

Social Work Licensure Issues at a Glance

The Issue: 2010 Exemption for “O Agencies” The social work licensing statute, as enacted in 2004, contained an exemption from licensure for individuals employed in programs under the auspices of the Office of Mental Health, Office of Alcoholism and Substance Abuse Services, Office of Mental Retardation and Developmental Disabilities, Office of Children and Family Services, and local social service and mental hygiene districts, to expire on January 1, 2010.

Update: The Licensing Coalition (see attached member list) worked with the governor’s office and members of the legislature to secure a four year extension in the context of the 2009-10 budget, unfortunately, negotiations between the assembly higher education committee staff and the governor’s office reached an impasse; resulting in a five month extension (June 1, 2010). Subsequently, the Coalition continued to work with members of the legislature, the governor’s office and the State Education Department to secure an additional extension via standard legislation; however, such attempts were unsuccessful as the issue was tied to bill language regarding the practice of social work in corporate entities. Such bill met with opposition and languished in committee by sessions end, leaving the extension issue untouched. The Coalition is again seeking a four year extension and in doing so asks that a comprehensive workforce analysis be completed by each of the affected agencies and a follow up taskforce be appointed by the Governor’s office to examine the potential effects of compliance with the social work licensure law in state agencies. To our knowledge, there is no opposition in the field to extending the exemption for an additional four years.

The Issue: Applicants who have met the experiential and educational requirements are routinely being denied licensure at the clinical level (LCSW) on the sole grounds that their experience was not acquired in a setting expressly authorized (through licensure by a State agency) to provide licensed professional services such as non-for-profit agencies. Prior to social work licensure this was not an issue and hundreds of community based service providers routinely hired social workers to provide clinical services. Upon enactment of social work licensure (and thus the beginning of "scope protection"), such agencies were never informed of the rule change and have therefore continued to provide scope-protected services without express legal authority. The continuing legal prohibition of the provision of scope-protected

services in such settings has and will continue to proliferate huge workforce and service delivery disruptions.

Update: In an effort to stem such a disruption, the Licensure Coalition has worked with the State Education Department (SED) to draft bill language granting statutory authority to SED to create and maintain a registry for currently unauthorized settings providing licensed social work services (S. 5921 and A.8897). In addition, we have also requested a retrospective review of previously denied applications due to unlicensed settings (at no additional cost to the applicant). The Coalition, in tandem with the SED worked to push for passage of such legislation, however, by sessions end, the Speaker of the House, voiced concerns with the bill; citing the need for consistency in dealing with corporate practice issues inherent in the social work profession as well as the engineering and architecture fields. SED and the coalition have spent time this summer examining a number of potential solutions and as such have engaged the Speaker, the Speakers staff and other key members of the legislature and Governors' office in an attempt to ameliorate this problem.

The Issue: As per Education Law (7704)(2)(c), requirements for obtaining the LCSW (Licensed Clinical Social Work) call for completion of 3 years, (full time) or 6 years (part-time) of supervised post graduate experience in the provision of diagnosis, psychotherapy and assessment based treatment planning, in a facility or non-facility setting acceptable to the State Education Department. Regulations define full time experience as no less than 20 client contact hours per week and part time as no less than 10 client contact hours per week. It has come to our attention from various areas of the mental health provider arena that such experience requirements have been crafted to narrowly and exclude an enormous amount of other clinical activities from being viable experiences in relation to licensure.

Update: In an attempt to broaden the definition of acceptable clinical experiences, the Coalition is engaging in conversations with its broad membership and other stakeholders, including the State Education Department, to examine common clinical services that should be included as viable experiences for licensure at the LCSW level.