



New York State Society for Clinical Social Work, Inc.

55 Harristown Road, Suite 106

Glen Rock, NJ 07452

Tel: (800) 288-4279; Email: info.nysscsw@gmail.com; Fax: (718) 785-9582

Website: www.nysscsw.org; Facebook: www.facebook.com/NYSSCSW/info

Memorandum in Opposition: A.7409 (Cusick) / S.6378 (Harkham)

AN ACT to amend the education law, in relation to extending certain exemptions for persons employed as mental health practitioners, psychologists and social workers.

The New York State Society for Clinical Social Work (NYSSCSW) was founded in 1968 to address growing needs for professional support for private practice clinicians 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 access to clinical social work mental health services, and to establish and protect opportunities for insurance reimbursement for services. With the Society's initiating efforts, in 2002, New York State enacted a licensing statute for clinical social workers (LCSW). NYSSCSW continues to be a leader in providing education and support for the profession and is in the forefront in promoting the profession Statewide.

The New York State Society for Clinical Social Work, in opposition to providing two tiers of mental health care, opposes extending the exemption currently enabling the hiring non-licensed staff to deliver “mental health” services.

Licensing laws are written to protect the consumer from untrained providers and unscrupulous practitioners. There have been a series of exemptions passed since 2004 when professional licensure for clinical social workers, psychologists and mental health practitioners was enacted. As each exemption deadline approached, factions of service providers pressed for extensions, until finally in 2018 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.

The effective date of the new standards was tied to the promulgation of implementing regulations on June 21, 2020. Importantly, a full two years expired before the regulations were promulgated and the standards are scheduled to become effective on June 21, 2021 – a full three years from the statement of Legislative intent.

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 2018.

We acknowledge the need to allow individuals currently employed in these state agencies to continue under supervision, without licensing. However, that exemption provision which discouraged hiring appropriately licensed professionals as new employees cannot be allowed to persist.



NYSSCSW opposes the provisions of A.7409 (Cusick) / S.6378 (Harkham) 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

Marsha Wineburgh, DSW, LCSW-R
NYSSCSW, Legislative chair

Contact Information:

Diana P. Georgia, Legislative
Elk Street Group, LLC
(518) 618-5126
dgeorgia@elkstreetgroup.com