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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 932 Session of  
2019

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INTRODUCED BY BRIGGS, CALTAGIRONE, HILL-EVANS, MURT AND  
READSHAW, MARCH 25, 2019

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REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, MARCH 25, 2019

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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 legislative intent, for definitions, for  
5 license required, for State Board of Social Workers, Marriage  
6 and Family Therapists and Professional Counselors, for powers  
7 and functions of board, for qualifications for license, for  
8 procedures for licensing, for exemption from licensure  
9 examination, for reciprocity, for endorsement of out-of-state  
10 licenses and for reinstatement of license; providing for  
11 restriction on use of title "licensed professional art  
12 therapist" and related titles; and further providing for  
13 penalties, for license renewal, records and fees and for  
14 unlawful practice.

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

17 Section 1. Section 2 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 to read:

20 Section 2. Legislative intent.

21 The practice of social work, marriage and family therapy  
22 [and], professional counseling and professional art therapy  
23 within this Commonwealth is hereby declared to affect the public  
24 safety and welfare and to be subject to regulation and control

1 in the public interest to protect the public from  
2 unprofessional, improper, unauthorized and unqualified practice  
3 of licensed social work, licensed marriage and family therapy  
4 [and], licensed professional counseling and licensed  
5 professional art therapy. This act regulates only those who hold  
6 themselves out as licensed social workers, licensed clinical  
7 social workers, licensed marriage and family therapists [or as],  
8 licensed professional counselors or licensed professional art  
9 therapists. Acquisition of a license under this act shall not be  
10 made a condition of the employment of a person by the  
11 Commonwealth or any of its political subdivisions or by  
12 nonprofit agencies.

13 Section 2. The definition of "diagnosis" in section 3 of the  
14 act, amended June 29, 2018 (P.L.505, No.76), is amended and the  
15 section is amended by adding definitions to read:

16 Section 3. Definitions.

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

20 \* \* \*

21 "Certified art therapist." An individual holding national  
22 board certification from the Art Therapy Credentials Board.

23 \* \* \*

24 "Diagnosis." The term includes the following:

25 (1) A clinical social work assessment, a marriage and  
26 family therapist assessment [or], a professional counselor  
27 assessment or a professional art therapy assessment.

28 (2) The utilization of currently accepted diagnostic  
29 classifications by a clinical social worker, a marriage and  
30 family therapist [or], a professional counselor or a

1 professional art therapist, including, but not limited to,  
2 the American Psychiatric Association's Diagnostic and  
3 Statistical Manual of Mental Disorders, as amended and  
4 supplemented, but only to the extent of the clinical social  
5 worker's, marriage and family therapist's [or], professional  
6 counselor's or professional art therapist's education,  
7 training, experience and scope of practice as established by  
8 this act.

9 \* \* \*

10 "Independent practice of professional art therapy." The  
11 application of professional art therapy knowledge and skills by  
12 an individual:

13 (1) who styles oneself as a professional art therapist;

14 (2) who regulates and is responsible for his or her own  
15 practice and treatment procedures; and

16 (3) whose practice is not affiliated with any other  
17 practice, health care facility, government agency or  
18 government-regulated social service agency.

19 \* \* \*

20 "Licensed professional art therapist." An individual who  
21 engages in the practice of professional art therapy and who  
22 holds a current license under this act.

23 \* \* \*

24 "Practice of professional art therapy." The integrative  
25 application of psychotherapeutic principles and methods with  
26 specialized training in strategic use of art media, the  
27 neurobiological implications of art making and art-based  
28 assessment models. The term includes the following:

29 (1) The evaluation, assessment, diagnosis and treatment  
30 of normal and abnormal cognitive, developmental, behavioral

1 and emotional disorders in individuals, families and groups.

2 (2) Strategic application of therapeutic art  
3 interventions, in the context of applied psychological theory  
4 in a psychotherapeutic relationship.

5 (3) Facilitation of visual, nonverbal and verbal  
6 receptive and expressive communication and implementation of  
7 treatment plans to help clients improve cognitive and sensory  
8 motor functions, increase self-awareness and self-esteem,  
9 cope with traumatic experience and grief, reduce symptoms of  
10 depression, anger and distress and improve educational  
11 performance, vocational performance and social functioning.

