

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1019 Session of
2023

INTRODUCED BY STEFANO, DILLON AND PENNYCUICK, DECEMBER 11, 2023

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
DECEMBER 11, 2023

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 license required, for State
5 Board of Social Workers, Marriage and Family Therapists and
6 Professional Counselors, for powers and functions of board,
7 for qualifications for license, for procedures for licensing,
8 for reciprocity, for endorsement of out-of-State licenses and
9 for reinstatement of license; providing for restrictions on
10 use of title "Licensed Associate Marriage and Family
11 Therapist" and for restrictions on the use of title "Licensed
12 Associate Professional Counselor"; further providing for
13 license renewal and records and fees and for unlawful
14 practice; and providing for effect of associate licensure.

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

17 Section 1. Section 3 of the act of July 9, 1987 (P.L.220,
18 No.39), known as the Social Workers, Marriage and Family
19 Therapists and Professional Counselors Act, is amended by adding
20 definitions to read:

21 Section 3. Definitions.

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

1 * * *

2 "Licensed associate marriage and family therapist." An
3 individual licensed as an associate marriage and family
4 therapist under this act who is obtaining supervised clinical
5 experience for the purpose of becoming a licensed marriage and
6 family therapist.

7 "Licensed associate professional counselor." An individual
8 licensed as an associate professional counselor under this act
9 who is obtaining supervised clinical experience for the purpose
10 of becoming a licensed professional counselor.

11 * * *

12 "Practice of associate marriage and family therapy." The
13 professional application of psychotherapeutic and family system
14 theories and techniques to the evaluation, assessment, diagnosis
15 and treatment of mental and emotional disorders, whether
16 cognitive, affective or behavioral, while under the supervision
17 of a licensed supervisor acceptable to the board in accordance
18 with the board's regulations. The term includes the evaluation
19 and assessment of mental and emotional disorders in the context
20 of significant interpersonal relationships and the delivery of
21 psychotherapeutic services to individuals, couples, families and
22 groups for the purpose of treating the disorders.

23 "Practice of associate professional counseling." Includes,
24 to the extent compatible with a practitioner's education and
25 professional competence while under the supervision of a
26 licensed supervisor acceptable to the board in accordance with
27 the board's regulations, all of the following:

28 (1) The application of principles and practices of
29 counseling, mental health and human development to evaluate
30 and facilitate human growth and adjustment throughout the

1 life span and to prevent and treat mental, emotional or
2 behavioral disorders and associated stresses which interfere
3 with mental health and normal human growth and development.

4 (2) The evaluation, assessment, diagnosis and treatment
5 of normal and abnormal mental, emotional, social,
6 educational, vocational, family and behavioral functioning
7 throughout the life span; individual, group, family
8 counseling and psychotherapy; crisis intervention, career
9 counseling and educational and vocational counseling;
10 functional assessment of persons with disabilities; and
11 professional consulting.

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

16 * * *

17 Section 2. Sections 4, 5(1) and 6(2) and (3) of the act are
18 amended to read:

19 Section 4. License required.

20 It shall be unlawful for any person to hold [himself or
21 herself] oneself forth as a licensed bachelor social worker,
22 licensed social worker, licensed clinical social worker,
23 licensed associate marriage and family therapist, licensed
24 marriage and family therapist, licensed associate professional
25 counselor or licensed professional counselor unless he or she
26 shall first have obtained a license pursuant to this act.

27 Section 5. State Board of Social Workers, Marriage and Family
28 Therapists and Professional Counselors.

29 * * *

30 (1) Operating procedures.--The board shall meet within 30

1 days after the appointment of its new members and set up
2 operating procedures and develop application forms for licensing
3 clinical social workers, associate marriage and family
4 therapists, marriage and family therapists, associate
5 professional counselors and professional counselors. It shall be
6 the responsibility of the board to circulate these forms and
7 educate the public to the requirements of licensing in order to
8 hold oneself out as a licensed bachelor social worker, licensed
9 social worker, licensed associate marriage and family therapist,
10 licensed clinical social worker, licensed marriage and family
11 therapist, licensed associate professional counselor or licensed
12 professional counselor within the Commonwealth.

