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THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No.

Session of  
2023

INTRODUCED BY

AN ACT

Amending the act of July 9, 1987 (P.L.220, No.39), entitled "An act licensing and regulating the practice of social work; providing penalties; and making an appropriation," licensing and regulating the practice of recreational therapy.

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

Section 1. Section 2 of the act of July 9, 1987 (P.L.220, No.39), known as the Social Workers, Marriage and Family Therapists and Professional Counselors Act, are amended to read:

Section 2. Legislative intent.

The practice of social work, marriage and family therapy [and], professional counseling and recreational therapy within this Commonwealth is hereby declared to affect the public safety and welfare and to be subject to regulation and control in the public interest to protect the public from unprofessional, improper, unauthorized and unqualified practice of licensed social work, licensed marriage and family therapy [and], licensed professional counseling and recreational therapy. This act regulates only those who hold themselves out as licensed

social workers, licensed clinical social workers, licensed marriage and family therapists [or as], licensed professional counselors or licensed recreational therapists. Acquisition of a license under this act shall not be made a condition of the employment of a person by the Commonwealth or any of its political subdivisions or by nonprofit agencies unless the employment is of a licensed recreational therapist.

Section 2. Section 3 of the act, amended June 29, 2018 (P.L.505, No.76), is amended by adding definitions to read:  
Section 3. Definitions.

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

\* \* \*

"Licensed recreational therapist." An individual who engages or offers to engage in the practice of recreational therapy and who holds a current license under this act.

\* \* \*

"Independent practice of recreational therapy." A service designed to treat an individual affected by an illness or disabling condition in order to accomplish any of the following:

(1) Restore, remediate or rehabilitate the individual's level of functioning and independence in play, leisure, recreation and community activities.

(2) Promote health and wellness through engagement in play, leisure, recreation and community activities.

(3) Reduce or eliminate limitations and restrictions to participation in play, leisure, recreation and community

activities.

The techniques used by licensed recreational therapists may include any of the following:

(a) Conducting an individualized assessment for the purpose of collecting systematic, comprehensive and accurate data necessary to determine the course of action and subsequent individualized treatment plan.

(b) Planning and developing an individualized recreational therapy treatment plan that identifies an individual's goals, objectives and potential treatment intervention strategies for play, recreation, leisure and community activities.

(c) Implementing an individualized recreational therapy treatment plan that is consistent with the overall treatment plan.

(d) Systematically evaluating and comparing the individual's response to the individualized recreational therapy treatment plan and making modifications as appropriate.

(e) Developing a discharge plan in collaboration with the individual and the individual's family, treatment team and other identified support networks where appropriate.

(f) Identifying and training in the use of adaptive play, recreation and leisure equipment.

(g) Identifying, providing and educating individuals to use play, recreation, leisure and community resources that support a healthy, active and engaged life.

(h) Providing leisure education and counseling to address issues that hinder health and engagement in play,

recreation, leisure and community activities.

(i) Providing community integration, reintegration, inclusion and transitioning services to maximize health and participation in play, recreation, leisure and community activities.

(j) Addressing functional skill recovery, development or maintenance related to health and participation in play, recreation, leisure and community activities and utilizing play, recreation, leisure and community activities as modalities to advance health and functioning.

(k) Assisting individuals in constructing a healthy leisure lifestyle that supports continued recovery, health promotion and quality of life.

(l) Providing play, recreation, leisure and community opportunities for individuals with illness, disability or challenges for therapeutic purposes.

(m) Minimizing personal and environmental contextual barriers and maximizing personal and environmental contextual facilitators to enhance health and participation in play, recreation, leisure and community activities.

(n) Collaborating with and educating the individual, family, caregiver and others to foster an environment that is responsive to the health, play, recreation, leisure and community engagement needs of the individual.

(o) Consulting with groups, programs, organizations or communities to improve physical, social and programmatic accessibility in play, recreation, leisure and community activities.

\* \* \*

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

Section 4. License required.

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

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

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

Affairs.

\* \* \*

(c) Initial appointments.--Within 90 days of the effective date of this act, the Governor shall nominate one professional member to serve as a clinical social worker member of the board; three professional members to serve as professional counselor members of the board, one of whom shall serve a two-year term, one of whom shall serve a three-year term and one of whom shall serve a four-year term; two professional members to serve as the marriage and family therapist members of the board, one of whom shall serve a two-year term and one of whom shall serve a four-year term[.]; and one professional member to serve as the professional recreational therapist member of the board, who shall serve a four-year term. The professional members of the board initially appointed pursuant to this subsection need not be licensed by the licensure examination adopted by the board but, at the time of appointment, must have satisfied the education and experience requirements of this act for licensure as a clinical social worker, a marriage and family therapist [or], a professional counselor or a professional recreational therapist.

\* \* \*

(1) Operating procedures.--The board shall meet within 30 days after the appointment of its new members and set up operating procedures and develop application forms for licensing clinical social workers, marriage and family therapists [and], professional counselors and recreational therapists. It shall be the responsibility of the board to circulate these forms and educate the public to the requirements of licensing in order to

hold oneself out as a licensed bachelor social worker, licensed social worker, licensed clinical social worker, licensed marriage and family therapist [or], licensed professional counselor or licensed recreational therapist within [the] this Commonwealth.