12 \* \* \*

13 "Professional art therapy assessment." The professional  
14 application of psychotherapeutic and art therapy theories and  
15 techniques to evaluate, identify and establish plans for  
16 treatment of individuals, families and groups with emotional,  
17 mental, addiction and behavioral disorders. The term includes a  
18 mental health examination and psychological history.

19 \* \* \*

20 Section 3. Sections 4, 5(a), (k) and (l) and 6(2) and (3) of  
21 the act are amended to read:

22 Section 4. License required.

23 It shall be unlawful for any person to hold himself or  
24 herself forth as a licensed bachelor social worker, licensed  
25 social worker, licensed clinical social worker, licensed  
26 marriage and family therapist [or], licensed professional  
27 counselor or licensed professional art therapist unless he or  
28 she 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 (a) Creation.--There is hereby created the State Board of  
2 Social Workers, Marriage and Family Therapists and Professional  
3 Counselors, a departmental administrative board in the  
4 Department of State. The board shall consist of [13] 15 members  
5 who are citizens of the United States and who have been  
6 residents of this Commonwealth for a two-year period, two of  
7 whom shall be public members; five of whom shall be licensed  
8 social workers, at least one of whom shall be a licensed  
9 clinical social worker and at least one of whom shall be a  
10 licensed social worker; two of whom shall be licensed marriage  
11 and family therapists; two of whom shall be licensed  
12 professional counselors; one of whom shall be either a licensed  
13 marriage and family therapist or a licensed professional  
14 counselor whose membership shall rotate between those  
15 professions at the expiration of the member's second term; two  
16 of whom shall be licensed professional art therapists; and one  
17 of whom shall be the Commissioner of Professional and  
18 Occupational Affairs.

19 \* \* \*

20 (k) Notice.--Reasonable notice of all meetings shall be  
21 given in conformity with [the act of July 3, 1986 (P.L.388,  
22 No.84), known as the Sunshine Act] 65 Pa.C.S. Ch. 7 (relating to  
23 open meetings)).

24 (l) Operating procedures.--The board shall meet within 30  
25 days after the appointment of its new members and set up  
26 operating procedures and develop application forms for licensing  
27 clinical social workers, marriage and family therapists and  
28 professional counselors. It shall be the responsibility of the  
29 board to circulate these forms and educate the public to the  
30 requirements of licensing in order to hold oneself out as a

1 licensed bachelor social worker, licensed social worker,  
2 licensed clinical social worker, licensed marriage and family  
3 therapist [or], licensed professional counselor or licensed  
4 professional art therapist within the Commonwealth.

5 Section 6. Powers and functions of board.

6 The board shall have the following powers:

7 \* \* \*

8 (2) To adopt and, from time to time, revise such rules  
9 and regulations as may be necessary to carry into effect the  
10 provisions of this act. Such regulations may include, but  
11 shall not be limited to, standards of professional practice  
12 and conduct for licensed bachelor social workers, licensed  
13 social workers, licensed clinical social workers, licensed  
14 marriage and family therapists [and], licensed professional  
15 counselors and licensed professional art therapists in  
16 Pennsylvania.

17 (3) To examine for, deny, approve, issue, revoke,  
18 suspend or renew licenses of bachelor social workers, social  
19 workers, clinical social workers, marriage and family  
20 therapists [and], professional counselors and professional  
21 art therapists pursuant to this act and to conduct hearings  
22 in connection therewith.

23 \* \* \*

24 Section 4. Section 7 of the act is amended by adding a  
25 subsection to read:

26 Section 7. Qualifications for license.

27 \* \* \*

28 (h) Professional art therapist license.--An applicant shall  
29 be qualified to hold oneself out as a licensed professional art  
30 therapist if the applicant submits proof satisfactory to the

1 board that all of the following apply:

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

3 (2) The applicant has successfully met one of the

4 following educational requirements:

5 (i) Holds a master's degree with a minimum of 60  
6 semester hours or 90 quarter hours of graduate coursework  
7 in art therapy from a program that was approved by the  
8 American Art Therapy Association or accredited by the  
9 Commission on Accreditation of Allied Health Education  
10 Programs at the time the degree was conferred.

11 (ii) Has successfully completed a master's degree  
12 with a minimum of 60 semester hours or 90 quarter hours  
13 of graduate coursework in art therapy or a field  
14 determined by the board by regulation to be closely  
15 related to the practice of professional art therapy.

