:

* * *

(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 bachelor social workers*, 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 *bachelor social workers*, social workers, clinical social workers, marriage and family therapists and professional counselors pursuant to this act and to conduct hearings in connection therewith.

* * *

Section 3. Section 7(b) and (c) of the act, amended December 21, 1998 (P.L.1017, No.136), are amended and the section is amended by adding subsections to read:

Section 7. Qualifications for license.

* * *

[(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.]

(c.1) Limitations on bachelor social work license.—Licensed bachelor social workers are not qualified to diagnose mental illness nor provide psychotherapy services, as described in 55 Pa. Code § 1153.52 (relating to payment conditions for various services). A licensed bachelor social worker must work under the direction of an individual who is able to supervise and direct the activities of the licensed bachelor social worker. Licensed bachelor social workers may not practice in a private setting, practice independently or engage in clinical social work practice or hold themselves out as licensed social workers or licensed clinical social workers. Bachelor social workers are not permitted to bill a health insurance plan for services rendered under this license.

* * *

(g) Bachelor social work license.—An applicant shall be qualified for a license to hold oneself out as a licensed bachelor social worker if the applicant submits proof satisfactory to the board that:

(1) The applicant is of good moral character.

(2) The applicant has received a bachelor's degree from an accredited program of social work or social welfare.

(3) The applicant has passed an examination duly adopted by the board.

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

(5) 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 the applicant's 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.

Section 4. Sections 8(b), 10 and 12 of the act, amended December 21, 1998 (P.L.1017, No.136), are amended to read:

Section 8. Procedures for licensing.

* * *

(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 bachelor social worker*, a licensed social worker, [a *provisional social worker*,] a licensed clinical social worker, a licensed marriage and family therapist or a licensed professional counselor.

Section 10. Reciprocity.

The board shall have the power to grant a reciprocal license to an applicant who is licensed or certified as a *bachelor social worker*, 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 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 *bachelor social worker*, 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 *bachelor social worker*, social worker, clinical social worker, marriage and family therapist or professional counselor pursuant to this act at any time after such revocation.

Section 5. The act is amended by adding a section to read:

Section 16.4. Restrictions on use of title "Licensed Bachelor Social Worker."

Only individuals who have received licenses as licensed bachelor social workers under this act may style themselves as licensed bachelor social workers and use the letters "L.B.S.W." in connection with their names, and it shall be unlawful for an individual to style himself or herself as a licensed bachelor social worker or use any words or symbols indicating or

tending to indicate that the individual is a licensed bachelor social worker without holding a license in good standing under this act.

Section 6. Section 17(b) of the act is amended to read:

Section 17. Penalties.

* * *

(b) Civil penalty.—In addition to any other civil remedy or criminal penalty provided for in this act, the board, by a vote of the majority of the maximum number of the authorized membership of the board as provided by law, or by a vote of the majority of the duly qualified and confirmed membership or a minimum of three members, whichever is greater, may levy a civil penalty of up to \$1,000 on any current licensee who violates any provision of this act or on any person who holds himself or herself out as a ***licensed bachelor social worker***, licensed social worker, ***licensed clinical social worker***, ***licensed marriage and family therapist or licensed professional counselor*** without being so licensed pursuant to this act. The board shall levy this penalty only after affording the accused party the opportunity for a hearing, as provided in Title 2 of the Pennsylvania Consolidated Statutes (relating to administrative law and procedure).

* * *

Section 7. Sections 18(b) and 20(a) of the act, amended December 21, 1998 (P.L.1017, No.136), are amended to read:

Section 18. License renewal; records and fees.

* * *

(b) Records.—A record of all persons licensed to practice as ***bachelor social workers***, 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.

* * *

Section 20. Unlawful practice.

(a) Unlawful practice prohibited.—It shall be unlawful for any person to hold himself or herself out as a ***licensed bachelor social worker***, 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.

* * *

Section 8. The State Board of Social Workers, Marriage and Family Therapists and Professional Counselors shall add licensed bachelor social workers to the licensees who must comply with regulations governing codes of ethical practice and standards of conduct.

Section 9. The State Board of Social Workers, Marriage and Family Therapists and Professional Counselors shall promulgate regulations to carry out this act within 180 days of the effective date of this section.

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

APPROVED—The 22nd day of October, A.D. 2014

TOM CORBETT