
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1398 Session of
2023

INTRODUCED BY BRIGGS, HILL-EVANS, RABB, MADDEN, SANCHEZ,
KENYATTA, JAMES, CIRESI AND GREEN, JUNE 13, 2023

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, JUNE 13, 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 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 as 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 definitions of "board" and "diagnosis" in
14 section 3 of the act are amended and the section is amended by
15 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 "Board." The State Board of Social Workers, Marriage and
22 Family Therapists [and], Professional Counselors and
23 Professional Art Therapists under the Bureau of Professional and
24 Occupational Affairs within the Department of State.

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

27 * * *

28 "Diagnosis." The term includes the following:

29 (1) A clinical social work assessment, a marriage and
30 family therapist assessment [or], a professional counselor

1 assessment or a professional art therapy assessment.

2 (2) The utilization of currently accepted diagnostic
3 classifications by a clinical social worker, a marriage and
4 family therapist [or], a professional counselor or a
5 professional art therapist, including, but not limited to,
6 the American Psychiatric Association's Diagnostic and
7 Statistical Manual of Mental Disorders, as amended and
8 supplemented, but only to the extent of the clinical social
9 worker's, marriage and family therapist's [or], professional
10 counselor's or professional art therapist's education,
11 training, experience and scope of practice as established by
12 this act.

13 * * *

14 "Independent practice of professional art therapy." The
15 application of professional art therapy knowledge and skills by
16 an individual:

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

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

20 (3) whose practice is not affiliated with any other
21 practice, health care facility, government agency or
22 government-regulated social service agency.

23 * * *

24 "Licensed professional art therapist." An individual who
25 engages in the practice of professional art therapy and who
26 holds a current license under this act.

27 * * *

28 "Practice of professional art therapy." The integrative
29 application of psychotherapeutic principles and methods with
30 specialized training in strategic use of art media, the

1 neurobiological implications of art making and art-based
2 assessment models. The term includes the following:

3 (1) The evaluation, assessment, diagnosis and treatment
4 of normal and abnormal cognitive, developmental, behavioral
5 and emotional disorders in individuals, families and groups.

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

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

16 * * *

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

23 * * *

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

26 Section 4. License required.

27 It shall be unlawful for any person to hold himself or
28 herself forth as a licensed bachelor social worker, licensed
29 social worker, licensed clinical social worker, licensed
30 marriage and family therapist [or], licensed professional

1 counselor or licensed professional art therapist unless he or
2 she shall first have obtained a license pursuant to this act.
3 Section 5. State Board of Social Workers, Marriage and Family
4 Therapists [and], Professional Counselors and
5 Professional Art Therapists.

6 (a) Creation.--There is hereby created the State Board of
7 Social Workers, Marriage and Family Therapists [and],
8 Professional Counselors and Professional Art Therapists, a
9 departmental administrative board in the Department of State.
10 The board shall consist of [13] 15 members who are citizens of
11 the United States and who have been residents of this
12 Commonwealth for a two-year period, two of whom shall be public
13 members; five of whom shall be licensed social workers, at least
14 one of whom shall be a licensed clinical social worker and at
15 least one of whom shall be a licensed social worker; two of whom
16 shall be licensed marriage and family therapists; two of whom
17 shall be licensed professional counselors; one of whom shall be
18 either a licensed marriage and family therapist or a licensed
19 professional counselor whose membership shall rotate between
20 those professions at the expiration of the member's second term;
21 two of whom shall be licensed professional art therapists; and
22 one of whom shall be the Commissioner of Professional and
23 Occupational Affairs.

24 * * *

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

29 (l) Operating procedures.--The board shall meet within 30
30 days after the appointment of its new members and set up

1 operating procedures and develop application forms for licensing
2 clinical social workers, marriage and family therapists [and],
3 professional counselors and professional art therapists. It
4 shall be the responsibility of the board to circulate these
5 forms and educate the public to the requirements of licensing in
6 order to hold oneself out as a licensed bachelor social
7 worker, licensed social worker, licensed clinical social worker,
8 licensed marriage and family therapist [or], licensed
9 professional counselor or licensed professional art therapist
10 within the Commonwealth.

11 Section 6. Powers and functions of board.

12 The board shall have the following powers:

13 * * *

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

23 (3) To examine for, deny, approve, issue, revoke,
24 suspend or renew licenses of bachelor social workers, social
25 workers, clinical social workers, marriage and family
26 therapists [and], professional counselors and professional
27 art therapists pursuant to this act and to conduct hearings
28 in connection therewith.

29 * * *

30 Section 4. Section 7 of the act is amended by adding a

1 subsection to read:

2 Section 7. Qualifications for license.

3 * * *

4 (h) Professional art therapist license.--An applicant shall
5 be qualified to hold oneself out as a licensed professional art
6 therapist if the applicant submits proof satisfactory to the
7 board that all of the following apply:

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

9 (2) The applicant has successfully met one of the
10 following educational requirements:

11 (i) Holds a master's degree with a minimum of 60
12 semester hours or 90 quarter hours of graduate coursework
13 in art therapy from a program that is approved by the
14 American Art Therapy Association or accredited by the
15 Commission on Accreditation of Allied Health Education
16 Programs at the time the degree was conferred.