13 Section 6. Powers and functions of board.

14 The board shall have the following powers:

15 * * *

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

26 (3) To examine for, deny, approve, issue, revoke,
27 suspend or renew licenses of bachelor social workers, social
28 workers, clinical social workers, associate marriage and
29 family therapists, marriage and family therapists, associate
30 professional counselors and professional counselors pursuant

1 to this act and to conduct hearings in connection therewith.

2 * * *

3 Section 3. Section 7(a)(1), (d)(1), (e)(1), (f)(1) and (g)
4 (1) of the act are amended and the section is amended by adding
5 subsections to read:

6 Section 7. Qualifications for license.

7 (a) Social work license.--An applicant shall be qualified
8 for a license to hold oneself out as a licensed social worker,
9 provided he or she submits proof satisfactory to the board that:

10 (1) He or she is of good moral character. In assessing
11 the moral character of an applicant with a criminal
12 conviction, the board shall conduct an individualized
13 assessment in accordance with 63 Pa.C.S. § 3113 (relating to
14 consideration of criminal convictions).

15 * * *

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

20 (1) The applicant is of good moral character. In
21 assessing the moral character of an applicant with a criminal
22 conviction, the board shall conduct an individualized
23 assessment in accordance with 63 Pa.C.S. § 3113.

24 * * *

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

29 (1) The applicant is of good moral character. In
30 assessing the moral character of an applicant with a criminal

1 conviction, the board shall conduct an individualized
2 assessment in accordance with 63 Pa.C.S. § 3113.

3 * * *

4 (e.1) Associate marriage and family therapist license.--

5 (1) An applicant shall be qualified for a license to
6 hold oneself out as a licensed associate marriage and family
7 therapist if the applicant submits proof satisfactory to the
8 board that all of the following apply:

9 (i) The applicant is at least 21 years of age.

10 (ii) The applicant is of good moral character. In
11 assessing the moral character of an applicant with a
12 criminal conviction, the board shall conduct an
13 individualized assessment in accordance with 63 Pa.C.S. §
14 3113.

15 (iii) The applicant has satisfied the educational
16 requirements under subsection (e)(2)(i), (ii) or (iii).

17 (iv) The applicant has submitted a supervision plan,
18 including a detailed job description and each location
19 where client contact and supervision will occur.

20 (v) The applicant has submitted the resume or
21 curriculum vitae for each licensee who provides
22 supervision acceptable to the board. A supervisor shall
23 hold a current and active license to practice marriage
24 and family therapy or to practice in a related field as
25 approved by the board and shall have no less than five
26 full-time years of experience or the equivalent in the
27 prior ten years as specified by the board's regulations.

28 (vi) The applicant has submitted an application
29 accompanied by the application fee.

30 (vii) The applicant has not been convicted of a

1 felony under The Controlled Substance, Drug, Device and
2 Cosmetic Act, or of an offense under the laws of another
3 jurisdiction, which, if committed in this Commonwealth,
4 would be a felony under The Controlled Substance, Drug,
5 Device and Cosmetic Act, unless:

6 (A) at least ten years have elapsed from the
7 date of conviction;

8 (B) the applicant satisfactorily demonstrates to
9 the board that the applicant has made significant
10 progress in personal rehabilitation since the
11 conviction, such that licensure of the applicant
12 should not be expected to create a substantial risk
13 of harm to the health and safety of the applicant's
14 clients or the public or a substantial risk of
15 further criminal violations; and

16 (C) the applicant otherwise satisfies the
17 qualifications contained in or authorized by this
18 act. As used in this paragraph, the term "convicted"
19 shall include a judgment, an admission of guilt or a
20 plea of nolo contendere.

21 (2) Renewal of an associate marriage and family
22 therapist license shall be on a biennial basis, and the
23 license shall be eligible for no more than three renewals.

