

## MEMORANDUM

*S.58/A.158 – Health & Mental Health Budget (Article VII), Part G –  
Extending social work and mental health practitioner licensing exemptions until 2014*

The social work licensure statute, as enacted by Chapter 420 of the laws of 2002 and subsequent amendments (Chapter 433 of the Laws of 2003, and Chapter 230 of the Laws of 2004) allowed for an exemption of individuals in programs that are regulated, operated, funded, or approved by the Office of Mental Health, Office of Mental Retardation and Developmental Disabilities, Office of Alcoholism and Substance Abuse Services, Office of Children and Family Services and local mental hygiene or social service districts until January 1, 2010.

The 2009-2010 Executive Budget proposal calls for a straight four year extension of this exemption with no preconditions for compliance, positing that expiration of the 2010 exemption could cost an estimated \$10 million annually. While NASW-NYS and NYC Chapters maintain that the social work licensing statute was and is intended as a consumer protection mechanism, we do understand the current fiscal constraints our state is facing. It is with these considerations that the New York State and New York City Chapters of NASW will support an extension *on the condition* that the State complete a social work and mental health profession workforce study and develop a taskforce on licensure in order to guide measured and educated actions in relation to future compliance. *[NASW-NYS and NYC recommend that adherence to a workforce study and formation of a taskforce be accomplished through the issuance of a memorandum of understanding between the Governor, the Legislature and all currently exempt agencies] ??*

The purpose of a workforce study will be to help New York State government entities understand the size and scope of the exempt mental health workforce operating under the auspices of the Department of Mental Hygiene, the Office of Children and Family Services, and local mental hygiene or social service districts. There are currently no valid data to illustrate the size of the workforce that is impacted by the 2010 statutory exemption, thus making any efforts toward reaching compliance quite difficult.

By obtaining workforce data, the State may then be able to develop a plan, through the formation of a taskforce on professional compliance, to assist agencies and programs in complying with social work and mental health profession scopes of practice. Such a taskforce should be composed of representatives from: currently exempt state and local agencies, relevant professional organizations, community-based organization groups, the Legislature, and the Executive Chamber.

The current outright extension of the social work licensing exemption by four years should be qualified by a memorandum of understanding between the Governor, [the Legislature?] and currently exempt agencies in order to indicate a good-faith effort to move toward eventual compliance of current licensing statutes through the performance of a statewide mental health workforce study and the development of a taskforce on professional compliance. Without such assurances, NASW New York State and New York City Chapters are greatly concerned that we will be forced to revisit the prospect of sudden and unplanned compliance in only four years hence.

