

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 1564 Session of  
2023

INTRODUCED BY CERRATO, HANBIDGE, SCHLOSSBERG, T. DAVIS, SIEGEL,  
MADDEN, HOWARD, SANCHEZ, GUENST, CEPEDA-FREYTIZ, NEILSON,  
GREEN, OTTEN, SHUSTERMAN, BRENNAN, DALEY, TAKAC, O'MARA,  
MAYES, WEBSTER, SALISBURY AND KAZEEM, JULY 11, 2023

SENATOR STEFANO, CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,  
AS AMENDED, FEBRUARY 5, 2024

## 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

1 have the meanings given to them in this section unless the  
2 context clearly indicates otherwise:

3 \* \* \*

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

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

13 \* \* \*

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

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

30 (1) The application of principles and practices of

1 counseling, mental health and human development to evaluate  
2 and facilitate human growth and adjustment throughout the  
3 life span and to prevent and treat mental, emotional or  
4 behavioral disorders and associated stresses which interfere  
5 with mental health and normal human growth and development.

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

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

18 \* \* \*

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

21 Section 4. License required.

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

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

1 \* \* \*

2 (1) Operating procedures.--The board shall meet within 30  
3 days after the appointment of its new members and set up  
4 operating procedures and develop application forms for licensing  
5 clinical social workers, associate marriage and family  
6 therapists, marriage and family therapists, associate  
7 professional counselors and professional counselors. It shall be  
8 the responsibility of the board to circulate these forms and  
9 educate the public to the requirements of licensing in order to  
10 hold oneself out as a licensed bachelor social worker, licensed  
11 social worker, licensed associate marriage and family therapist,  
12 licensed clinical social worker, licensed marriage and family  
13 therapist, licensed associate professional counselor or licensed  
14 professional counselor within the Commonwealth.

15 Section 6. Powers and functions of board.

16 The board shall have the following powers:

17 \* \* \*

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

28 (3) To examine for, deny, approve, issue, revoke,  
29 suspend or renew licenses of bachelor social workers, social  
30 workers, clinical social workers, associate marriage and

1 family therapists, marriage and family therapists, associate  
2 professional counselors and professional counselors pursuant  
3 to this act and to conduct hearings in connection therewith.

4 \* \* \*

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

8 Section 7. Qualifications for license.

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

12 (1) He or she is of good moral character. In assessing  
13 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 (relating to  
16 consideration of criminal convictions).

17 \* \* \*

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

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

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.

5           \* \* \*

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

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

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

12           (ii) The applicant is of good moral character. In  
13 assessing the moral character of an applicant with a  
14 criminal conviction, the board shall conduct an  
15 individualized assessment in accordance with 63 Pa.C.S. §  
16 3113.

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

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

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

30           (vi) The applicant has submitted an application

1 accompanied by the application fee OF \$75. THE  
2 APPLICATION FEE MAY BE ALTERED BY THE BOARD BY  
3 REGULATION.

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

10 (A) at least ten years have elapsed from the  
11 date of conviction;

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

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

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

28 THE APPLICANT SHALL SUBMIT A RENEWAL APPLICATION ACCOMPANIED  
29 BY THE RENEWAL APPLICATION FEE OF \$95. THE RENEWAL  
30 APPLICATION FEE MAY BE ALTERED BY THE BOARD BY REGULATION.

1 (e.2) Limitations on associate marriage and family  
2 therapist license.--A licensed associate marriage and family  
3 therapist shall work under the supervision of a licensed  
4 marriage and family therapist or a related licensed professional  
5 as approved by the board who directs the activities of the  
6 licensed associate marriage and family therapist. A licensed  
7 associate marriage and family therapist shall not practice in a  
8 private setting without the direction of a supervisor. Nothing  
9 in this section shall be construed to prohibit a licensed  
10 associate marriage and family therapist from taking the required  
11 examination under subsection (e) (4) during the time between  
12 graduation and completing the required clinical supervised hours  
13 under subsection (e) (3) to meet the licensure requirements for a  
14 marriage and family therapist.

