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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 531 Session of  
2017

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INTRODUCED BY AUMENT, SCAVELLO, RAFFERTY, BLAKE, KILLION AND  
LEACH, MARCH 24, 2017

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REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,  
MARCH 24, 2017

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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 penalties and for unlawful practice and  
6 repealing provisions relating to appropriation.

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

9 Section 1. The definition of "practice of marriage and  
10 family therapy" in section 3 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, is amended  
13 and the section is amended by adding definitions to read:

14 Section 3. Definitions.

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

18 \* \* \*

19 "Client." A person with whom a licensee has established a

1 formal provider-client relationship and to whom the licensee is  
2 providing, or has provided, professional services under this  
3 act.

4 \* \* \*

5 "Diagnosis." The term includes:

6 (1) A marriage and family therapist assessment.

7 (2) The utilization of currently accepted diagnostic  
8 classifications by a marriage and family therapist,  
9 including, but not limited to, the American Psychiatric  
10 Association's Diagnostic and Statistical Manual of Mental  
11 Disorders, but only to the extent of the marriage and family  
12 therapist's education, training, experience and scope of  
13 practice as established under this act.

14 "Independent practice of marriage and family therapy." The  
15 application of marriage and family therapy knowledge and skills  
16 by an individual:

17 (1) Who regulates and is responsible for the  
18 individual's own practice and treatment procedures.

19 (2) Whose practice is not affiliated with any other  
20 practice, health care facility, government agency or  
21 government-regulated social service agency.

22 \* \* \*

23 "Marriage and family therapist assessment." The professional  
24 application of psychotherapeutic and family systems theories and  
25 techniques to evaluate and identify psychosocial and behavioral  
26 problems in the context of significant interpersonal  
27 relationships between individuals, couples, families and groups  
28 for the purpose of treatment. The term includes, but is not  
29 limited to, a mental health examination and psychological  
30 history.

1 \* \* \*

2 "Practice of marriage and family therapy." The professional  
3 application of psychotherapeutic and family systems theories and  
4 techniques to the evaluation, assessment, diagnosis and  
5 treatment of mental and emotional disorders, whether cognitive,  
6 affective or behavioral. The term includes the evaluation and  
7 assessment of mental and emotional disorders in the context of  
8 significant interpersonal relationships and the delivery of  
9 psychotherapeutic services to individuals, couples, families and  
10 groups for the purpose of treating such disorders.

11 \* \* \*

12 Section 2. Sections 7(e)(3)(i) and 10 of the act are amended  
13 to read:

14 Section 7. Qualifications for license.

15 \* \* \*

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

20 \* \* \*

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

23 (i) An individual meeting the educational  
24 requirements of paragraph (2)(i) or (ii) must have  
25 completed at least 3,000 hours of supervised clinical  
26 experience, acceptable to the board as determined by  
27 regulation, [obtained after the completion of 48 semester  
28 hours or 72 quarter hours of graduate coursework]  
29 subsequent to the granting of a master's degree.

30 \* \* \*

1 Section 10. Reciprocity.

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

13 (b) Emergencies.--The board shall have the power to permit  
14 an individual who is licensed or certified as a marriage and  
15 family therapist in another state to practice in this  
16 Commonwealth without licensure for no more than 60 days as part  
17 of a relief effort related to a state of emergency as declared  
18 by the Federal Government or the Governor.

19 Section 3. Section 17(b) of the act, amended June 23, 2016  
20 (P.L.387, No.54), is amended to read:

21 Section 17. Penalties.

22 \* \* \*

23 (b) Civil penalty.--In addition to any other civil remedy or  
24 criminal penalty provided for in this act, the board, by a vote  
25 of the majority of the maximum number of the authorized  
26 membership of the board as provided by law, or by a vote of the  
27 majority of the duly qualified and confirmed membership or a  
28 minimum of three members, whichever is greater, may levy a civil  
29 penalty of up to \$10,000 on any current licensee who violates  
30 any provision of this act, on any person who engages in the

1 independent practice of marriage and family therapy without  
2 being licensed under this act or on any person who holds himself  
3 or herself out as a licensed bachelor social worker, licensed  
4 social worker, licensed clinical social worker, licensed  
5 marriage and family therapist, licensed professional counselor  
6 or marriage and family therapist without being so licensed  
7 pursuant to this act. The board shall levy this penalty only  
8 after affording the accused party the opportunity for a hearing,  
9 as provided in Title 2 of the Pennsylvania Consolidated Statutes  
10 (relating to administrative law and procedure).

11 \* \* \*

12 Section 4. Section 20(a) of the act is amended to read:

13 Section 20. Unlawful practice.

14 (a) Unlawful practice prohibited.--It shall be unlawful for  
15 any person to engage in the independent practice of marriage and  
16 family therapy or hold himself or herself out as a licensed  
17 bachelor social worker, licensed social worker, licensed  
18 clinical social worker, marriage and family therapist and  
19 professional counselor without possessing a valid, unexpired,  
20 unrevoked and unsuspended license issued under this act.

21 \* \* \*

22 Section 5. Section 21 of the act is repealed:

23 [Section 21. Appropriation.

24 The sum of \$85,000, or as much thereof as may be necessary,  
25 is hereby appropriated from the Professional Licensure  
26 Augmentation Account within the General Fund to the Bureau of  
27 Professional and Occupational Affairs in the Department of State  
28 for the payment of costs of processing licenses and renewals,  
29 for the operation of the board and for other general costs of  
30 the bureau operations relating to this act. The appropriation

1 granted shall be repaid by the board within three years of the  
2 beginning of issuance of licenses by the board.]

3 Section 6. This act shall take effect in 120 days.