



## **New York State Society for Clinical Social Work, Inc.**

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### **MEMORANDUM IN OPPOSITION**

January 2019

#### **Assembly 648 (Bronson)**

*AN ACT to amend the social services law, in relation to making care and services provided by licensed mental health practitioners eligible for coverage under the Medicaid program.*

The New York State Society for Clinical Social Work strongly opposes this legislation which seeks to set precedent (for undetermined reasons), by mandating Medicaid reimbursement for services performed outside of a clinic setting by providers licensed under Article 163 of the Education Law. Such licensees include creative arts therapists, psychoanalysts, marriage and family therapists and mental health counselors, all of whom, have varying degrees of education and experience, but none possess the statutory authority to diagnose or treat the mental health needs of this diverse and often highly vulnerable group of New York State residents. By law, Mental Health Practitioners cannot make a diagnosis of mental illness, only an assessment.

We oppose this outpatient Medicaid legislation for the following reasons:

- Section 365 of the Social Services Law lists the Medicaid services which are covered in DOH and OMH settings, however, it does not articulate the providers such Licensed Clinical Social Workers or Licensed Psychologists. To suddenly do so, with lesser qualified clinicians is both perplexing *and* a dangerous precedent.
- Mental Health Practitioners are not permitted by law to make a diagnosis of mental illness. In addition, physician evaluation is required by law for sustained treatment of a serious mental illness, which entails additional cost for a population highly comprised by mental and situational problems. Which begs the question “What outpatient services would require them to directly bill Medicaid?”
- None of their master’s level education require courses in cultural factors or the special populations which make up the bulk of Medicaid recipients.
- Mental health licensing requires direct face-to-face practice experience. It is seriously limited for mental health practitioners – and considerably less than that of Licensed Clinical Social Workers who are the legally-recognized autonomous master level mental health clinicians, and do not have authority to directly bill Medicaid for outpatient

services.

The New York State Society for Clinical Social Work, founded in 1968, represents the views of clinical social workers in the public and private sector throughout New York State. We provide the majority of mental health services (about 60 percent) in the United States and practice in virtually every setting in the health care delivery system, including: medical and psychiatric hospitals, mental health clinics, AIDs treatment facilities, managed care organizations, trauma centers, research settings, schools and the criminal justice system.

We are an organization which provides the largest number mental health services including assessment and evaluation, diagnosis, and treatment of the full spectrum of mental and emotional disorders, ranging from anxiety and phobias to schizophrenia and manic-depression, as well as family conflicts and work-related problems. Our social work education includes courses related to culture, vulnerable populations, special populations, as well as the impact of environmental factors on functioning. This education enables both LMSWs and LCSWs to do our traditional specialized assessments of all recipients for mental illness as well social service needs.

For the above stated reasons, the NYS Society of Clinical Social Work, Inc. **strongly opposes the passage** of A.648 (*Bronson*)

For further information contact:

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