
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1640 Session of
2013

INTRODUCED BY GROVE, GIBBONS, GINGRICH, MURT, MUNDY, STURLA,
ROCK, MILNE, WATSON, QUINN AND KIM, AUGUST 8, 2013

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, AUGUST 8, 2013

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 definitions, for qualifications for license,
5 for reciprocity, for restriction on use of title "Licensed
6 Clinical Social Worker"; providing for telepractice of
7 clinical social work; further providing for penalties, for
8 unlawful practice; and repealing provisions relating to
9 appropriation.

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

12 Section 1. Section 3 of the act of July 9, 1987 (P.L.220,
13 No.39), known as the Social Workers, Marriage and Family
14 Therapists and Professional Counselors Act, amended or added
15 December 21, 1998 (P.L.1017, No.136), February 13, 2002 (P.L.83,
16 No.4) and July 9, 2008 (P.L.929, No.68), is amended to read:

17 Section 3. Definitions.

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

21 "Application of social work methods and theory." Includes

1 psychosocial assessment, crisis intervention, case management,
2 client-centered advocacy, psychotherapy and family therapy with
3 individuals, couples, families and groups in an effort to
4 prevent or ameliorate family and personal dysfunction at home,
5 at work and in the community.

6 "Board." The State Board of Social Workers, Marriage and
7 Family Therapists and Professional Counselors under the Bureau
8 of Professional and Occupational Affairs within the Department
9 of State.

10 "Client." Any person with whom a licensee has established a
11 formal provider-client relationship and to whom a licensee is
12 providing, or has provided, professional services.

13 "Client services record." A written record of all social
14 work services provided to a client. The term does not include
15 the substantive content of any communications made to the
16 licensee during the course of, or in connection with, the
17 performance of services or any other materials which would
18 reflect the thoughts, feelings or impressions of the client
19 obtained or revealed during the provision of those services.

20 "Commissioner." The Commissioner of Professional and
21 Occupational Affairs.

22 "Independent practice of clinical social work." The
23 application of clinical social work knowledge and skills by a
24 licensed clinical social worker who regulates and is responsible
25 for his or her own practice and treatment procedures.

26 "Licensed clinical social worker." [A social worker] An
27 individual who engages in or advertises to engage in the
28 practice of clinical social work and who holds a current
29 clinical license under this act.

30 "Licensed marriage and family therapist." An individual who

1 engages in or offers to engage in the practice of marriage and
2 family therapy and who holds a current license under this act.

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

6 "Licensed social worker." [A social worker] An individual
7 who engages in or advertises to engage in the practice of social
8 work and who holds a current license under this act.

9 "Practice of clinical social work." [Holding oneself out to
10 the public by any title or description of services incorporating
11 the term "licensed clinical social worker" or using any words or
12 symbols indicating or tending to indicate that one is a licensed
13 clinical social worker and under such description offering to
14 render or rendering a service in which a special knowledge of
15 social resources, human personality and capabilities and
16 therapeutic techniques is directed at helping people to achieve
17 adequate and productive personal, interpersonal and social
18 adjustments in their individual lives, in their families and in
19 their community. The term includes person and environment
20 perspectives, systems theory and cognitive/behavioral theory, to
21 the assessment and treatment of psychosocial disability and
22 impairment, including mental and emotional disorders,
23 developmental disabilities and substance abuse. The term
24 includes the application of social work methods and theory. The
25 term includes the practice of social work plus additional
26 concentrated training and study as defined by the board by
27 regulation.] The independent application of specialized
28 psychotherapeutic theories, methods and knowledge and advanced
29 clinical skills and ethics in the differential diagnosis and
30 treatment of psychosocial function, disability or impairment,

