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2009-02-13 PCA Legislative Council Meeting Minutes, Feb. 13, 2009

Pennsylvania Counseling Association

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Legislative Committee
February 2009
From: Paul L. West Ed.D., LPC, NCC

Act 108
→ Member seats →
→ Foxmes →

Five people have been contacted regarding the formation of a Legislative Committee

- Ford Brooks
- Richard Kovaleski
- Eleanora Bartoli
- Ed. Linder
- Mary Matlak

Jackie Walsh - Lecturer -
Ethical Code of
Conduct → Pt Law

I have asked that one of these individuals step forward as Chair but have not gotten an affirmative response.

Joan Kaylor indicated that Highmark is in the process of developing fee-for-service contracts for LPCs . This is for indemnity policies. She anticipates that the contracts will begin being distributed in March.

Jerry McKelvey was to check with the insurance companies on the progress of fee-for-service contracts so we might have a better picture when we hear about other companies. Jerry also indicated that the PA department of Health was interested in talking to him about an expanded role of LPCs. He wasn't sure what that meant.

NASW-PA is going to push for a bachelor-level license again this year. Jenna has indicated that the new bill will be more acceptable to the LPCs. I have not seen the new bill.

I participated in a telephone conference call with the LMFTs, LCSWs, and SWs regarding practice act legislation. The following is an email I recently received from NASW-PA with the legislation the SWs want to push this year. I have not had the opportunity to read through and digest it all. We plan to have another conference call on February 23 so feedback will be important. I will need to know how we want to handle legislative issues without a Chair so I have not distributed this to the names above.

Hello Team-

I trust you are all doing well. I realize you each have a job to do, and bothering you is my job. Along those lines, I have been working on draft language for a practice act. NASW-PA's board is pushing me to get this out the door and introduced. Knowing the legislature works really slow, it is our goal to get a bill dropped as soon as possible. I realize your organizations have a formal process to support language. What I am looking for is if you have any issues or suggestions in regards to the language I have attached below. I understand that you all many not be able to officially support something for a few months, but I need to have a strong draft introduced

Practice Act

Board
↓
Supervisor

Supervisor - LPC
- 5 years
w/ last 3 years

4/11/11 (Trang, Lew)
1) Disclaimer
2) LPC #
3) Child Experience

before March. This said, I am very open to your additions or changes. Did I miss something or add it in a strange way? I took all of this language from different states such as AZ. The states I looked at were ones that had all three professions included in who could deliver these services.

As a warning, we did change the definition of clinical social work, not to be sneaky, but because LCSWs hate the definition that NASW drafted in 1998. I am not sure why they all hate it so much, but I reworded it based on our national practice act.

So, take a look below, and please let me know what you think. All of this language would be amended into our current law in the correct places.

Take care,
Jenna

Definitions

"Client" means a patient who receives clinical mental health services in the form of psychotherapy from a person licensed pursuant to this chapter.

"Clinical practice" means the provision of therapeutic skills, knowledge and activities in the differential diagnosis and treatment of psychosocial function, disability, disturbances or maladaptive behavior including addictions, emotional, mental and behavioral disorders.

"Practice of clinical social work." the use of scientific and applied knowledge, theories, and methods for the purpose of describing, preventing, evaluating, and treating individual, couple, marital, family, or group behavior, based on the person-in-environment perspective of psychosocial development, normal and abnormal behavior, psychopathology, unconscious motivation, interpersonal relationships, environmental stress, differential assessment, differential planning, and data gathering. The purpose of such services is the prevention and treatment of undesired behavior and enhancement of mental health. The practice of clinical social work includes methods of a psychological nature used to evaluate, assess, diagnose, treat, and prevent emotional and mental disorders, addiction, dysfunctions (whether cognitive, affective, or behavioral), and behavioral disorders.

