

Memorandum of Concern

S.58/A.158 - Health & Mental Health Budget (Article VII), Part G

Re: Initiative within the Executive Budget Proposal to extend current social worker and mental health professional licensing exemptions for the agencies of the Department of Mental Hygiene (DMH), the Office of Children and Family Services (OCFS), and local governmental units or social services districts.

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 Executive's 2009/10 budget proposal calls for a four year extension of such exemption, citing compliance with said expiration will cost an estimated \$10 million annually. While NASW-NYS maintains 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, and thereby will support such an extension *on the condition* that such an extension provides for specific provisions and benchmarks to ensure compliance with Article 154 by January 1, 2014.

Requiring that all social workers adhere to standardized criteria by a reasonable date from enactment of the statute is critical for service recipients by virtue of the standards of care and professional enforcement mechanisms embedded in New York State Education Law. Through the wholesale exemption from licensure of individuals in the settings outlined above, New York State not only risks the quality of care for many of our most vulnerable citizens, but we also exempt these individuals from compliance with the Rules of the Board of Regents which oversees the licensed professions and holds the ability to enforce professional standards in this state.

NASW New York State Chapter urges reconsideration of the expansive continuation of professional licensure exemptions in Part G of Health & Mental Health Article VII and recommends that the executive and legislative branch insert provisions to benchmark the transition of Department of Mental Hygiene, Office of Children and Family Services, local governmental units, and social service districts into compliance with the licensing provisions of Article 154 of the Education Law. Without the appropriate planning to bring such settings into compliance with the professional standards of Education Law, we risk revisiting the urgency of this issue in a short four years hence.