1 including addictions and emotional, mental and behavioral
2 disorders. The treatment of individuals, couples, families,
3 groups and communities is based on knowledge of the person-in-
4 situation perspective of psychosocial development, normal and
5 abnormal behavior, psychopathology, unconscious motivation,
6 interpersonal processes, interpersonal relationships,
7 environmental stress and trauma, differential diagnosis,
8 planning and data gathering. The purpose of these services is
9 the prevention and treatment of mental or emotional dysfunction
10 and enhancement of mental health and secure relationships for
11 individuals, couples, families, groups and communities. The term
12 includes, but is not limited to, psychotherapy. The term also
13 includes counseling, behavior modification, consultation,
14 approved supervision, client-centered advocacy, crisis
15 intervention and the provision of needed information and
16 education to clients when using methods of a psychotherapeutic
17 nature to evaluate, diagnose, treat and prevent emotional and
18 mental disorders and dysfunctions, whether cognitive, affective,
19 behavioral or relationship, behavioral disorders, alcoholism or
20 substance abuse. The term may also include teaching and clinical
21 research into more effective psychotherapeutic modalities for
22 the treatment and prevention of such conditions, as well as the
23 use of telepractice for the delivery of professional services.

24 "Practice of marriage and family therapy." The professional
25 application of psychotherapeutic and family systems theories and
26 techniques to the evaluation, assessment and treatment of mental
27 and emotional disorders, whether cognitive, affective or
28 behavioral. The term includes the evaluation and assessment of
29 mental and emotional disorders in the context of significant
30 interpersonal relationships and the delivery of

1 psychotherapeutic services to individuals, couples, families and
2 groups for the purpose of treating such disorders.

3 "Practice of professional counseling." Includes, to the
4 extent compatible with a practitioner's education and
5 professional competence, all of the following:

6 (1) The application of principles and practices of
7 counseling, mental health and human development to evaluate
8 and facilitate human growth and adjustment throughout the
9 life span and to prevent and treat mental, emotional or
10 behavioral disorders and associated stresses which interfere
11 with mental health and normal human growth and development.

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

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

23 "Practice of social work." Offering to render or rendering a
24 service in which a special knowledge of social resources, human
25 personality and capabilities and therapeutic techniques is
26 directed at helping people to achieve adequate and productive
27 personal, interpersonal and social adjustments in their
28 individual lives, in their families and in their community or
29 holding oneself out to the public by any title or description of
30 services incorporating the term "social worker" or using any

1 words or symbols indicating or tending to indicate that one is a
2 social worker, except as otherwise provided by this act.

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

5 "Social worker." A person who holds a current license under
6 this act or has received a bachelor's, master's or doctoral
7 degree from an accredited school or program of social work or
8 social welfare.

9 "Telepractice." The use of interactive audio, video or other
10 electronic media to deliver health care. The term includes the
11 use of electronic media for engaging in the practice of clinical
12 social work, including but not limited to, diagnosis,
13 consultation, treatment, transfer of health or medical data,
14 continuing education and supervision.

15 Section 2. Section 7(d) of the act, amended March 14, 2012
16 (P.L.191, No.17), is amended to read:

17 Section 7. Qualifications for license.

18 * * *

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

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

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

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

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

1 (3) The applicant has completed at least 3,000 hours of
2 supervised clinical experience over three years and at least
3 150 hours of face-to-face supervision with an approved
4 supervisor or holds an Academy of Certified Social Workers
5 certificate issued prior to January 1, 2001, by the National
6 Association of Social Workers [or otherwise meets the
7 supervision expectation in a fashion acceptable to the board
8 as determined by regulation after completion of the master's
9 degree in social work].

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

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

14 (6) The applicant has not been convicted of a felony
15 under The Controlled Substance, Drug, Device and Cosmetic Act
16 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 Act
19 unless:

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

22 (ii) the applicant satisfactorily demonstrated to
23 the board that the applicant has made significant
24 progress in personal rehabilitation since the conviction
25 such that licensure of the applicant should not be
26 expected to create a substantial risk of harm to the
27 health and safety of clients or the public or a
28 substantial risk of further criminal violations; and

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

1 As used in this paragraph, the term "convicted" includes a
2 judgment, an admission of guilt or a plea of nolo contendere.
3 Section 3. Sections 10 and 16.1 of the act, amended or added
4 December 21, 1998 (P.L.1017, No.136), are amended to read:

5 Section 10. Reciprocity.

6 (a) General rule.--The board shall have the power to grant a
7 reciprocal license to an applicant who is licensed or certified
8 as a social worker, clinical social worker, marriage and family
9 therapist or professional counselor in another state and has
10 demonstrated qualifications which equal or exceed those required
11 pursuant to this act in the determination of the board, provided
12 that no license shall be granted under this section to an
13 applicant unless the state in which the applicant is licensed
14 affords reciprocal treatment to persons who are residents of
15 this Commonwealth and who are licensed pursuant to this act.

