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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1239 Session of  
2022

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INTRODUCED BY VOGEL, STEFANO, J. WARD, DiSANTO, GORDNER,  
YUDICHAK, HUTCHINSON, SCHWANK, FONTANA, HAYWOOD, COSTA,  
ROBINSON AND A. WILLIAMS, MAY 23, 2022

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REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,  
MAY 23, 2022

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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 licensing and regulating the practice of music  
5 therapy; and making editorial changes.

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

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

12 AN ACT

13 Licensing and regulating the practice of social work, marriage  
14 and family therapy, professional counseling and professional  
15 music therapy; providing penalties; and making an  
16 appropriation.

17 Section 1. Short title.

18 This act shall be known and may be cited as the Social

1 Workers, Marriage and Family Therapists [and], Professional  
2 Counselors and Professional Music Therapists Act.

3 Section 2. Legislative intent.

4 The practice of social work, marriage and family therapy  
5 [and], professional counseling and professional music therapy  
6 within this Commonwealth is hereby declared to affect the public  
7 safety and welfare and to be subject to regulation and control  
8 in the public interest to protect the public from  
9 unprofessional, improper, unauthorized and unqualified practice  
10 of licensed social work, licensed marriage and family therapy  
11 [and], licensed professional counseling and licensed  
12 professional music therapy. This act regulates only those who  
13 hold themselves out as licensed social workers, licensed  
14 clinical social workers, licensed marriage and family therapists  
15 [or as], licensed professional counselors or as licensed  
16 professional music therapists. Acquisition of a license under  
17 this act shall not be made a condition of the employment of a  
18 person by the Commonwealth or any of its political subdivisions  
19 or by nonprofit agencies.

20 Section 2. The definition of "board" in section 3 of the act  
21 is amended and the section is amended by adding definitions to  
22 read:

23 Section 3. Definitions.

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

27 \* \* \*

28 "Board." The State Board of Social Workers, Marriage and  
29 Family Therapists [and], Professional Counselors and  
30 Professional Music Therapists under the Bureau of Professional

1 and Occupational Affairs within the Department of State.

2 \* \* \*

3 "Independent practice of music therapy." The application of  
4 professional music therapy knowledge and skills by an  
5 individual:

6 (1) who styles oneself as a professional music  
7 therapist;

8 (2) who regulates and is responsible for the  
9 individual's own practice and treatment procedures; and

10 (3) whose practice is not affiliated with any other  
11 practice, health care facility, government agency or  
12 government-regulated social service agency.

13 \* \* \*

14 "Licensed professional music therapist." A person who  
15 engages in the practice of music therapy and who holds a current  
16 license under this act.

17 \* \* \*

18 "Practice of music therapy." As follows:

19 (1) The clinical and evidence-based use of music  
20 interventions to accomplish individualized goals for  
21 individuals of all ages and ability levels within a  
22 therapeutic relationship by a licensed professional music  
23 therapist. Professional music therapists develop an  
24 individualized music therapy treatment plan for a client or  
25 group of clients that identifies the goals, objectives and  
26 potential strategies of the music therapy services  
27 appropriate for the client or group of clients using music  
28 therapy interventions, including, but not limited to, music  
29 improvisation, receptive music listening, song-writing, lyric  
30 discussion, music and imagery, music performance, learning

1 through music and movement to music.

2 (2) The term includes:

3 (i) Accepting referrals for music therapy services  
4 from medical, developmental, mental health or education  
5 professionals, family members, clients, caregivers or  
6 others involved and authorized with provision of client  
7 services.

8 (ii) Conducting a music therapy assessment of a  
9 client to determine if treatment is indicated. If  
10 treatment is indicated, the licensed professional music  
11 therapist collects systematic, comprehensive and accurate  
12 information necessary to determine the appropriate type  
13 of music therapy services to provide for the client.

14 (iii) Developing an individualized music therapy  
15 treatment plan for a client that is based upon the  
16 results of the music therapy assessment.

17 (iv) Carrying out an individualized music therapy  
18 treatment plan that is consistent with other medical,  
19 developmental, rehabilitative, habilitating, mental  
20 health, preventive, wellness-care or educational services  
21 being provided to a client.

22 (v) Evaluating a client's response to music therapy  
23 and the individualized music therapy treatment plan,  
24 documenting change and progress and suggesting  
25 modifications, as appropriate.

26 (vi) Developing a plan for determining when the  
27 provision of music therapy services is no longer needed  
28 in collaboration with the client, a physician or other  
29 provider of health care or education of the client, the  
30 family or caregiver of the client and any other

1 appropriate person upon whom the client relies for  
2 support.

3 (vii) Minimizing barriers to ensure a client may  
4 receive music therapy services in the least restrictive  
5 environment.

6 (viii) Collaborating with and educating the client  
7 and the family or caregiver of the client or any other  
8 appropriate person about the needs of the client that are  
9 being addressed in music therapy and the manner in which  
10 the music therapy addresses those needs.

11 (ix) Utilizing appropriate knowledge and skill to  
12 improve the practice of music therapy, including the use  
13 of research, reasoning and problem-solving skills to  
14 determine appropriate actions in the context of each  
15 specific clinical setting.

