

## No. 2008-68

## AN ACT

HB 1693

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 defining "practice of social work"; defining "social worker"; further providing for qualifications for license; providing for endorsement of out-of-State licenses; and further proscribing unlawful practice.

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

Section 1. The definition of "practice of social work" in section 3 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 December 21, 1998 (P.L.1017, No.136), is amended and the section is amended by adding a definition to read:

Section 3. Definitions.

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

\* \* \*

**"Practice of social work." [Holding oneself out to the public by any title or description of services incorporating the term "licensed social worker," or using any words or symbols indicating or tending to indicate that he or she is a licensed social worker and, under such description, offering] Offering** to render or rendering a service in which a special knowledge of social resources, human personality and capabilities and therapeutic techniques is directed at helping people to achieve adequate and productive personal, interpersonal and social adjustments in their individual lives, in their families and in their community[.] **or holding oneself out to the public by any title or description of services incorporating the term "social worker" or using any words or symbols indicating or tending to indicate that one is a social worker, except as otherwise provided by this act.**

\* \* \*

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

Section 1.1. Section 7(d) of the act, amended December 21, 1998 (P.L.1017, No.136), is amended to read:

Section 7. Qualifications for license.

\* \* \*

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

(1) The applicant is of good moral character.

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

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

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

(3) The applicant has completed at least three years or [3,600] 3,000 hours of supervised clinical experience acceptable to the board as determined by regulation after completion of the master's degree in social work.

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

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

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

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

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

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

As used in this paragraph, the term "convicted" includes a judgment, an admission of guilt or a plea of nolo contendere.

\* \* \*

Section 2. The act is amended by adding a section to read:

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

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

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

**(2) The applicant holds a master's degree in social work or social welfare or a doctoral degree in social work from an accredited school of**

*social work as recognized by the board and has passed a clinical social work examination acceptable to the board.*

*(3) The applicant holds a clinical social work license that is in good standing from another state.*

*(4) The applicant has completed a minimum of 3,000 hours of supervised clinical experience acceptable to the board.*

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

*(6) The applicant has not been convicted of a felony under the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, or an offense under the laws of another jurisdiction, which, if committed in this Commonwealth, would be a felony under The Controlled Substance, Drug, Device and Cosmetic Act, unless:*

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

*(ii) the applicant satisfactorily demonstrates to the board that the applicant has made significant progress in personal rehabilitation since the conviction such that licensure of the applicant should not be expected to create a substantial risk of harm to the health and safety of the applicant's clients or the public or a substantial risk of further criminal violation; and*

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

*As used in this paragraph, the term "convicted" includes a judgment, an admission of guilt or a plea of nolo contendere.*

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

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

*(2) The applicant meets the educational requirements as specified in section 7(e)(2).*

*(3) The applicant has completed a minimum of 3,000 hours of supervised clinical experience acceptable to the board.*

*(4) The applicant holds a marriage and family therapy license that is in good standing from another state.*

*(5) The applicant has, at a minimum, been actively engaged in the practice of marriage and family therapy for five of the last seven years immediately preceding the filing of the application for licensure by endorsement with the board.*

*(6) The applicant has submitted an application accompanied by the application fee.*

*(7) The applicant has not been convicted of a felony under The Controlled Substance, Drug, Device and Cosmetic Act, or of an offense under the laws of another jurisdiction, which, if committed in this*

*Commonwealth, would be a felony under The Controlled Substance, Drug, Device and Cosmetic Act, unless:*

- (i) at least ten years have elapsed from the date of conviction;*
- (ii) the applicant satisfactorily demonstrates to the board that the applicant has made significant progress in personal rehabilitation since the conviction, such that licensure of the applicant should not be expected to create a substantial risk of harm to the health and safety of the applicant's clients or the public or a substantial risk of further criminal violation; and*
- (iii) the applicant otherwise satisfies the qualifications contained in or authorized by this act.*

*As used in this paragraph, the term "convicted" shall include a judgment, admission of guilt or a plea of nolo contendere.*

*(c) Professional counselor license.—The board may issue a professional counselor license without examination to an applicant holding a professional counselor license in another state who submits proof satisfactory to the board of all of the following:*

- (1) The applicant is of good moral character.*
- (2) The applicant meets the educational requirements as specified in section 7(f)(2).*
- (3) The applicant has completed a minimum of 3,000 hours of supervised clinical experience acceptable to the board.*
- (4) The applicant holds a professional counselor license that is in good standing from another state.*
- (5) The applicant has, at a minimum, been actively engaged in the practice of professional counselor work for five of the last seven years immediately preceding the filing of the application for licensure by endorsement with the board.*
- (6) The applicant has submitted an application accompanied by the application fee.*
- (7) The applicant has not been convicted of a felony under The Controlled Substance, Drug, Device and Cosmetic Act, or of an offense under the laws of another jurisdiction, which, if committed in this Commonwealth, would be a felony under The Controlled Substance, Drug, Device and Cosmetic Act, unless:*

- (i) at least ten years have elapsed from the date of conviction;*
- (ii) the applicant satisfactorily demonstrates to the board that the applicant has made significant progress in personal rehabilitation since the conviction, such that licensure of the applicant should not be expected to create a substantial risk of harm to the health and safety of the applicant's clients or the public or a substantial risk of further criminal violations; and*
- (iii) the applicant otherwise satisfies the qualifications contained in or authorized by this act.*

*As used in this paragraph, the term "convicted" shall include a judgment, admission of guilt or a plea of nolo contendere.*

Section 3. Section 20 of the act is amended by adding a subsection to read:

Section 20. Unlawful practice.

\* \* \*

*(a.1) Title.—It shall be unlawful for an individual to hold oneself out as a social worker, use the title of "social worker" or use the abbreviation of "S.W." without meeting the definition of "social worker." This subsection includes advertising as a social worker and adopting or using any title or description of services incorporating the term "social worker" and their related abbreviations, which implies directly or indirectly that the individual is a social worker. This subsection shall not apply to the following individuals:*

*(1) An individual employed by the Commonwealth in a social work position on the effective date of this subsection, during the time of employment by the Commonwealth.*

*(2) An individual employed as a school social worker 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 social worker.*

\* \* \*

Section 4. The State Board of Social Workers, Marriage and Family Therapists and Professional Counselors and the Department of Health shall promulgate regulations to implement the amendment or addition of sections 3, 10.1 and 20(a.1) of the act within three years of the effective date of this act.

Section 5. This act shall take effect in 60 days.

APPROVED—The 9th day of July, A.D. 2008.

EDWARD G. RENDELL