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

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

23 \* \* \*

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

25 (1) An applicant is qualified for a license to hold  
26 oneself out as a licensed associate professional counselor if  
27 the applicant submits proof satisfactory to the board that  
28 all of the following apply:

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

30 (ii) The applicant is of good moral character. In



1 assessing the moral character of an applicant with a  
2 criminal conviction, the board shall conduct an  
3 individualized assessment in accordance with 63 Pa.C.S. §  
4 3113.

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

7 (iv) The applicant has submitted a plan of  
8 supervision, including a detailed job description and  
9 each location where client contact and supervision will  
10 occur.

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

19 (vi) The application has been accompanied by the  
20 application fee. OF \$75. THE APPLICATION FEE MAY BE <--  
21 ALTERED BY THE BOARD BY REGULATION.

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

28 (A) at least ten years have elapsed from the  
29 date of conviction;

30 (B) the applicant satisfactorily demonstrates to

1 the board that the applicant has made significant  
2 progress in personal rehabilitation since the  
3 conviction such that licensure of the applicant  
4 should not be expected to create a substantial risk  
5 of harm to the health and safety of clients or the  
6 public or a substantial risk of further criminal  
7 violations; and

8 (C) the applicant otherwise satisfies the  
9 qualifications contained in or authorized by this  
10 act. As used in this paragraph, the term "convicted"  
11 includes a judgment, an admission of guilt or a plea  
12 of nolo contendere.

13 (2) Renewal of an associate professional counselor  
14 license shall be on a biennial basis, and the license shall  
15 be eligible for no more than three renewals. THE APPLICANT <--  
16 SHALL SUBMIT A RENEWAL APPLICATION ACCOMPANIED BY THE RENEWAL  
17 APPLICATION FEE OF \$95. THE RENEWAL APPLICATION FEE MAY BE  
18 ALTERED BY THE BOARD BY REGULATION.

19 (f.2) Limitations on associate professional counselor  
20 license.--A licensed associate professional counselor shall work  
21 under the supervision of a licensed professional counselor or a  
22 related licensed professional approved by the board who directs  
23 the activities of the licensed associate professional counselor.  
24 A licensed associate professional counselor shall not practice  
25 in a private setting without the direction of a  
26 supervisor. Nothing in this subsection shall be construed to  
27 prohibit a licensed associate professional counselor from taking  
28 the required exam under subsection (f) (4) during the time  
29 between graduation and completing the required supervised hours  
30 under subsection (f) (3) to meet the licensure requirements for a

1 licensed professional counselor.

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

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

10 \* \* \*

11 Section 4. Sections 8(b), 10(a), 10.1(a)(1), (b)(1) and (c)  
12 (1) and 12 of the act are amended to read:

13 Section 8. Procedures for licensing.

14 \* \* \*

15 (b) Issuance of license.--The board shall issue to each  
16 person who meets the licensure requirements of this act a  
17 certificate setting forth that such person is licensed to hold  
18 [himself or herself] oneself out as a licensed bachelor social  
19 worker, a licensed social worker, a licensed clinical social  
20 worker, a licensed associate marriage and family therapist, a  
21 licensed marriage and family therapist, a licensed associate  
22 professional counselor or a licensed professional counselor.

23 Section 10. Reciprocity.

24 (a) General rule.--The board shall have the power to grant a  
25 reciprocal license to an applicant who is licensed or certified  
26 as a bachelor social worker, social worker, clinical social  
27 worker, associate marriage and family therapist, marriage and  
28 family therapist, associate professional counselor or  
29 professional counselor in another state and has demonstrated  
30 qualifications which equal or exceed those required pursuant to

1 this act in the determination of the board, provided that no  
2 license shall be granted under this section to an applicant  
3 unless the state in which the applicant is licensed affords  
4 reciprocal treatment to persons who are residents of this  
5 Commonwealth and who are licensed pursuant to this act.

