



New York State Society for Clinical Social Work, Inc.

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Memorandum in Opposition A.6008-E (Bronson) / S.9449 (Brouk)

AN ACT to amend the education law, in relation to diagnostic privilege; and providing for the repeal of certain provisions upon expiration thereof

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.

The New York State Society for Clinical Social Work, Inc. continues to stress the importance of the standards of the LCSW in regard to education, experience and examination in any and all discussions and proposals that address a change in the scope of practice of those professional licenses under Article 163.

Over the course of several months, we have engaged in constructive conversations towards a comprehensive approach that would benefit both the practitioner and the client. As the various other members of our trusted colleague associations have expressed their concern or opposition, LCSW's join with serious objections to this legislation. This bill fails to maintain the tenor of professionalism and presents a less than comprehensive approach to guarantee the education, experience and examination elements necessary to the diagnosis credential.

The lack of detail regarding programming of the education/experience and examination is extremely troubling and does not address the rigorous standards necessary to obtain clinical authority and authorization. This bill does not speak to the necessity of guidelines to guarantee public protection. It is incumbent on the profession and the practitioner to alert the public, at least in the short term, of the change in the scope of practice to include diagnosis.

NYSSCSW recommends the structure that has been utilized in the New York Education Law that distinguishes between licensed master social workers (LMSW) and licensed clinical social workers (LCSW). Members of the public must be able to differentiate between practitioners with diagnostic privileges and those without. Simply granting a diagnostic privilege to Article 163 mental health practitioners is not sufficient – any proposed legislation must clearly and explicitly state the differences between clinical Article 163 mental health practitioners and non-clinical (non diagnostic) Article 163 mental health practitioners.

Furthermore, the proposed legislation does not identify a specific period of time in which experience must be obtained. The requirement for supervised experience specific to diagnosis and development of assessment-based treatment plans should be at least three years, full-time supervised post-graduate, consistent with standards for licensed social workers.



Accordingly, we need to stress the importance of the experience requirement pursuant to an attestation by a supervisor of the licensee to require a minimum of at least five years (not three) of **continuous** experience engaged in direct client contact including in diagnosis, psychotherapy and the development of assessment-based treatment plans. The five-year requirement is the requirement for licensed clinical social workers and this should be maintained for individuals seeking the diagnostic privilege.

Lastly, the proposal does not include an examination equivalent to the Association of Social Work Board exam taken by licensed clinical social workers to assess competency in diagnosis and development of assessment-based treatment plans. This examination standard should apply across the board to (i) new applicants; (ii) applicants seeking a waiver as outlined above based on prior supervised experience and (iii) licensed individuals who have worked in an exempt setting pursuant to Section 8410 of State Education Law. Attaining a passing score on an appropriate examination is essential to confirm competency in diagnosis and development of assessment-based treatment plans and such requirement cannot be eliminated or waived.

NYSSCSW **Strongly Opposes** any modification, amendment or revision to the existing “O” agency exemptions as well as any allowance that unlicensed individuals can provide services through the “O” agencies.

We support practice standards that reflect a practitioners education and experience, we will continue to work with all advocates to align the Article 163 practitioners license requirements with established professions.

For these reasons NYSSCSW **OPPOSES A.6008-E (Bronson) / S.9449 (Brouk)** in its current form.

Thank you for your attention,

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