

Clarification of Act 76 (Senate Bill 530) on the Independent Practice of Clinical Social Workers, Marriage and Family Therapists and Professional Counselors and Scope of Practice of Licensed Social Workers

Independent Practice and Supervisees

Act 76 of 2018 prohibits the independent practice of clinical social work, marriage and family therapy and professional counseling without a license as a clinical social worker (LCSW), marriage and family therapist (LMFT), or professional counselor (LPC). “Independent practice” means that the individual 1) styles themselves as a clinical social worker, marriage and family therapist or professional counselor; 2) regulates and is responsible for his or her own practice and treatment procedures; and 3) is not affiliated with any other practice, health care facility, government agency or government-regulated social service agency.

Social Workers

As of October 27, 2018, an individual holding solely the MSW degree or LSW license may not enter into independent clinical practice as defined in Act 76.

Licensed social workers in independent clinical practice who, prior to October 27, 2018, began actively working towards licensure as a clinical social worker by accumulating the required 3,000 hours of “supervised clinical experience” as set forth in the Board’s regulations at 49 Pa. Code § 47.12c(b) are not considered to be engaging in “independent practice” and will be permitted to complete their experience requirements for licensure as a clinical social worker and to obtain the clinical social work license.

These licensed social workers must have been receiving the necessary supervision by a supervisor who meets the Board’s regulations in “Qualifications for Supervisors” as outlined in 49 Pa. Code § 47.1a and the “Standards for Supervisors” as outlined in 49 Pa. Code § 47.12d. These practitioners must continue to receive the required supervision until they are issued a license to practice clinical social work by the Board.

Scope of Practice of Licensed Social Workers

Act 76 of 2018 did not change the scope of practice for licensed social workers (LSWs). Therefore, the scope of practice for licensed social workers remains as defined in section (3) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act, as follows:

“Practice of Social Work.” Offering to render or rendering a service in which a special knowledge of social resources, human personality and capabilities and therapeutic techniques is directed at helping people to achieve adequate and productive personal, interpersonal and social adjustments in their individual lives, in their families and in their community or holding oneself out to the public by any title or description of services incorporating the term “social worker” or using any words or symbols indicating or tending to indicate that one is a social worker, except as otherwise provided by this act.

Marriage and Family Therapists

Those practitioners who have completed their education to obtain a license to practice marriage and family therapy and who are actively working toward licensure as a marriage and family therapist by

accumulating the required 3,000 of “supervised clinical experience” as set forth in the Board’s regulations at 49 Pa. Code § 48.13(b) are not considered to be engaging in “independent practice” as defined in Act 76 of 2018 if they are receiving regular supervision by a supervisor who meets the Board’s regulations on “Qualifications for Supervisors” as outlined in 49 Pa. Code § 48.3 and the “Standards for Supervisors” as outlined in 49 Pa. Code § 48.14. These practitioners must continue to receive the required supervision until they are issued a license to practice marriage and family therapy by the Board.

Professional Counselors

Those practitioners who have completed their education to obtain a license to practice professional counseling and who are actively working toward licensure as a licensed professional counselor by accumulating the required 3,000 hours of “supervised clinical experience” as set forth in the Board’s regulations at 49 Pa. Code § 49.13(b) are not considered to be engaging in “independent practice” as defined in Act 76 of 2018 if they are receiving regular supervision by a supervisor who meets the Board’s regulations on “Qualifications for Supervisors” as outlined in 49 Pa. Code § 49.3 and the “Standards for Supervisors” as outlined in 49 Pa. Code § 49.14. These practitioners must continue to receive the required supervision until they are issued a license to practice professional counseling by the Board.

Act 76 of 2018 can be viewed at the following link:

<https://www.legis.state.pa.us/cfdocs/Legis/LI/uconsCheck.cfm?txtType=HTM&yr=2018&sessInd=0&smt hLwInd=0&act=76#>

The Board’s regulations in Title 49 of the Pennsylvania Code can be viewed at the following link (click on Chapter 47 (Social Workers), Chapter 48 (Marriage and Family Therapists) or Chapter 49 (Professional Counselors), as appropriate:

<https://www.pacode.com/secure/data/049/049toc.html>

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