AZ

"Practice of marriage and family therapy." The professional application of psychotherapeutic and family systems theories and techniques to the evaluation, assessment, diagnosis and treatment of mental and emotional disorders, whether cognitive, affective or behavioral. The term includes the evaluation and assessment of mental and emotional disorders in the context of significant interpersonal relationships and the delivery of psychotherapeutic services to individuals, couples, families and groups for the purpose of treating such disorders.

"Practice of professional counseling." Includes all of the following:

- (1) The application of principles and practices of counseling, mental health and human development to evaluate and facilitate human growth and adjustment throughout the life span and to prevent and treat mental, emotional or behavioral disorders and associated stresses which interfere with mental health and normal human growth and development.
- (2) The evaluation, assessment and diagnosis of normal and abnormal mental, emotional, social, educational, vocational, family and behavioral functioning throughout the life span; individual, group, family counseling and psychotherapy; crisis intervention, career counseling and educational and vocational counseling; functional assessment of persons with disabilities; and professional consulting.
- (3) Professional counselors' utilization of verbal and nonverbal approaches and specialization in the use of arts-based therapeutic approaches, such as art, dance, music or drama, to accomplish treatment objectives.

"Psychotherapy" a specialized formal interaction between a mental health practitioner and an individual, couple, family or group in which a therapeutic relationship is established to help to resolve symptoms of mental disorder, psychosocial stress, relationship problems and difficulties in coping in the social environment. Some specific types of psychotherapy may include, but are not limited to, psychoanalysis, family therapy, group psychotherapy, supportive treatment, gestalt therapy, experiential therapy, primal therapy, psychosocial therapy, psychodrama, behavioral therapy, and cognitive therapy.

Exceptions to licensure; jurisdiction

A. This chapter does not apply to:

1. A person who is currently licensed, certified or regulated pursuant to another chapter of this title and who provides services within the person's scope of practice including, but not limited to, licensed psychologist and licensed physicians who are board certified psychiatrists.

2. A person who is not a resident of this state if the person performs clinical mental health services in this state for not more than sixty days in any one calendar year as prescribed by board rule.
3. A person authorized to perform these services pursuant to the laws of a federally recognized tribe.
4. Is an employee of the federal government of the United States of America.
5. A rabbi, priest, minister or member of the clergy of any religious denomination or sect if the activities and services that person performs are within the scope of the performance of the regular or specialized ministerial duties of an established and legally recognizable church, denomination or sect and the person performing the services remains accountable to the established authority of the church, denomination or sect.
6. A self-help or self-growth group if no member of the group receives direct or indirect financial compensation.
7. A student, intern or trainee who is pursuing a course of study in social work, counseling, marriage and family therapy at an accredited institution of higher education or training institution if the person's activities are performed under qualified supervision and are part of the person's supervised course of study.
8. An individual who has earned an educational degree required for licensure under this act is conditionally exempt for a period of three years while obtaining the hours necessary for licensure under this act provided they are engaged in weekly supervision with a licensed mental health professional.
9. Program counselors, peer specialists and care/custody staff persons who are providing supportive services to clients under the supervision of a professional licensed to provide clinical mental health services.
10. Anyone not delivering clinical mental health services in the form of psychotherapy.

Unlawful practice; unlawful use of title; violation; classification; civil penalty; exception

- A. Except as prescribed in section 32-3271, a person not licensed pursuant to this chapter shall not engage in the practice of psychotherapy.
- B. A person who violates this chapter or board rules by engaging in the unlicensed practice of clinical mental health services or claiming to be licensed pursuant to this chapter is guilty of a class 2 misdemeanor and is subject to a civil penalty of not more than five hundred dollars for each offense.

C. Each day that a violation is committed constitutes a separate offense.

D. All fees received for services described in this section shall be refunded by the person found guilty pursuant to this section.

E. The board may sanction a person's failure to timely renew a license while continuing to engage in the practice of clinical mental health services as an administrative violation rather than as a violation of this section or grounds for unprofessional conduct and may impose a civil penalty of not more than one thousand dollars.