
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1564 Session of
2023

INTRODUCED BY CERRATO, HANBIDGE, SCHLOSSBERG, T. DAVIS, SIEGEL,
MADDEN, HOWARD, SANCHEZ, GUENST AND CEPEDA-FREYTIZ,
JULY 11, 2023

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, JULY 11, 2023

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 and for reinstatement of license; providing
9 for restrictions on use of title "Licensed Associate Marriage
10 and Family Therapist"; and further providing for penalties,
11 for license renewal and records and fees and for unlawful
12 practice.

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

15 Section 1. Section 3 of the act of July 9, 1987 (P.L.220,
16 No.39), known as the Social Workers, Marriage and Family
17 Therapists and Professional Counselors Act, is amended by adding
18 definitions to read:

19 Section 3. Definitions.

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

1 * * *

2 "Licensed associate marriage and family therapist." An
3 individual licensed as an associate marriage and family
4 therapist under this act who is obtaining experience under
5 professional direct supervision for the purpose of becoming
6 licensed as a marriage and family therapist.

7 * * *

8 "Practice of associate marriage and family therapy." The
9 professional application of psychotherapeutic and family systems
10 theories and techniques to the evaluation, assessment, diagnosis
11 and treatment of mental and emotional disorders, whether
12 cognitive, affective or behavioral, while under direct clinical
13 supervision of a licensed supervisor approved by the American
14 Association of Marriage and Family Therapy. The term includes
15 the evaluation and assessment of mental and emotional disorders
16 in the context of significant interpersonal relationships and
17 the delivery of psychotherapeutic services to individuals,
18 couples and families.

19 * * *

20 Section 2. Sections 4, 5(1) and 6(2) and (3) of the act are
21 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 associate marriage and family therapist, licensed marriage and
27 family therapist or licensed professional counselor 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 * * *

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 and professional
7 counselors. It shall be the responsibility of the board to
8 circulate these forms and educate the public to the requirements
9 of licensing in order to hold oneself out as a licensed bachelor
10 social worker, licensed social worker, licensed clinical social
11 worker, licensed associate marriage and family therapist,
12 licensed marriage and family therapist or licensed professional
13 counselor within the Commonwealth.

14 Section 6. Powers and functions of board.

15 The board shall have the following powers:

16 * * *

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

26 (3) To examine for, deny, approve, issue, revoke,
27 suspend or renew licenses of bachelor social workers, social
28 workers, clinical social workers, associate marriage and
29 family therapists, marriage and family therapists and
30 professional counselors pursuant to this act and to conduct

1 hearings in connection therewith.

2 * * *

3 Section 3. Section 7 of the act is amended by adding
4 subsections to read:

5 Section 7. Qualifications for license.

6 * * *

7 (e.1) Associate marriage and family therapist license.--An
8 applicant shall be qualified for a license to hold oneself out
9 as a licensed associate marriage and family therapist if the
10 applicant submits:

11 (1) Proof that the applicant is at least 21 years of
12 age.

13 (2) Proof that the applicant is of good moral character.

14 (3) Proof that the applicant has satisfied the
15 educational requirements under subsection (e)(2).

16 (4) A clinical marriage and family therapy plan of
17 supervision, which shall include a detailed job description
18 and the location or locations where client contact and
19 supervision will occur.

20 (5) The supervisor's resume or curriculum vitae, which
21 shall document that the supervisor has no less than five
22 full-time years of professional marriage and family therapy
23 practice experience or the equivalent and holds a current and
24 active license to practice as a marriage and family
25 therapist.

26 (6) An application accompanied by the application fee.

27 (7) Proof that the applicant has not been convicted of a
28 felony under The Controlled Substance, Drug, Device and
29 Cosmetic Act, or of an offense under the laws of another
30 jurisdiction, which, if committed in this Commonwealth, would

1 be a felony under The Controlled Substance, Drug, Device and
2 Cosmetic Act, unless:

3 (i) at least 10 years have elapsed from the date of
4 conviction;

5 (ii) the applicant satisfactorily demonstrates to
6 the board that the applicant has made significant
7 progress in personal rehabilitation since the conviction,
8 such that licensure of the applicant should not be
9 expected to create a substantial risk of harm to the
10 health and safety of the applicant's clients or the
11 public or a substantial risk of further criminal
12 violations; and

13 (iii) the applicant otherwise satisfies the
14 qualifications contained in or authorized by this act. As
15 used in this paragraph, the term "convicted" shall
16 include a judgment, an admission of guilt or a plea of
17 nolo contendere.

