

2009 Legislative Request

SUPPORT THE GOVERNOR'S PROPOSAL TO EXTEND THE EXEMPTION FOR THE SOCIAL WORK AND MENTAL HEALTH PRACTITIONER LICENSING REQUIREMENTS ~

What:

In 2002, New York State enacted laws to restrict the practice of psychotherapy to individuals licensed by the Education Department. This statutory change affected the licensure and practice of psychology, social work, and the mental health professions.

Why:

Since the enactment of chapters 420 and 676 of the Laws of 2002, many concerns regarding unintended consequences have been raised by both mental health professionals and licensed master social workers.

The Legislature wisely enacted an exemption from licensure until January 1, 2010 for individuals in programs and services that are regulated, operated, funded or approved by the Office of Mental Health (OMH), the Office of Mental Retardation and Developmental Disabilities (OMRDD), the Office of Alcohol and Substance Abuse Services (OASAS), the Office of Children and Family Services (OCFS), a local social services district, or a local government unit as defined in the Mental Hygiene Law. But now that exemption sunset fast approached and access to services by at-risk children may be limited unless the following concerns are addressed:

- What constitutes acceptable experience for licensure in social work and mental health practice,
- What is the correct interpretation of scopes of practice,
- What alternative supervision or examination options should be offered, and
- What is the cost of compliance with the statute in its current form

Action

Support the Article VII Bill A.157/S.57- Executive Budget recommendation to defer

implementation of new social work licensure requirements related to training, supervision and certification. Without this extension, the number of clinically trained social workers who are eligible to provide counseling in the children's mental health public service system will be reduced. By enacting the extension, stakeholders will be able to reconsider training opportunities, supervision requirements and certification requirements, proposed amendments to the existing statute and avoid reductions in service capacity.