#### Section 6. Powers and functions of board.

The board shall have the following powers:

\* \* \*

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

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

\* \* \*

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

#### Section 7. Qualifications for license.

\* \* \*

(h) Professional recreational therapist license.—An

applicant shall be qualified for a license to hold oneself out as a licensed professional recreational therapist, provided the applicant submits proof satisfactory to the board that the applicant:

- (1) Be at least 18 years of age.
- (2) Upholds ethical guidelines and professional conduct established by the profession.
- (3) Submit a completed application and fee as required by the board by regulation.
- (4) Complete all certification requirements for and maintain certification by the National Council for Therapeutic Recreation Certification.
- (5) Not be addicted to alcohol, narcotics or other habit-forming drugs.
- (6) Have not been convicted of a felony under the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, or of an offense under the laws of another jurisdiction which, if committed in this Commonwealth, would be a felony under The Controlled Substance, Drug, Device and Cosmetic Act, unless the following apply:
  - (i) Ten years have elapsed from the date of conviction.
  - (ii) The applicant satisfactorily demonstrates to the board that the applicant has made significant progress in personal rehabilitation since the conviction and the licensure of the applicant is not expected to create a substantial risk of harm to the health and safety of the applicant's clients or the public or a



substantial risk of further criminal violations.

(iii) The applicant otherwise satisfies the qualifications required under this act.

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

Section 8. Procedures for licensing.

\* \* \*

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

Section 5. Section 10 of the act, amended June 29, 2018 (P.L.505, No.76), is amended to read:  
Section 10. Reciprocity.

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

this act.

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

Section 6. Section 10.1 of the act is amended by adding a subsection to read:

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

\* \* \*

(d) Recreational therapist license.--The board may issue a recreational therapist license to an applicant holding a recreational therapist license in another state who submits proof satisfactory to the board of all of the following:

- (1) The applicant is of good moral character.
- (2) The applicant meets the certification requirements as specified in section 7(h)(4).
- (3) The applicant holds a recreation therapy license that is in good standing from another state.
- (4) The applicant has submitted an application accompanied by the application fee.
- (5) The applicant has not been convicted of a felony under The Controlled Substance, Drug, Device and Cosmetic Act, or of an offense under the laws of another jurisdiction, which, if committed in this Commonwealth, would be a felony under The Controlled Substance, Drug, Device and Cosmetic Act, unless:

(i) at least ten years have elapsed from the date of conviction;

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

(iii) the applicant otherwise satisfies the qualifications contained in or authorized by this act.

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

Section 7. Section 12 of act is amended to read:

Section 12. Reinstatement of license.

Unless ordered to do so by Commonwealth Court or an appeal therefrom, the board shall not reinstate the license of a person to practice as a bachelor social worker, social worker, clinical social worker, marriage and family therapist [or], professional counselor or recreational therapist pursuant to this act, which has been revoked. Any person whose license has been revoked may apply for reinstatement, after a period of at least five years, but must meet all of the licensing qualifications of this act, including the examination requirement, if he or she desires to practice as a bachelor social worker, social worker, clinical social worker, marriage and family therapist [or], professional

counselor or recreational therapist pursuant to this act at any time after such revocation.

Section 8. The act is amended by adding a section to read:  
Section 16.5. Restrictions on use of title "Licensed

Professional Recreational Therapist."

No person may practice or hold himself or herself out as being able to practice recreational therapy, use the term "recreational therapist," "licensed recreational therapist," the initials "CTRS/L" or other similar terms or provide recreational therapy services in this Commonwealth without being licensed under this act to do so.

Section 9. Section 17(b) of the act, amended June 29, 2018 (P.L.505, No.76), is amended to read:

Section 17. Penalties.

\* \* \*

(b) Civil penalty.--In addition to any other civil remedy or criminal penalty provided for in this act, the board, by a vote of the majority of the maximum number of the authorized membership of the board as provided by law, or by a vote of the majority of the duly qualified and confirmed membership or a minimum of three members, whichever is greater, may levy a civil penalty of up to \$10,000 on any current licensee who violates any provision of this act, on any person who engages in the independent practice of clinical social work, the independent practice of marriage and family therapy or the independent practice of professional counseling without being licensed pursuant to this act or on any person who holds himself or herself out as a licensed bachelor social worker, licensed social worker, licensed clinical social worker, licensed

marriage and family therapist, licensed professional counselor [or], marriage and family therapist or licensed recreational therapist without being so licensed pursuant to this act. The board shall levy this penalty only after affording the accused party the opportunity for a hearing, as provided in Title 2 of the Pennsylvania Consolidated Statutes (relating to administrative law and procedure).

\* \* \*

Section 10. Section 18(b) of the act is amended to read:  
Section 18. License renewal; records and fees.

\* \* \*

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

\* \* \*

Section 11. Section 20(a) of the act, amended June 29, 2018 (P.L.505, No.76), is amended to read:

Section 20. Unlawful practice.

(a) Unlawful practice prohibited.--It shall be unlawful for any person to engage in the independent practice of clinical social work, the independent practice of marriage and family therapy [or], the independent practice of professional counseling or the independent practice of professional recreational therapy or hold himself or herself out as a licensed bachelor social worker, licensed social worker,

licensed clinical social worker, marriage and family therapist  
[and], professional counselor and licensed recreational  
therapist without possessing a valid, unexpired, unrevoked and  
unsuspended license issued under this act.

\* \* \*

Section 13. This act shall take effect in 60 days.