

The University of the State of New York
State Education Department
OFFICE OF THE PROFESSIONS
State Board for Social Work
Meeting via WebEx pursuant to Executive Order 202.1

Wednesday, October 13, 2021

Draft Minutes

- Present** Chair Celisia Street, Vice Chair Tracyavon Ford, Liz Espinoza, Lola Green, Michelle Manley, Suzanne Meyer, Mohini Mishra, Susan Amy Nayowith,.
- Absent** Denise Krause, Darryl Nicholson-Sansani, Sujata Pai, Frances Septimo.
- Staff** David Hamilton, Executive Secretary; Mary Fish, Associate in Professional Education; Judy DeSapio, Administrative Analyst.
- Visitors** Diana Georgia, Elk Street Group; Crystal Rogers, NYS Deans Association; Pamela Madeiros, Greenberg & Traurig, Victoria Rizzo, Claire Green-Ford, NASW NYC.

1. