

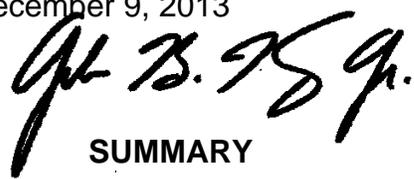


**TO:** The Professional Practice Committee

**FROM:** Douglas E. Lentivech

**SUBJECT:** Update on the Social Work, Mental Health Counseling, Marriage and Family Therapy, Creative Arts Therapy, and Psychoanalysis Professions

**DATE:** December 9, 2013

**AUTHORIZATION(S):**   
  
**SUMMARY**

**Issue for Discussion**

This item will present a general update on the social work and mental health practitioner professions.

**Reason(s) for Consideration**

For information.

**Proposed Handling**

This item is being submitted for information and discussion at the December 2013 meeting of the Professional Practice Committee.

**Procedural History**

The Office of the Professions routinely briefs the Professional Practice Committee with respect to the status of various professions and their professional boards in an effort to present the current state of the regulated professions. This item is the latest in a series of presentations.

**Background Information**

The State Boards for Social Work and Mental Health Practitioners assist and advise the Board of Regents and the State Education Department in the licensure,

discipline, and regulation of licensed master social workers, licensed clinical social workers, mental health counselors, marriage and family therapists, creative arts therapists, and psychoanalysts.

In 2002, New York State enacted laws to restrict the practice of psychotherapy to individuals licensed by the Education Department. Previously, any individual could provide psychotherapy services. In addition to creating a restricted scope of practice for the profession of psychology, the 2002 legislation:

- replaced the single certified social worker license with two new title- and scope-protected licenses – licensed master social worker and licensed clinical social worker; and
- created four new title- and scope-protected professions – licensed creative arts therapist, license marriage and family therapist, licensed mental health counselor, and licensed psychoanalyst.

The statutes provided that, effective September 1, 2004 for social work and January 1, 2006 for the mental health practitioner professions, the practice of the professions is restricted to those licensed, otherwise authorized, or exempt under the law. Exempt individuals include students under supervision, those engaged in certain other licensed professions and occupations, and individuals in certain settings.

Recently there have been a variety of developments that impact the behavioral health professions. These include:

- A statutory exemption from licensure for individuals employed in programs that are under the authority of certain State and local government agencies was extended from January 1, 2010 to July 1, 2016 and expanded to include additional agencies. As required by statute, the Department is currently surveying the field to collect information about the extent to which restricted tasks are being performed by exempt individuals and to identify existing barriers to licensure. The report that results from the survey will be shared with the affected agencies and other stakeholders for public comment, prior to submission to the Governor and Legislature by January 1, 2015;
- Statutory creation of a process to issue a waiver from “corporate practice” restrictions to allow certain not-for-profit and education corporations to continue offering professional social work and mental health practitioner services;
- Clarifying acceptable supervised experience for licensure and creating a pathway to licensure by endorsement for certain applicants in New York who hold a comparable license in another jurisdiction;
- Interpreting the scope of practice for professions that are engaged in activities that were not previously restricted to licensees;
- Discussing alternative pathways to licensure; and

- Preparing to implement a recently enacted law that, effective January 1, 2015, each licensed master social worker and licensed clinical social worker and, effective January 1, 2017, each licensed mental health counselor, licensed marriage and family therapist, licensed creative arts therapist, and licensed psychoanalyst must complete at least 36 months of continuing education in each triennial registration period.

At the December meeting of the Professional Practice Committee, the Executive Secretary for the Social Work and Mental Health Practitioner Boards will provide an update and discuss some of the trends and issues facing those professions. In addition, he will be available to answer questions from the Committee.