6 \* \* \*

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

8 (a) Clinical social work license.--The board may issue a  
9 clinical social work license without examination to an applicant  
10 holding a clinical social work license in another state who  
11 submits proof 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 (relating to  
16 consideration of criminal convictions).

17 \* \* \*

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

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

27 \* \* \*

28 (c) Professional counselor license.--The board may issue a  
29 professional counselor license without examination to an  
30 applicant holding a professional counselor license in another

1 state who submits proof satisfactory to the board of all of the  
2 following:

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

7 \* \* \*

8 Section 12. Reinstatement of license.

9 Unless ordered to do so by Commonwealth Court or an appeal  
10 therefrom, the board shall not reinstate the license of a person  
11 to practice as a bachelor social worker, social worker, clinical  
12 social worker, associate marriage and family therapist, marriage  
13 and family therapist, associate professional counselor or  
14 professional counselor pursuant to this act, which has been  
15 revoked. Any person whose license has been revoked may apply for  
16 reinstatement, after a period of at least five years, but must  
17 meet all of the licensing qualifications of this act, including  
18 the examination requirement, if he or she desires to practice as  
19 a bachelor social worker, social worker, clinical social worker,  
20 marriage and family therapist or professional counselor pursuant  
21 to this act at any time after such revocation.

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

23 Section 16.5. Restrictions on use of title "Licensed Associate  
24 Marriage and Family Therapist."

25 Only individuals who have received licenses as licensed  
26 associate marriage and family therapists under this act may  
27 style themselves as licensed associate marriage and family  
28 therapists and use the letters "L.A.M.F.T." in connection with  
29 their names, and it shall be unlawful for an individual to style  
30 oneself as a licensed associate marriage and family therapist or

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

5 Section 16.6. Restrictions on the use of title "Licensed  
6 Associate Professional Counselor."

7 Only individuals who have received licenses as licensed  
8 associate professional counselors under this act may style  
9 themselves as licensed associate professional counselors and use  
10 the letters "L.A.P.C." in connection with their names, and it  
11 shall be unlawful for an individual to style oneself as a  
12 licensed associate professional counselor or use any words or  
13 symbols indicating or tending to indicate that the individual is  
14 a licensed associate professional counselor without holding a  
15 license in good standing under this act.

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

18 Section 18. License renewal; records and fees.

19 \* \* \*

20 (b) Records.--A record of all persons licensed to practice  
21 as bachelor social workers, social workers, clinical social  
22 workers, associate marriage and family therapists, marriage and  
23 family therapists, associate professional counselors and  
24 professional counselors in Pennsylvania shall be kept in the  
25 office of the board and and copying upon payment of a nominal  
26 fee for copying the record.

27 \* \* \*

28 Section 20. Unlawful practice.

29 (a) Unlawful practice prohibited.--It shall be unlawful for  
30 any person to engage in the independent practice of clinical

1 social work, the independent practice of marriage and family  
2 therapy or the independent practice of professional counseling  
3 or hold [himself or herself] oneself out as a licensed bachelor  
4 social worker, licensed social worker, licensed clinical social  
5 worker, licensed associate marriage and family therapist  
6 marriage and family therapist, licensed associate professional  
7 counselor and professional counselor without possessing a valid,  
8 unexpired, unrevoked and unsuspended license issued under this  
9 act.

10 Section 7. The act is amended by adding a section to read:  
11 Section 20.3. Effect of associate licensure.

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

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

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

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

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

28 Section 8. The State Board of Social Workers, Marriage and  
29 Family Therapists and Professional Counselors shall promulgate  
30 regulations as necessary to implement this act no later than 90

1 days from the effective date of this section.

2 Section 9. This act shall take effect immediately.