16 (3) The term does not include:

17 (i) The screening, diagnosis or assessment of any  
18 physical, mental or communication disorder.

19 (ii) A person whose training and national  
20 certification attests to the person's preparation and  
21 ability to practice the certified profession or  
22 occupation, if the person does not represent that the  
23 person is a music therapist.

24 (iii) The practice of music therapy as an integral  
25 part of a program of study for a student enrolled in an  
26 accredited music therapy program, if the student does not  
27 represent that the student is a music therapist.

28 (iv) A person who engages in the practice of music  
29 therapy under the supervision of a licensed professional  
30 music therapist, if the person does not represent that

1 the person is a music therapist.

2 \* \* \*

3 "Professional music therapist." A person who has acquired  
4 the necessary education and qualifications to apply to be a  
5 licensed professional music therapist under this act and engage  
6 in the practice of music therapy in this Commonwealth.

7 \* \* \*

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

10 Section 4. License required.

11 It shall be unlawful for any person to [hold himself or  
12 herself forth as] represent that the person is a licensed  
13 bachelor social worker, licensed social worker, licensed  
14 clinical social worker, licensed marriage and family therapist  
15 [or], licensed professional counselor or licensed professional  
16 music therapist unless [he or she] the person shall first have  
17 obtained a license pursuant to this act.

18 Section 5. State Board of Social Workers, Marriage and Family  
19 Therapists [and], Professional Counselors and  
20 Professional Music Therapists.

21 (a) Creation.--There is hereby created the State Board of  
22 Social Workers, Marriage and Family Therapists [and],   
23 Professional Counselors and Professional Music Therapists, a  
24 departmental administrative board in the Department of State.  
25 The board shall consist of [13] 15 members who are citizens of  
26 the United States and who have been residents of this  
27 Commonwealth for a two-year period, two of whom shall be public  
28 members; five of whom shall be licensed social workers, at least  
29 one of whom shall be a licensed clinical social worker and at  
30 least one of whom shall be a licensed social worker; two of whom

1 shall be licensed marriage and family therapists; two of whom  
2 shall be licensed professional counselors; two of whom shall be  
3 licensed professional music therapists with a master's degree or  
4 higher in music therapy or a related field; one of whom shall be  
5 either a licensed marriage and family therapist or a licensed  
6 professional counselor whose membership shall rotate between  
7 those professions at the expiration of the member's second term;  
8 and one of whom shall be the Commissioner of Professional and  
9 Occupational Affairs.

10 \* \* \*

11 (c) Initial appointments.--Within 90 days of the effective  
12 date of this act, the Governor shall nominate one professional  
13 member to serve as a clinical social worker member of the board;  
14 three professional members to serve as professional counselor  
15 members of the board, one of whom shall serve a two-year term,  
16 one of whom shall serve a three-year term and one of whom shall  
17 serve a four-year term; two professional members to serve as the  
18 marriage and family therapist members of the board, one of whom  
19 shall serve a two-year term and one of whom shall serve a four-  
20 year term[.]; and two professional members to serve as the  
21 licensed professional music therapist members of the board, one  
22 of whom shall serve a two-year term and one of whom shall serve  
23 a four-year term. The professional members of the board  
24 initially appointed pursuant to this subsection need not be  
25 licensed by the licensure examination adopted by the board but,  
26 at the time of appointment, must have satisfied the education  
27 and experience requirements of this act for licensure as a  
28 clinical social worker, a marriage and family therapist [or], a  
29 professional counselor or a licensed professional music  
30 therapist.

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, marriage and family therapists [and],  
6 professional counselors and professional music therapists. It  
7 shall be the responsibility of the board to circulate these  
8 forms and educate the public to the requirements of licensing in  
9 order to hold oneself out as a licensed bachelor social worker,  
10 licensed social worker, licensed clinical social worker,  
11 licensed marriage and family therapist [or], licensed  
12 professional counselor or professional music therapist within  
13 [the] this 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 marriage and family therapists [and], licensed professional  
24 counselors and licensed professional music therapists 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, marriage and family  
29 therapists [and], professional counselors and professional  
30 music therapists pursuant to this act and to conduct hearings



1 in connection therewith.

2 \* \* \*

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

5 Section 7. Qualifications for license.

6 \* \* \*

7 (h) Professional music therapist license.--An applicant  
8 shall be qualified for a license to hold oneself out as a  
9 licensed professional music therapist, provided the applicant  
10 submits proof satisfactory to the board that:

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

12 (2) The applicant has completed the education and  
13 clinical training requirements established by the American  
14 Music Therapy Association or any successor organization.

15 (3) The applicant provides proof of passing the  
16 examination for board certification offered by the  
17 Certification Board for Music Therapists or any successor  
18 organization or provides proof of being transitioned into  
19 board certification, and provides proof that the applicant is  
20 currently a board certified music therapist.

21 (4) The applicant remains actively certified by the  
22 Certification Board for Music Therapists.

23 (5) The applicant has submitted an application  
24 accompanied by the application fee.