18 (e.2) Expiration of associate marriage and family therapist
19 license.--An associate marriage and family therapist license
20 shall expire six years after issuance and shall permanently
21 expire 30 days after completion of the required clinical
22 supervised hours under subsection (e) (2). The board may renew an
23 associate marriage and family therapist license for no more than
24 two years under extenuating circumstances or for good cause
25 shown.

26 (e.3) Limitations on associate marriage and family therapist
27 license.--A licensed associate marriage and family therapist
28 shall work under the supervision of a licensed marriage and
29 family therapist who holds a clinical supervisor license to
30 supervise and direct the activities of the licensed associate

1 marriage and family therapist. Licensed associate marriage and
2 family therapists may not practice in a private setting without
3 the direct supervision of a licensed marriage and family
4 therapist clinical supervisor. Nothing in this section shall be
5 construed to prohibit a licensed associate marriage and family
6 therapist to take the National Association of Marriage and
7 Family Therapy Regulatory Boards Exam during the time between
8 graduation and completing the required clinical supervised hours
9 under subsection (e) (2) in order to meet licensure requirements.

10 * * *

11 Section 4. Sections 8(b), 10(a) and 12 of the act are
12 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 out as a licensed bachelor social worker, a
19 licensed social worker, a licensed clinical social worker, a
20 licensed associate marriage and family therapist, a licensed
21 marriage and family therapist or a licensed professional
22 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 or professional counselor in another state and
29 has demonstrated qualifications which equal or exceed those
30 required pursuant to this act in the determination of the board,

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

5 * * *

6 Section 12. Reinstatement of license.

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

20 Section 5. The act is amended by adding a section to read:

21 Section 16.5. Restrictions on use of title "Licensed Associate
22 Marriage and Family Therapist."

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

1 and family therapist without holding a license in good standing
2 under this act.

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

5 Section 17. Penalties.

6 * * *

7 (b) Civil penalty.--In addition to any other civil remedy or
8 criminal penalty provided for in this act, the board, by a vote
9 of the majority of the maximum number of the authorized
10 membership of the board as provided by law, or by a vote of the
11 majority of the duly qualified and confirmed membership or a
12 minimum of three members, whichever is greater, may levy a civil
13 penalty of up to \$10,000 on any current licensee who violates
14 any provision of this act, on any person who engages in the
15 independent practice of clinical social work, the independent
16 practice of marriage and family therapy or the independent
17 practice of professional counseling without being licensed
18 pursuant to this act or on any person who holds himself or
19 herself out as a licensed bachelor social worker, licensed
20 social worker, licensed clinical social worker, licensed
21 associate marriage and family therapist licensed marriage and
22 family therapist, licensed professional counselor or marriage
23 and family therapist without being so licensed pursuant to this
24 act. The board shall levy this penalty only after affording the
25 accused party the opportunity for a hearing, as provided in
26 Title 2 of the Pennsylvania Consolidated Statutes (relating to
27 administrative law and procedure).

28 * * *

29 Section 18. License renewal; records and fees.

30 * * *

1 (b) Records.--A record of all persons licensed to practice
2 as bachelor social workers, social workers, clinical social
3 workers, associate marriage and family therapists, marriage and
4 family therapists and professional counselors in Pennsylvania
5 shall be kept in the office of the board and shall be open to
6 public inspection and copying upon payment of a nominal fee for
7 copying the record.

8 * * *

9 Section 20. Unlawful practice.

10 (a) Unlawful practice prohibited.--It shall be unlawful for
11 any person to engage in the independent practice of clinical
12 social work, the independent practice of marriage and family
13 therapy or the independent practice of professional counseling
14 or hold himself or herself out as a licensed bachelor social
15 worker, licensed social worker, licensed clinical social worker,
16 licensed associate marriage and family therapist, marriage and
17 family therapist and professional counselor without possessing a
18 valid, unexpired, unrevoked and unsuspended license issued under
19 this act.

20 * * *

21 Section 7. This act shall take effect in 60 days.