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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 603 Session of  
2015

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INTRODUCED BY GROVE, OBERLANDER, SCHEMEL, WATSON, KILLION,  
D. COSTA, BARRAR AND MURT, FEBRUARY 24, 2015

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REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE,  
FEBRUARY 24, 2015

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

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

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

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

16 (a) Creation.--There is hereby created the State Board of  
17 Social Workers, Marriage and Family Therapists and Professional  
18 Counselors, a departmental administrative board in the  
19 Department of State. The board shall consist of 13 members who  
20 are citizens of the United States and who have been residents of

1 this Commonwealth for a two-year period, two of whom shall be  
2 public members; five of whom shall be licensed social workers,  
3 at least one of whom shall be a licensed clinical social worker  
4 and at least one of whom shall be a licensed social worker; two  
5 of whom shall be licensed marriage and family therapists; two of  
6 whom shall be licensed professional counselors; one of whom  
7 shall be either a licensed marriage and family therapist or a  
8 licensed professional counselor [as hereafter provided] whose  
9 membership shall rotate at the expiration of the member's second  
10 term; and one of whom shall be the Commissioner of Professional  
11 and Occupational Affairs.

12 \* \* \*

13 Section 16.2. Restriction on the use of [title "Licensed  
14 Marriage and Family Therapist."] certain titles.

15 Only individuals who have received licenses as [licensed]  
16 marriage and family therapists under this act may style  
17 themselves as licensed marriage and family therapists, marriage  
18 and family therapists, family therapists, marriage therapists or  
19 couples therapists and use the letters "L.M.F.T." or "M.F.T." in  
20 connection with their names. It shall be unlawful for an  
21 individual to style oneself as a licensed marriage and family  
22 therapist, marriage and family therapist, family therapist,  
23 marriage therapist or couples therapist or use any words or  
24 symbols indicating or tending to indicate that the individual is  
25 a licensed marriage and family therapist, marriage and family  
26 therapist, family therapist, marriage therapist or couples  
27 therapist without holding a license as a marriage and family  
28 therapist in good standing under this act. This section shall  
29 not apply to the following:

30 (1) A person employed by the Commonwealth in a marriage

1 and family therapist position before the effective date of  
2 this paragraph.

3 (2) A person employed as a school marriage and family  
4 therapist in a public or private school in this Commonwealth  
5 before the effective date of this paragraph.

6 (3) A person who holds a valid license or is certified  
7 or regulated in accordance with another professional  
8 licensure law or State certification of the Commonwealth and  
9 who is credentialed by the American Association of Marriage  
10 and Family Therapists as a Clinical Fellow.

11 (4) A person who is working to meet the supervised  
12 experience requirement to become a licensed marriage and  
13 family therapist and whose duties are supervised by a  
14 licensed marriage and family therapist or other licensed  
15 mental health professional if the person does not represent  
16 himself or herself as a licensed marriage and family  
17 therapist.

18 (5) A student of marriage and family therapy who is  
19 enrolled in a prescribed course of study at an accredited  
20 educational institution if the person does not represent  
21 himself or herself as a licensed marriage and family  
22 therapist.

23 Section 2. Section 17(b) of the act, amended October 22,  
24 2014 (P.L.2884, No.179), is amended to read:

25 Section 17. Penalties.

26 \* \* \*

27 (b) Civil penalty.--In addition to any other civil remedy or  
28 criminal penalty provided for in this act, the board, by a vote  
29 of the majority of the maximum number of the authorized  
30 membership of the board as provided by law, or by a vote of the

1 majority of the duly qualified and confirmed membership or a  
2 minimum of three members, whichever is greater, may levy a civil  
3 penalty of up to [\$1,000] \$10,000 on any current licensee who  
4 violates any provision of this act or on any person who holds  
5 himself or herself out as a licensed bachelor social worker,  
6 licensed social worker, licensed clinical social worker,  
7 licensed marriage and family therapist or licensed professional  
8 counselor without being so licensed pursuant to this act. The  
9 board shall levy this penalty only after affording the accused  
10 party the opportunity for a hearing, as provided in Title 2 of  
11 the Pennsylvania Consolidated Statutes (relating to  
12 administrative law and procedure).

13 \* \* \*

14 Section 3. The State Board of Social Workers, Marriage and  
15 Family Therapists and Professional Counselors shall promulgate  
16 regulations to carry out this act. The State Board of Social  
17 Workers, Marriage and Family Therapists and Professional  
18 Counselors shall publish the regulations in the Pennsylvania  
19 Bulletin within 18 months of the effective date of this section.

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