16 (iii) Holds a doctoral degree in art therapy from an  
17 accredited educational institution or holds a doctoral  
18 degree in a field determined by the board by regulation  
19 to be closely related to the practice of professional art  
20 therapy from an accredited educational institution.

21 (3) The applicant has complied with the experience  
22 requirements 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, which was obtained subsequent to granting of  
28 the master's degree.

29 (ii) An individual meeting the educational  
30 requirements of paragraph (2)(iii) must have completed at

1 least 2,400 hours of supervised clinical experience,  
2 acceptable to the board as determined by regulation,  
3 1,200 hours of which was obtained subsequent to the  
4 granting of the doctoral degree.

5 (4) The applicant's postgraduate experience is completed  
6 under supervision by a licensed professional art therapist, a  
7 certified art therapist or any other licensed mental health  
8 professional acceptable to the board as determined by  
9 regulation.

10 (5) The applicant has passed an examination adopted by  
11 the board.

12 (6) The application has been accompanied by the  
13 application fee.

14 (7) The applicant has not been convicted of a felony  
15 under The Controlled Substance, Drug, Device and Cosmetic  
16 Act, or of an offense under the laws of another jurisdiction  
17 which if committed in this Commonwealth would be a felony  
18 under The Controlled Substance, Drug, Device and Cosmetic  
19 Act, unless the applicant otherwise satisfies the  
20 qualifications contained in or authorized by this act and:

21 (i) at least five years have elapsed from the date  
22 of conviction; or

23 (ii) the applicant satisfactorily demonstrates to  
24 the board that the applicant has made significant  
25 progress in personal rehabilitation since the conviction  
26 such that licensure of the applicant should not be  
27 expected to create a substantial risk of harm to the  
28 health and safety of clients or the public or a  
29 substantial risk of further criminal violation,  
30 in which case the board may issue a probationary license



1           for the remainder of the five years required in  
2           subparagraph (i).

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

6           Section 5. Section 8(b) of the act is amended to read:

7           Section 8. Procedures for licensing.

8           \* \* \*

9           (b) Issuance of license.--The board shall issue to each  
10          person who meets the licensure requirements of this act a  
11          certificate setting forth that such person is licensed to hold  
12          himself or herself out as a licensed bachelor social worker, a  
13          licensed social worker, a licensed clinical social worker, a  
14          licensed marriage and family therapist [or], a licensed  
15          professional counselor or a licensed professional art therapist.

16          Section 6. Section 9 of the act is amended by adding a  
17          subsection to read:

18          Section 9. Exemption from licensure examination.

19          \* \* \*

20          (d) Professional art therapists.--The requirements of  
21          section 7(h) (5) shall not apply and a license shall be issued  
22          without examination to an applicant who meets all of the  
23          following requirements:

24                (1) Has submitted an application for a professional art  
25                therapist license, accompanied by the required fee, within  
26                two years after the effective date of this paragraph.

27                (2) Can demonstrate proof of practice of professional  
28                art therapy for at least five of the seven years immediately  
29                prior to the date of application for license.

30                (3) Has successfully met one of the following

1 educational requirements:

2 (i) Has a doctoral degree in art therapy or a field  
3 determined by the board by regulation to be closely  
4 related to the practice of professional art therapy from  
5 an accredited educational institution.

6 (ii) Has a master's degree of at least 48 semester  
7 hours or 72 quarter hours from a program in art therapy  
8 approved by the American Art Therapy Association.

9 (iii) Has a master's degree from an accredited  
10 educational institution with a course of study that the  
11 Art Therapy Credentials Board has determined is  
12 equivalent to an approved program in art therapy for  
13 purposes of meeting the education requirements for  
14 registration as an art therapist.

15 (4) Holds a current credential as a certified art  
16 therapist and has passed the national board certification  
17 examination of the Art Therapy Credentials Board.

18 Section 7. Section 10 of the act, amended June 29, 2018  
19 (P.L.505, No.76), is amended to read:

20 Section 10. Reciprocity.

21 (a) General rule.--The board shall have the power to grant a  
22 reciprocal license to an applicant who is licensed or certified  
23 as a bachelor social worker, social worker, clinical social  
24 worker, marriage and family therapist [or], professional  
25 counselor or professional art therapist in another state and has  
26 demonstrated qualifications which equal or exceed those required  
27 pursuant to this act in the determination of the board, provided  
28 that no license shall be granted under this section to an  
29 applicant unless the state in which the applicant is licensed  
30 affords reciprocal treatment to persons who are residents of

1 this Commonwealth and who are licensed pursuant to this act.

