

Licensure Exemption Expiration Talking Points

In 2002, after at least 28 years of negotiation between the legislature, stakeholder provider groups and trade associations, the practice of social work became one of the state's licensed professions. In doing so, a minimum standard of education, experience and exam requirements were established to assure that individuals providing mental health services, specifically, the diagnosis and treatment of mental illness were qualified to do so. Just prior to the passage of such legislation, several state agencies noted they would need time to move their workforce into compliance. As such, a temporary exemption from licensure (of 6 years beyond the delayed effective date, of 2004) was included in the law for individuals in the employ of programs and services regulated, operated, funded or approved by the Office of Mental Health (OMH), the former Office of Mental Retardation and Developmental Disabilities now the Office for People With Developmental Disabilities (OPWDD), the Office of Alcoholism and Substance Abuse Services (OASAS) and local mental hygiene or social service districts. The list of "exempt agencies" was subsequently amended to add the Office of Children and Family Services (OCFS), the Department of Health (DOH), the State Office for the Aging (SOFA) and the Department of Corrections and Community Supervision (DOCCS).

Three additional extensions have passed since the agencies reported they were unable to meet the initial expiration of their exemption, however, we have finally reached a resolution which will, as per the legislative language, provide a "**permanent solution to end the entity exemption...**"

What does this mean?

- Enactment of the resolution will commence one year from the date the State Education Department issues implementation regulations. We are hopeful this process will be swift, leading to full implementation as early as spring of 2019.
- Once fully implemented – only those authorized to **independently** diagnose (Article 131 – Physician, Article 139 – Nursing, specifically Psychiatric Nurse Practitioner, Article 153 – Licensed Psychologists, and 154 – Social Work, specifically Licensed Clinical Social Work) may render a diagnosis **in any setting!**
- LMSW's may still provide all services within their scope of practice (including clinical skills) under the **appropriate supervision.**
- Students may continue to accept and complete internships at impacted agencies.
- Unlicensed employees **may continue to:**
 - Provide advice and guidance and assist individuals or groups with difficult day to day problems, such as finding employment, locating sources of assistance, and community organizing,
 - Provide peer services
 - Collect basic information
 - Provide assessments such as basic information collection, gathering of demographic data and informal observations, screening and referral to determine program eligibility and need for services,
 - Create, develop and implement on non behavioral health diagnosis service or recovery plan,
 - Provide homeless services,

- Provide refugee services,
 - Provide residential or day community habilitation services
 - Provide services for victims of domestic violence,
 - Provide services for runaway and homeless youth, foster care, adoption, and foster home studies
 - Participate in a Multi-Disciplinary Team
 - Assist (as defined in law) with the provision of services within the practice of psychology, social work and mental health practitioners (includes helping with forms, gathering information, collecting background information, providing advice, engaging in problem solving, collecting written and/or observational data, and identification of gaps in services.
 - Use de-escalation techniques consistent with appropriate training,
 - Deliver non clinical services outlined in a service plan,
 - Provide advocacy
- Unlicensed individuals employed before the enactment date may continue to be employed and continue to perform such duties post enactment.
 - 60 days post adoption of regulations, impacted agencies shall issue a report to identify the need for resources and investments to fortify the states mental health workforce.