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

1           (i) at least 10 years have elapsed from the date of  
2           conviction;

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

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

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

16           Section 5. Sections 8(b) and 10(a) of the act are amended to  
17 read:

18           Section 8. Procedures for licensing.

19           \* \* \*

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

28           Section 10. Reciprocity.

29           (a) General rule.--The board shall have the power to grant a  
30 reciprocal license to an applicant who is licensed or certified

1 as a bachelor social worker, social worker, clinical social  
2 worker, marriage and family therapist [or], professional  
3 counselor or a professional music therapist in another state and  
4 has demonstrated qualifications which equal or exceed those  
5 required pursuant to this act in the determination of the board,  
6 provided that no license shall be granted under this section to  
7 an applicant unless the state in which the applicant is licensed  
8 affords reciprocal treatment to persons who are residents of  
9 this Commonwealth and who are licensed pursuant to this act.

10 \* \* \*

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

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

14 \* \* \*

15 (d) Professional music therapist license.--The board may  
16 issue a professional music therapist license without examination  
17 to an applicant holding a professional music therapist license  
18 in another state who submits proof satisfactory to the board of  
19 all of the following:

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

21 (2) The applicant meets the educational requirements,  
22 including clinical training as specified in section 7(h).

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

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

29 (5) The applicant has submitted an application  
30 accompanied by the application fee.

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

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

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

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

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

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

23 Section 12. Reinstatement of license.

24 Unless ordered to do so by Commonwealth Court or an appeal  
25 therefrom, the board shall not reinstate the license of a person  
26 to practice as a bachelor social worker, social worker, clinical  
27 social worker, marriage and family therapist [or], professional  
28 counselor or professional music therapist pursuant to this act,  
29 which has been revoked. Any person whose license has been  
30 revoked may apply for reinstatement, after a period of at least

1 five years, but must meet all of the licensing qualifications of  
2 this act, including the examination requirement, if [he or she]  
3 the person desires to practice as a bachelor social worker,  
4 social worker, clinical social worker, marriage and family  
5 therapist [or], professional counselor or professional music  
6 therapist pursuant to this act at any time after such  
7 revocation.

8 Section 8. The act is amended by adding a section to read:

9 Section 16.5. Practice of music therapy and restrictions on use  
10 of title "Licensed Professional Music Therapist."

11 (a) Before treatment.--

12 (1) Before providing music therapy services to a client  
13 for an identified clinical or developmental need, the  
14 licensed professional music therapist shall review with the  
15 health care provider involved in the client's care the  
16 client's diagnosis, treatment needs and treatment plan.

17 (2) Before providing music therapy services to an  
18 individual for an identified educational need, the licensed  
19 professional music therapist shall review with the  
20 individualized family service plan team or individualized  
21 education program team the individual's diagnosis, treatment  
22 needs and treatment plan.

23 (b) During treatment.--

24 (1) When providing music therapy services to a client,  
25 the licensed professional music therapist shall collaborate,  
26 as applicable, with the client's treatment team, including  
27 physician, psychologist, licensed social worker or other  
28 mental health professional.

29 (2) When providing music therapy services to a client  
30 with a communication disorder, the licensed professional

1 music therapist shall collaborate and discuss the music  
2 therapy treatment plan with the client's audiologist or  
3 speech-language pathologist. When providing educational or  
4 health care services, a licensed professional music therapist  
5 may not replace the services provided by an audiologist or a  
6 speech-language pathologist. Unless authorized to practice  
7 speech-language pathology, music therapists may not evaluate,  
8 examine, instruct or counsel on speech, language,  
9 communication and swallowing disorders and conditions.

10 (c) Use of title.--Only individuals who have received  
11 licenses as licensed professional music therapists under this  
12 act may style themselves as licensed professional music  
13 therapists and use the letters "L.P.M.T." in connection with  
14 their names. It shall be unlawful for an individual to style  
15 oneself as a licensed professional music therapist, a music  
16 therapist or use any words or symbols indicating or tending to  
17 indicate that the individual is a licensed professional music  
18 therapist or a music therapist without holding a license in good  
19 standing under this act.

20 (d) Construction.--Nothing in this section shall be  
21 construed to prohibit a person who is licensed or certified to  
22 practice a profession by a Commonwealth agency or board from  
23 practicing within the scope of that license or certificate or as  
24 otherwise authorized by law so long as the person does not  
25 represent themselves as a music therapist.

26 (e) Communication disorders.--A licensed professional music  
27 therapist may not represent to the public that the licensed  
28 professional music therapist is authorized to treat a  
29 communication disorder. This does not prohibit a licensed  
30 professional music therapist from representing to the public

1 that the licensed professional music therapist works with  
2 clients who have a communication disorder and addresses  
3 communication skills.

4 Section 9. Sections 17(b), 18(b) and 20(a) of the act are  
5 amended to read:

6 Section 17. Penalties.

7 \* \* \*

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

30 \* \* \*

1 Section 18. License renewal; records and fees.

2 \* \* \*

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

10 \* \* \*

11 Section 20. Unlawful practice.

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

24 \* \* \*

25 Section 10. This act shall take effect in 60 days.