

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 603 Session of 2015

INTRODUCED BY GROVE, OBERLANDER, SCHEMEL, WATSON, KILLION, D. COSTA, BARRAR, MURT, MOUL, MUSTIO, FARRY, BRIGGS, KORTZ, REGAN AND DAVIS, FEBRUARY 24, 2015

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 25, 2015

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 State Board of Social Workers, Marriage and
5 Family Therapists and Professional Counselors, for
6 restriction on the use of title "Licensed Marriage and Family
7 Therapist" and for penalties.

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

10 Section 1. Sections 5(a) and 16.2 of the act of July 9, 1987
11 (P.L.220, No.39), known as the Social Workers, Marriage and
12 Family Therapists and Professional Counselors Act, amended or
13 added December 21, 1998 (P.L.1017, No.136), are amended to read:

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

16 (a) Creation.--There is hereby created the State Board of
17 Social Workers, Marriage and Family Therapists and Professional
18 Counselors, a departmental administrative board in the
19 Department of State. The board shall consist of 13 members who

1 are citizens of the United States and who have been residents of
2 this Commonwealth for a two-year period, two of whom shall be
3 public members; five of whom shall be licensed social workers,
4 at least one of whom shall be a licensed clinical social worker
5 and at least one of whom shall be a licensed social worker; two
6 of whom shall be licensed marriage and family therapists; two of
7 whom shall be licensed professional counselors; one of whom
8 shall be either a licensed marriage and family therapist or a
9 licensed professional counselor [as hereafter provided] whose
10 membership shall rotate at the expiration of the member's second
11 term; and one of whom shall be the Commissioner of Professional
12 and Occupational Affairs.

13 * * *

14 Section 16.2. Restriction on the use of [title "Licensed
15 Marriage and Family Therapist."] certain titles.

16 Only individuals who have received licenses as [licensed]
17 marriage and family therapists under this act may style
18 themselves as licensed marriage and family therapists, marriage
19 and family therapists, family therapists, marriage therapists or
20 couples therapists and use the letters "L.M.F.T." or "M.F.T." in
21 connection with their names. It shall be unlawful for an
22 individual to style oneself as a licensed marriage and family
23 therapist, marriage and family therapist, family therapist,
24 marriage therapist or couples therapist or use any words or
25 symbols indicating or tending to indicate that the individual is
26 a licensed marriage and family therapist, marriage and family
27 therapist, family therapist, marriage therapist or couples
28 therapist without holding a license as a marriage and family
29 therapist in good standing under this act. This section shall
30 not apply to the following:

1 (1) A person employed by the Commonwealth in a marriage
2 and family therapist position before the effective date of
3 this paragraph.

4 (2) A person employed as a school marriage and family
5 therapist in a public or private school in this Commonwealth
6 before the effective date of this paragraph.

7 (3) A person who holds a valid license or is certified
8 or regulated in accordance with another professional
9 licensure law or State certification of the Commonwealth and
10 who is credentialed by the American Association of Marriage
11 and Family Therapists as a Clinical Fellow.

12 (4) A person who is working to meet the supervised
13 experience requirement to become a licensed marriage and
14 family therapist and whose duties are supervised by a
15 licensed marriage and family therapist or other licensed
16 mental health professional if the person does not represent
17 himself or herself as a licensed marriage and family
18 therapist.

19 (5) A student of marriage and family therapy who is
20 enrolled in a prescribed course of study at an accredited
21 educational institution if the person does not represent
22 himself or herself as a licensed marriage and family
23 therapist.

24 (6) A PERSON WHO PROVIDES FAITH-BASED MARRIAGE, FAMILY <--
25 OR COUPLES THERAPY, PROVIDED THE PERSON CLEARLY IDENTIFIES HE
26 OR SHE OFFERS FAITH-BASED SERVICES AND DOES NOT REPRESENT
27 HIMSELF OR HERSELF AS A LICENSED MARRIAGE AND FAMILY
28 THERAPIST.

29 Section 2. Section 17(b) of the act, amended October 22,
30 2014 (P.L.2884, No.179), is amended to read:

1 Section 17. Penalties.

2 * * *

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

19 * * *

20 Section 3. The State Board of Social Workers, Marriage and
21 Family Therapists and Professional Counselors shall promulgate
22 regulations to carry out this act. The State Board of Social
23 Workers, Marriage and Family Therapists and Professional
24 Counselors shall publish the regulations in the Pennsylvania
25 Bulletin within 18 months of the effective date of this section.

26 Section 4. This act shall take effect in 120 days.