17 (ii) Has successfully completed a master's degree
18 with a minimum of 60 semester hours or 90 quarter hours
19 of graduate coursework in art therapy or a field
20 determined by the board by regulation to be closely
21 related to the practice of professional art therapy.

22 (iii) Holds a doctoral degree in art therapy from an
23 accredited educational institution or holds a doctoral
24 degree in a field determined by the board by regulation
25 to be closely related to the practice of professional art
26 therapy from an accredited educational institution.

27 (3) The applicant has complied with the experience
28 requirements as follows:

29 (i) An individual meeting the educational
30 requirements of paragraph (2) (i) or (ii) must have

1 completed at least 3,000 hours of supervised clinical
2 experience, acceptable to the board as determined by
3 regulation, which was obtained subsequent to granting of
4 the master's degree.

5 (ii) An individual meeting the educational
6 requirements of paragraph (2)(iii) must have completed at
7 least 2,400 hours of supervised clinical experience,
8 acceptable to the board as determined by regulation,
9 1,200 hours of which was obtained subsequent to the
10 granting of the doctoral degree.

11 (4) The applicant's postgraduate experience is completed
12 under supervision by a licensed professional art therapist, a
13 certified art therapist or any other licensed mental health
14 professional acceptable to the board as determined by
15 regulation.

16 (5) The applicant has passed an examination adopted by
17 the board.

18 (6) The application has been accompanied by the
19 application fee.

20 (7) The applicant has not been convicted of a felony
21 under The Controlled Substance, Drug, Device and Cosmetic
22 Act, or of an offense under the laws of another jurisdiction
23 which if committed in this Commonwealth would be a felony
24 under The Controlled Substance, Drug, Device and Cosmetic
25 Act, unless the applicant otherwise satisfies the
26 qualifications contained in or authorized by this act and:

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

29 (ii) the applicant satisfactorily demonstrates to
30 the board that the applicant has made significant

1 progress in personal rehabilitation since the conviction
2 such that licensure of the applicant should not be
3 expected to create a substantial risk of harm to the
4 health and safety of clients or the public or a
5 substantial risk of further criminal violation,
6 in which case the board may issue a probationary license
7 for the remainder of the five years required in
8 subparagraph (i).

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

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

12 Section 8. Procedures for licensing.

13 * * *

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

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

23 Section 9. Exemption from licensure examination.

24 * * *

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

29 (1) Has submitted an application for a professional art
30 therapist license, accompanied by the required fee, within

1 two years after the effective date of this paragraph.

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

5 (3) Has successfully met one of the following
6 educational requirements:

7 (i) Has a doctoral degree in art therapy or a field
8 determined by the board by regulation to be closely
9 related to the practice of professional art therapy from
10 an accredited educational institution.

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

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

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

23 Section 7. Section 10 of the act is amended to read:

24 Section 10. Reciprocity.

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

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

6 (b) Emergencies.--The board shall have the power to allow an
7 individual who is licensed or certified as a clinical social
8 worker, a marriage and family therapist [or], a professional
9 counselor or a professional art therapist in another state to
10 practice in this Commonwealth without licensure for no more than
11 60 days as part of a relief effort related to a state of
12 emergency as declared by the Federal Government or the Governor.

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

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

16 * * *

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

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

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

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

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

29 (5) The applicant has, at a minimum, been actively
30 engaged in the practice of professional art therapy work for

1 five of the last seven years immediately preceding the filing
2 of the application for licensure by endorsement with the
3 board.

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

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

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

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

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

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

28 Section 12. Reinstatement of license.

29 Unless ordered to do so by Commonwealth Court or an appeal
30 therefrom, the board shall not reinstate the license of a person

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

12 Section 10. The act is amended by adding a section to read:
13 Section 16.5. Restriction on use of title "licensed
14 professional art therapist" and related titles.

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

29 (b) Nonapplicability.--This section shall not apply to the
30 following:

1 (1) A person employed by the Commonwealth in an art
2 therapist position on the effective date of this subsection,
3 during the time of employment by the Commonwealth in that
4 position.

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

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

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

24 Section 11. Sections 17(b), 18(b) and 20(a) of the act are
25 amended to read:

26 Section 17. Penalties.

27 * * *

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

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

20 * * *

21 Section 18. License renewal; records and fees.

22 * * *

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

30 * * *

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 12. 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 Professional Counselors and Professional Art Therapists. The
19 professional members initially appointed pursuant to this
20 section need not be licensed by the licensure examination
21 adopted by the State Board of Social Workers, Marriage and
22 Family Therapists, Professional Counselors and Professional Art
23 Therapists but, at the time of appointment, must satisfy all
24 other requirements of this act for licensure as a professional
25 art therapist.

26 Section 13. The State Board of Social Workers, Marriage and
27 Family Therapists, Professional Counselors and Professional Art
28 Therapists shall promulgate final regulations to carry out the
29 provisions of this act within 18 months of the effective date of
30 this section.

1 Section 14. This act shall take effect as follows:

2 (1) The amendment or addition of sections 4, 16.5, 17(b)
3 and 20(a) of the act shall take effect in 24 months.

4 (2) The remainder of this act shall take effect in 60
5 days.