16 (b) Emergencies.--The board shall have the power to allow an
17 individual who is licensed or certified as a clinical social
18 worker in another state to practice in this Commonwealth without
19 licensure for not more than 60 days as part of a relief effort
20 related to a state of emergency as declared by the Federal
21 Government or Governor.

22 Section 16.1. Restriction on the use of title "Licensed
23 Clinical Social Worker."

24 Only individuals who have received licenses as licensed
25 clinical social workers under this act may style themselves as
26 licensed clinical social workers and use the letters "L.C.S.W."
27 in connection with their names. It shall be unlawful for an
28 individual to style oneself as a licensed clinical social
29 worker, advertise or engage in the independent practice of
30 clinical social work or use any words or symbols indicating or

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

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

5 Section 16.4. Telepractice of clinical social work.

6 (a) Telepractice.--A licensed clinical social worker using
7 telepractice shall ensure all of the following:

8 (1) The informed consent of the patient, or another
9 appropriate person with authority to make the health care
10 treatment decision for the patient, is obtained before
11 services are provided via telepractice.

12 (2) The confidentiality of the patient's medical
13 information is maintained as required under this act and any
14 other applicable law. At a minimum, confidentiality shall be
15 maintained through appropriate processes, practices and
16 technology as designated by the board and in conformance with
17 applicable Federal law.

18 (b) Regulations.--The board shall promulgate regulations
19 necessary to implement this section for all of the following
20 purposes:

21 (1) Preventing abuse and fraud through the use of
22 telepractice.

23 (2) Preventing fee-splitting through the use of
24 telepractice.

25 (3) Utilizing telepractice in the provision of clinical
26 social work services and continuing education.

27 Section 5. Section 17(b) of the act is amended to read:

28 Section 17. Penalties.

29 * * *

30 (b) Civil penalty.--In addition to any other civil remedy or

1 criminal penalty provided for in this act, the board, by a vote
2 of the majority of the maximum number of the authorized
3 membership of the board as provided by law, or by a vote of the
4 majority of the duly qualified and confirmed membership or a
5 minimum of three members, whichever is greater, may levy a civil
6 penalty of up to \$1,000 on any current licensee who violates any
7 provision of this act, on any person who engages in the
8 independent practice of clinical social work without being so
9 licensed pursuant to this act or on any person who holds himself
10 or herself out as a licensed social worker without being so
11 licensed pursuant to this act. The board shall levy this penalty
12 only after affording the accused party the opportunity for a
13 hearing, as provided in Title 2 of the Pennsylvania Consolidated
14 Statutes (relating to administrative law and procedure).

15 * * *

16 Section 6. Section 20(a) of the act, amended December 21,
17 1998 (P.L.1017, No.136), is amended to read:

18 Section 20. Unlawful practice.

19 (a) Unlawful practice prohibited.--It shall be unlawful for
20 any person to engage in the independent practice of clinical
21 social work or hold himself or herself out as a licensed social
22 worker, licensed clinical social worker, marriage and family
23 therapist and professional counselor without possessing a valid,
24 unexpired, unrevoked and unsuspended license issued under this
25 act.

26 * * *

27 Section 7. Section 21 of the act is repealed:

28 [Section 21. Appropriation.

29 The sum of \$85,000, or as much thereof as may be necessary,
30 is hereby appropriated from the Professional Licensure

1 Augmentation Account within the General Fund to the Bureau of
2 Professional and Occupational Affairs in the Department of State
3 for the payment of costs of processing licenses and renewals,
4 for the operation of the board and for other general costs of
5 the bureau operations relating to this act. The appropriation
6 granted shall be repaid by the board within three years of the
7 beginning of issuance of licenses by the board.]

8 Section 8. This act shall take effect in 120 days.