24 (e.2) Limitations on associate marriage and family
25 therapist license.--A licensed associate marriage and family
26 therapist shall work under the supervision of a licensed
27 marriage and family therapist or a related licensed professional
28 as approved by the board who directs the activities of the
29 licensed associate marriage and family therapist. A licensed
30 associate marriage and family therapist shall not practice in a

1 private setting without the direction of a supervisor. Nothing
2 in this section shall be construed to prohibit a licensed
3 associate marriage and family therapist from taking the required
4 examination under subsection (e)(4) during the time between
5 graduation and completing the required clinical supervised hours
6 under subsection (e)(3) to meet the licensure requirements for a
7 marriage and family therapist.

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

12 (1) The applicant is of good moral character. In
13 assessing the moral character of an applicant with a criminal
14 conviction, the board shall conduct an individualized
15 assessment in accordance with 63 Pa.C.S. § 3113.

16 * * *

17 (f.1) Associate professional counselor license.--

18 (1) An applicant is qualified for a license to hold
19 oneself out as a licensed associate professional counselor if
20 the applicant submits proof satisfactory to the board that
21 all of the following apply:

22 (i) The applicant is at least 21 years of age.

23 (ii) The applicant is of good moral character. In
24 assessing the moral character of an applicant with a
25 criminal conviction, the board shall conduct an
26 individualized assessment in accordance with 63 Pa.C.S. §
27 3113.

28 (iii) The applicant has satisfied the educational
29 requirements under subsection (f)(2)(i), (ii) or (iii).

30 (iv) The applicant has submitted a plan of

1 supervision, including a detailed job description and
2 each location where client contact and supervision will
3 occur.

4 (v) The applicant has submitted the resume or
5 curriculum vitae for each licensee who provides
6 supervision acceptable to the board. A supervisor shall
7 hold a current and active license to practice
8 professional counseling or to practice in a related field
9 as approved by the board and shall have no less than five
10 full-time years of experience or the equivalent in the
11 prior ten years as specified by the board's regulations.

12 (vi) The application has been accompanied by the
13 application fee.

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

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

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

30 (C) the applicant otherwise satisfies the

1 qualifications contained in or authorized by this
2 act. As used in this paragraph, the term "convicted"
3 includes a judgment, an admission of guilt or a plea
4 of nolo contendere.

5 (2) Renewal of an associate professional counselor
6 license shall be on a biennial basis, and the license shall
7 be eligible for no more than three renewals.

8 (f.2) Limitations on associate professional counselor
9 license.--A licensed associate professional counselor shall work
10 under the supervision of a licensed professional counselor or a
11 related licensed professional approved by the board who directs
12 the activities of the licensed associate professional counselor.
13 A licensed associate professional counselor shall not practice
14 in a private setting without the direction of a
15 supervisor. Nothing in this subsection shall be construed to
16 prohibit a licensed associate professional counselor from taking
17 the required exam under subsection (f)(4) during the time
18 between graduation and completing the required supervised hours
19 under subsection (f)(3) to meet the licensure requirements for a
20 licensed professional counselor.

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

25 (1) The applicant is of good moral character. In
26 assessing the moral character of an applicant with a criminal
27 conviction, the board shall conduct an individualized
28 assessment in accordance with 63 Pa.C.S. § 3113.

29 * * *

30 Section 4. Sections 8(b), 10(a), 10.1(a)(1), (b)(1) and (c)

1 (1) and 12 of the act are amended to read:

2 Section 8. Procedures for licensing.

3 * * *

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

12 Section 10. Reciprocity.

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

25 * * *

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

27 (a) Clinical social work license.--The board may issue a
28 clinical social work license without examination to an applicant
29 holding a clinical social work license in another state who
30 submits proof satisfactory to the board of all of the following:

1 (1) The applicant is of good moral character. In
2 assessing the moral character of an applicant with a criminal
3 conviction, the board shall conduct an individualized
4 assessment in accordance with 63 Pa.C.S. § 3113 (relating to
5 consideration of criminal convictions).

6 * * *

7 (b) Marriage and family therapist license.--The board may
8 issue a marriage and family therapist license without
9 examination to an applicant holding a marriage and family
10 therapist license in another state who submits proof
11 satisfactory to the board of all of the following:

12 (1) The applicant is of good moral character. In
13 assessing the moral character of an applicant with a criminal
14 conviction, the board shall conduct an individualized
15 assessment in accordance with 63 Pa.C.S. § 3113.

