

Creating Practice Protection for Licensed Individuals

The National Association of Social Workers, Pennsylvania Chapter (NASW-PA) is seeking protections for populations requiring therapy, counseling, or other behavioral health services in the Commonwealth. A practice act ensures that only those who are working for a regulated agency or who hold a professional license to deliver clinical mental health services in Pennsylvania will provide protections for vulnerable populations receiving such services and treatment. A primary goal of NASW-PA during the 2011/12 legislative session is to follow the lead of states such as Washington, Virginia, Arizona, and 39 others to establish a way to ensure basic protections for Pennsylvania citizens in the receipt of mental health services.

Pennsylvania currently has no restrictions on who can provide clinical mental health treatment services. These are the services provided by county mental health agencies, county jails, and also by individual practitioners in their own homes. Services are provided to a wide array of individuals facing many different life challenges. At a time when individuals and families are in crisis, they are not just looking for someone to talk to. They are seeking a person with the education, experience and appropriate credential to deliver mental health services in whom they can trust. The reality is that without a minimal practice act Pennsylvanians can be misled in their search for a competent mental health professional and quality of care compromised. Take the following as examples:

- A mental health provider lost their license in the state of New York for an unknown reason. Rather than fulfill obligations set forth by a New York State Board, this professional relocated their private practice to Pennsylvania because it is the only state of the 5 surrounding where licensure is not required to practice.
- Another professional is also practicing in Pennsylvania without a professional license. A sexual abuse survivor seeks out this professional's services to address recurring trauma. This professional tells this survivor that they are unwilling to accept private health insurance and she pays for services out of pocket. The reality is this professional is not licensed and therefore they are not eligible for reimbursement from private health insurance companies. There is no accountability in place to protect this already victimized individual.

Practice protection is about truth in advertising, fair and honest representation, and providing a clear understanding of education and credential to better inform consumer choice. Creation of practice protection for licensed social workers, clinical social workers, marriage and family therapist and professional counselors would ensure that providers meet competency standards and adhere to ethical practice. There is a clear oversight in the regulation of mental health services. The examples above illustrate the fact that private health insurance companies will reimburse only those who have a professional license. The example illustrates that anyone can hang out a sign and claim to deliver mental health services within the Commonwealth when they are not equipped to do so.

The State Board of Social Workers, Marriage and Family Therapists, and Professional Counselors, is the only regulated board that does not have a legal practice act in place. A modest step forward, the proposed basic practice act ensures that individuals providing mental health services are regulated in some way by government. Either they work for a regulated entity or they themselves are a licensed provider, and therefore, regulated by the PA Department of State. In order to adequately ensure public protection, there must be a minimum level of values, skill and responsibility for all who practice social work, marriage and family therapy, and professional counseling.