2 (b) Emergencies.--The board shall have the power to allow an  
3 individual who is licensed or certified as a clinical social  
4 worker, a marriage and family therapist [or], a professional  
5 counselor or a professional art therapist in another state to  
6 practice in this Commonwealth without licensure for no more than  
7 60 days as part of a relief effort related to a state of  
8 emergency as declared by the Federal Government or the Governor.

9 Section 8. Section 10.1 of the act is amended by adding a  
10 subsection to read:

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

12 \* \* \*

13 (d) Professional art therapist.--The board may issue a  
14 professional art therapist license without examination to an  
15 applicant holding a professional art therapist or equivalent  
16 mental health license in another state who submits proof  
17 satisfactory to the board of all of the following:

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

19 (2) The applicant meets the educational requirements as  
20 specified in section 7(h)(2).

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

23 (4) The applicant holds a license that is in good  
24 standing from another state.

25 (5) The applicant has, at a minimum, been actively  
26 engaged in the practice of professional art therapy work for  
27 five of the last seven years immediately preceding the filing  
28 of the application for licensure by endorsement with the  
29 board.

30 (6) The applicant has submitted an application

1 accompanied by the application fee.

2 (7) The applicant has not been convicted of a felony  
3 under The Controlled Substance, Drug, Device and Cosmetic  
4 Act, or of an offense under the laws of another jurisdiction  
5 which if committed in this Commonwealth would be a felony  
6 under The Controlled Substance, Drug, Device and Cosmetic  
7 Act, unless the applicant otherwise satisfies the  
8 qualifications contained in or authorized by this act and:

9 (i) at least five years have elapsed from the date  
10 of conviction; or

11 (ii) the applicant satisfactorily demonstrates to  
12 the board that the applicant has made significant  
13 progress in personal rehabilitation since the conviction  
14 such that licensure of the applicant should not be  
15 expected to create a substantial risk of harm to the  
16 health and safety of clients or the public or a  
17 substantial risk of further criminal violation,  
18 in which case the board may issue a probationary license  
19 for the remainder of the five years required in  
20 subparagraph (i).

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

24 Section 9. Section 12 of the act is amended to read:

25 Section 12. Reinstatement of license.

26 Unless ordered to do so by Commonwealth Court or an appeal  
27 therefrom, the board shall not reinstate the license of a person  
28 to practice as a bachelor social worker, social worker, clinical  
29 social worker, marriage and family therapist [or], professional  
30 counselor or professional art therapist pursuant to this act,

1 which has been revoked. Any person whose license has been  
2 revoked may apply for reinstatement, after a period of at least  
3 five years, but must meet all of the licensing qualifications of  
4 this act, including the examination requirement, if he or she  
5 desires to practice as a bachelor social worker, social worker,  
6 clinical social worker, marriage and family therapist [or],  
7 professional counselor or professional art therapist pursuant to  
8 this act at any time after such revocation.

9 Section 10. The act is amended by adding a section to read:

10 Section 16.5. Restriction on use of title "licensed

11 professional art therapist" and related titles.

12 (a) General rule.--Only individuals who have received  
13 licenses as licensed professional art therapists under this act  
14 may engage in the independent practice of professional art  
15 therapy, use the letters "L.P.A.T." in connection with their  
16 names, or represent themselves to the public as licensed  
17 professional art therapists, professional art therapists or art  
18 therapists. It shall be unlawful for an individual to style  
19 oneself as a professional art therapist, advertise or engage in  
20 the independent practice of professional art therapy or use any  
21 words or symbols indicating or tending to indicate that the  
22 individual is a licensed professional art therapist,  
23 professional art therapist or otherwise qualified to practice  
24 professional art therapy without holding a license in good  
25 standing under this act.

26 (b) Nonapplicability.--This section shall not apply to the  
27 following:

28 (1) A person employed by the Commonwealth in an art  
29 therapist position on the effective date of this subsection,  
30 during the time of employment by the Commonwealth in that

1 position.

