



MEMORANDUM IN SUPPORT

S.5921 – Stavisky / A.8897 – Pretlow *Introduced at the request of the New York State Education Department*

The National Association of Social Workers, New York State and New York City Chapters **strongly support S.5921/A.8897**, a bill to extend the social work and mental health practitioner exemption to July 1, 2011, and to address the corporate practice of social work and mental health professions by community-based agencies. In order to avoid major workforce shortages and potential reduction in community-based services, we strongly urge action on this legislation during the current legislative session.

Corporate practice ban and creation of a registry:

Effective September 1, 2004, the practice of licensed master social work and licensed clinical social work became restricted to licensed persons (or those exempt under the law). However, corporate practice standards in New York State generally prohibit the practice of title eight professions by a general business corporation or not-for-profit corporation (unless otherwise authorized by law, such as through a state operating license). Many community based providers who have a long history of providing social work and mental health services are now in violation of corporate practice restrictions simply because social work became a title eight profession. As a result, the State Education Department cannot accept experience or issue permits to practice in such settings; thus creating huge workforce and service delivery consequences that must be addressed quickly.

S5921/A.8897 amends education law to establish a registration process for all agencies providing services protected under Article 154 (social work) or 163 (the allied mental health professions). This will bring such entities under the legal auspices of the Education Department, therefore establishing a professional oversight body and bringing such services into line with the law. This will thus allow necessary services to continue within these settings and allow them to hire social workers and mental health providers who are currently turning away from employment in these settings due to their inability to obtain a clinical license under current law. Moreover, this bill provides that any state agency may also review a prospective registered setting to ensure that services provided therein conform to practice and operating procedures established by such agencies (such as OMH, OASAS, OMRDD, et al.). Lastly, S.5921/A.8897 contains “look-back” provisions in the social work and mental health profession experience requirements (in education law), allowing such professionals to retrospectively include otherwise legitimate clinical experience obtained in settings that were not legal prior to the registry.

Both NASW-NYS and NASW-NYC Chapter offices have received numerous calls from concerned social workers who work in programs providing critical mental health services and facing steeply increasing intakes in light of the recent economic crisis (one program recently set an all-time record for monthly intakes). Unfortunately, these programs are unable to recruit social workers to meet such urgent demands because such social workers are discouraged by the ethical and legal jeopardy of operating in agencies currently prohibited from providing

professional social work services. The importance in fixing this problem immediately cannot be overstated.

July 1, 2011 exemption extension:

Upon passage of the social work and mental health practitioner licensing laws in 2002, the statutes provided an exemption from professional licensure for persons in programs operated, funded and regulated by OMH, OASAS, OMRDD, OCFS, and local mental hygiene and social service districts until January 1, 2010 (this exemption was pushed back to June 1, 2010 in recent budget negotiations).

In recent months, it has become clear that such exempt entities are not yet prepared to comply with the licensing laws if the exemption sunsets, and that serious workforce recruitment and service access obstacles would currently result from such a sunset. Some major considerations regarding the sunset of the licensure exemption are as follows:

- *The public mental health system is undergoing major revision in the form of clinic restructuring. The entire payment system is being revised. To believe that all of the issues that need to be addressed can all be addressed and solved by June 2010 is simply not realistic.*
- *The downside to not extending the exemption is that that clinics throughout the state will be forced to close their doors- people will be denied treatment because the public treatment system will be reduced- many of these people have no insurance and will not be able to get treatment elsewhere- many are in rural areas of the state where there are not enough social workers now.*
- *The downside to not extending this exemption now is that local governmental units are required to submit their local assistance plans for calendar year 2010 by June 2009. These plans include funding for both county run and not for profit and other publicly-funded programs. Without the extension they will be forced to cut back programs and reduce staff now.*

S.5921/A.8897 addresses the above noted dangers by extending the exemption to July 1, 2011 for a broader set of government agencies, and directing that during such time a workforce study shall be performed and a taskforce convened in order to effectively plan the transition of such agencies into compliance of licensure statutes by the July 1, 2011 expiration date.

For all of the above considerations, with the intent to continue providing quality and accessible mental health services for New Yorkers across the state, the New York State and New York City Chapters of NASW strongly **urge passage of S.5921/A.8897 during the current legislative session.**