16 * * *

17 (c) Professional counselor license.--The board may issue a
18 professional counselor license without examination to an
19 applicant holding a professional counselor license in another
20 state who submits proof satisfactory to the board of all of the
21 following:

22 (1) The applicant is of good moral character. In
23 assessing the moral character of an applicant with a criminal
24 conviction, the board shall conduct an individualized
25 assessment in accordance with 63 Pa.C.S. § 3113.

26 * * *

27 Section 12. Reinstatement of license.

28 Unless ordered to do so by Commonwealth Court or an appeal
29 therefrom, the board shall not reinstate the license of a person
30 to practice as a bachelor social worker, social worker, clinical

1 social worker, associate marriage and family therapist, marriage
2 and family therapist, associate professional counselor or
3 professional counselor pursuant to this act, which has been
4 revoked. Any person whose license has been revoked may apply for
5 reinstatement, after a period of at least five years, but must
6 meet all of the licensing qualifications of this act, including
7 the examination requirement, if he or she desires to practice as
8 a bachelor social worker, social worker, clinical social worker,
9 marriage and family therapist or professional counselor pursuant
10 to this act at any time after such revocation.

11 Section 5. The act is amended by adding sections to read:

12 Section 16.5. Restrictions on use of title "Licensed Associate
13 Marriage and Family Therapist."

14 Only individuals who have received licenses as licensed
15 associate marriage and family therapists under this act may
16 style themselves as licensed associate marriage and family
17 therapists and use the letters "L.A.M.F.T." in connection with
18 their names, and it shall be unlawful for an individual to style
19 oneself as a licensed associate marriage and family therapist or
20 use any words or symbols indicating or tending to indicate that
21 the individual is a licensed associate marriage and family
22 therapist without holding a license in good standing under
23 this act.

24 Section 16.6. Restrictions on the use of title "Licensed
25 Associate Professional Counselor."

26 Only individuals who have received licenses as licensed
27 associate professional counselors under this act may style
28 themselves as licensed associate professional counselors and use
29 the letters "L.A.P.C." in connection with their names, and it
30 shall be unlawful for an individual to style oneself as a

1 licensed associate professional counselor or use any words or
2 symbols indicating or tending to indicate that the individual is
3 a licensed associate professional counselor without holding a
4 license in good standing under this act.

5 Section 6. Sections 18(b) and 20(a) of the act are amended
6 to read:

7 Section 18. License renewal; records and fees.

8 * * *

9 (b) Records.--A record of all persons licensed to practice
10 as bachelor social workers, social workers, clinical social
11 workers, associate marriage and family therapists, marriage and
12 family therapists, associate professional counselors and
13 professional counselors in Pennsylvania shall be kept in the
14 office of the board and and copying upon payment of a nominal
15 fee for copying the record.

16 * * *

17 Section 20. Unlawful practice.

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

29 Section 7. The act is amended by adding a section to read:

30 Section 20.3. Effect of associate licensure.

1 Associate licensure under this act shall not be construed as
2 requiring new or additional third-party reimbursement or to
3 otherwise mandate coverage under 75 Pa.C.S. Ch. 17 (relating to
4 financial responsibility) or the act of June 2, 1915 (P.L.736,
5 No.338), known as the Workers' Compensation Act, or for new or
6 additional policies written under or for any of the following:

7 (1) The act of May 17, 1921 (P.L.682, No.284), known as
8 The Insurance Company Law of 1921.

9 (2) The act of December 29, 1972 (P.L.1701, No.364),
10 known as the Health Maintenance Organization Act.

11 (3) The act of May 18, 1976 (P.L.123, No.54), known as
12 the Individual Accident and Sickness Insurance Minimum
13 Standards Act.

14 (4) A nonprofit corporation subject to 40 Pa.C.S. Ch. 61
15 (relating to hospital plan corporations) or 63 (relating to
16 professional health services plan corporations).

17 Section 8. The State Board of Social Workers, Marriage and
18 Family Therapists and Professional Counselors shall promulgate
19 regulations as necessary to implement this act no later than 90
20 days from the effective date of this section.

21 Section 9. This act shall take effect immediately.