



New York State Society for Clinical Social Work, Inc.

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Memorandum in Opposition: S.6431 (Brouk) / A.7405 (Bronson)

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 legislative 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 the role of clinical social workers in the delivery of services; and to grow and protect opportunities for insurance reimbursement for mental health services. With the Society's efforts, in 2002, New York State enacted a licensing law for clinical social workers. NYSSCSW continues to be a leader in providing education and support for the profession and is the leader in protecting and promoting the clinical social work profession statewide.

It is from the perspective of consumer protection assured by minimum competency standards that NYSSCSW opposes the further extension of exemptions from licensing requirements for certain practitioners, as proposed in S.6431 (Brouk)/A.7405 (Bronson). The Clinical Society acknowledges the initial rationale for the exemption as enacted in 2004 as a reaction to the passage of professional licensure for social work, psychology and mental health practitioners. However, as each exemption deadline approached over the last 17 years, factions of mental health 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 exemptions).....”

Chapter 57 of the laws of 2018. Part Y.

The effective date ending years of exemptions was 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. We opposed offering essential mental health services by unlicensed practitioners through state agencies and their providers beyond that contemplated by the Legislature in 2018.

We acknowledge the need to allow certain individuals within the current employment of these state agency providers to continue working without credential, in the interest of assuring continuity of care. However, that exemption provisions which discourage the hiring of appropriately licensed professionals as new employees cannot be allowed to persist.



NYSSCSW opposes the provisions of S.6431 (Brouk)/A.7405 (Bronson) 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, DSW, LCSW-R
NYSSCSW, Legislative chair

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