

No. 2016-54

AN ACT

SB 837

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

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

Section 1. Sections 5(a) and 16.2 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 or added December 21, 1998 (P.L.1017, No.136), are amended to read:

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

(a) Creation.—There is hereby created the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, a departmental administrative board in the Department of State. The board shall consist of 13 members who are citizens of the United States and who have been residents of this Commonwealth for a two-year period, two of whom shall be public members; five of whom shall be licensed social workers, at least one of whom shall be a licensed clinical social worker and at least one of whom shall be a licensed social worker; two of whom shall be licensed marriage and family therapists; two of whom shall be licensed professional counselors; one of whom shall be either a licensed marriage and family therapist or a licensed professional counselor [**as hereafter provided**] *whose membership shall rotate between those professions at the expiration of the member's second term*; and one of whom shall be the Commissioner of Professional and Occupational Affairs.

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Section 16.2. Restriction on the use of title "Licensed Marriage and Family Therapist[","], "*Marriage and Family Therapist*" and related titles.

(a) *General rule*.—Only individuals who have received licenses as [**licensed**] marriage and family therapists under this act may style themselves as licensed marriage and family therapists, *marriage and family therapists, family therapists, marriage therapists or couples therapists* and use the letters "L.M.F.T." or "*M.F.T.*" in connection with their names. It shall be unlawful for an individual to style oneself as a licensed marriage and family therapist, *marriage and family therapist, family therapist, marriage therapist or couples therapist* or use any words or symbols indicating or tending to indicate that the individual is a licensed marriage and family therapist without [**holding a license**] *being licensed as a marriage and family therapist* in good standing under this act.

(b) Nonapplicability.—This section shall not apply to the following:

(1) A person employed by the Commonwealth in a marriage and family therapist position on the effective date of this subsection, during the time of employment by the Commonwealth.

(2) A person employed as a school marriage and family therapist in a public or private school in this Commonwealth on or before the effective date of this subsection, during the time of employment as a school marriage and family therapist.

(3) A person who holds a valid license or is certified or regulated pursuant to another professional licensure law or State certification of this Commonwealth and who is credentialed by the American Association of Marriage and Family Therapists as a Clinical Fellow.

(4) A person who is working to meet the supervised experience requirement to become a licensed marriage and family therapist and whose duties are supervised by a licensed marriage and family therapist or other licensed mental health professional, as long as the person does not represent himself or herself as a licensed marriage and family therapist.

(5) A person who is a student of marriage and family therapy and is enrolled in a prescribed course of study at an accredited educational institution, so long as the person does not represent himself or herself as a licensed marriage and family therapist.

(6) A person who provides faith-based marriage, family or couples therapy, provided the person clearly identifies he or she offers faith-based services and does not represent himself or herself as a licensed marriage and family therapist.

Section 2. Section 17(b) of the act, amended October 22, 2014 (P.L.2884, No.179), 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~~] \$10,000 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 *or marriage and family therapist* 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).

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Section 3. The State Board of Social Workers, Marriage and Family Therapists and Professional Counselors shall promulgate final regulations to carry out this act. Publication of the final-form regulations under this section shall take place within 18 months of the effective date of this section.

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

APPROVED—The 23rd day of June, A.D. 2016

TOM WOLF