2 (2) A person who holds a valid license or is certified  
3 or regulated pursuant to another professional licensure law  
4 or State certification of the Commonwealth and who is  
5 credentialed by the Art Therapy Credentials Board as a  
6 certified art therapist.

7 (3) A person who is practicing professional art therapy  
8 under supervision to meet the supervised clinical experience  
9 requirement to become a licensed professional art therapist  
10 pursuant to this act if the person does not represent himself  
11 or herself as a licensed professional art therapist or  
12 professional art therapist.

13 (4) A student enrolled in an art therapy academic  
14 program with an accredited educational institution while  
15 practicing art therapy under qualified supervision and as  
16 part of an approved course of study if the person does not  
17 represent himself or herself as a professional art therapist  
18 or art therapist. A student enrolled in an art therapy  
19 program may identify himself or herself only as an "art  
20 therapy student" or "art therapy intern."

21 Section 11. Section 17(b) of the act, amended June 29, 2018  
22 (P.L.505, No.76), is amended to read:

23 Section 17. Penalties.

24 \* \* \*

25 (b) Civil penalty.--In addition to any other civil remedy or  
26 criminal penalty provided for in this act, the board, by a vote  
27 of the majority of the maximum number of the authorized  
28 membership of the board as provided by law, or by a vote of the  
29 majority of the duly qualified and confirmed membership or a  
30 minimum of three members, whichever is greater, may levy a civil

1 penalty of up to \$10,000 on any current licensee who violates  
2 any provision of this act, on any person who engages in the  
3 independent practice of clinical social work, the independent  
4 practice of marriage and family therapy [or], the independent  
5 practice of professional counseling or the independent practice  
6 of professional art therapy without being licensed pursuant to  
7 this act or on any person who holds himself or herself out as a  
8 licensed bachelor social worker, licensed social worker,  
9 licensed clinical social worker, licensed marriage and family  
10 therapist, licensed professional counselor or marriage and  
11 family therapist or licensed professional art therapist or  
12 professional art therapist without being so licensed pursuant to  
13 this act. The board shall levy this penalty only after affording  
14 the accused party the opportunity for a hearing, as provided in  
15 Title 2 of the Pennsylvania Consolidated Statutes (relating to  
16 administrative law and procedure).

17 \* \* \*

18 Section 12. Section 18(b) of the act is amended to read:

19 Section 18. License renewal; records and fees.

20 \* \* \*

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

28 \* \* \*

29 Section 13. Section 20(a) of the act, amended June 29, 2018  
30 (P.L.505, No.76), is amended to read:

1 Section 20. Unlawful practice.

2 (a) Unlawful practice prohibited.--It shall be unlawful for  
3 any person to engage in the independent practice of clinical  
4 social work, the independent practice of marriage and family  
5 therapy [or], the independent practice of professional  
6 counseling or the independent practice of professional art  
7 therapy or hold himself or herself out as a licensed bachelor  
8 social worker, licensed social worker, licensed clinical social  
9 worker, marriage and family therapist [and], professional  
10 counselor and licensed professional art therapist without  
11 possessing a valid, unexpired, unrevoked and unsuspended license  
12 issued under this act.

13 \* \* \*

14 Section 14. Within 60 days of the effective date of this  
15 section, the Governor shall nominate two professional members to  
16 serve as the licensed professional art therapist members of the  
17 State Board of Social Workers, Marriage and Family Therapists  
18 and Professional Counselors. The professional members initially  
19 appointed pursuant to this section need not be licensed by the  
20 licensure examination adopted by the State Board of Social  
21 Workers, Marriage and Family Therapists and Professional  
22 Counselors but, at the time of appointment, must satisfy all  
23 other requirements of this act for licensure as a professional  
24 art therapist.

25 Section 15. The State Board of Social Workers, Marriage and  
26 Family Therapists and Professional Counselors shall promulgate  
27 final regulations to carry out the provisions of this act within  
28 18 months of the effective date of this section.

29 Section 16. This act shall take effect as follows:

30 (1) The following provisions shall take effect in 24



1 months:

2 (i) The amendment of section 4 of the act.

3 (ii) The addition of section 16.5 of the act.

4 (iii) The amendment of section 17(b) of the act.

5 (iv) The amendment of section 20(a) of the act.

6 (2) The remainder of this act shall take effect in 60  
7 days.