



New York State Society for Clinical Social Work, Inc.

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Memorandum in Opposition: S.6378-A (Harckham)

AN ACT to amend the education law, in relation to the delivery of services that are clinical in nature

The New York State Society for Clinical Social Work (NYSSCSW) was founded in 1968 to address growing needs for professional support for private practitioners and to assist in navigating insurance reimbursement issues. NYSSCSW incorporated in 1970 and has continued to provide educational, professional and legislative services to its members. Among the notable achievements of the Society are its collaboration with other clinical social work organizations to develop a Code of Ethics; legislative efforts to increase the role of clinical social workers in the delivery of services; and to grow and protect opportunities for insurance reimbursement for services. With the Society's efforts, in 2002, New York State enacted a licensing system for clinical social workers. NYSSCSW continues to be a leader in providing education and support for the profession and in the forefront in promoting the profession Statewide.

It is from this perspective of consumer protection assured by heightened professional standards that NYSSCSW must oppose the modification of existing provisions governing activities exempt from professional licensure requirements, as proposed in **S.6378-A**. The Society acknowledges the practicality of the exemption as enacted in 2013 as an essential element to the creation of professional licensure for social workers, psychologists and mental health practitioners. However, as each exemption deadline approached, in 2016, 2018 and again in 2021, factions of service providers pressed for extensions, until the Legislature declared that:

“In order to provide a permanent solution ending the entity exemption, the intent of this legislation is to provide needed clarity as to the activities and services that need to be performed by licensed practitioners and those that do not require such license thereby no long necessitating the need for continuing the exemption beyond what is provided herein”.

Chapter 57 of the laws of 2018. Part Y.

NYSSCSW cannot endorse the perpetuation of a two-tier system of credentialing – the provisions of vital mental health services by unlicensed practitioners through state agency providers – beyond that contemplated by the Legislature in 2021. To suggest modification of the provisions to allow clinical services including diagnosis and treatment plan development to be provided by unlicensed practitioners violates both the letter and intent of the extension which painstakingly differentiates between unlicensed activates and those reserved only for professionals.



NYSSCSW opposes the provisions of S.6378-A as contrary to clear Legislative intent. It is discriminatory to provide two tiers of mental health services determined by whether it is a state-funded program or reimbursed through private pay.

Sincerely,

Marsha Wineburgh

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NYSSCSW, Legislative Chair

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