



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

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### **Memorandum in Opposition: A.9936 (Cusick) / S.8366 (Harckham)**

**AN ACT to amend the education law, in relation to education requirements and authorization to develop assessment-based treatment plans for certain mental health practitioners; and providing for the repeal of such 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.*

It is from this perspective of consumer protection assured by heightened professional standards that NYSSCSW must **oppose** the further extension of exemptions from practice requirements for certain practitioners, as proposed in **A.9936 / S.8366**. 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. The Society further acknowledges the concerns expressed in 2016, 2018 and again in 2021 which resulted in extensions of the provisions. However, we also take note of the Legislative declaration 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.

We acknowledge the need to allow certain individuals within the current employment of these state agency providers to continue without credential, in the interest of assuring the availability



of services. However, that exemption provision which discouraged movement toward the hiring of appropriately licensed professionals as new employees cannot be allowed to persist especially against a backdrop of increased federal funding directed at the enhanced access to mental health services.

**NYSSCSW opposes the provisions of A.9936 / S.8366 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

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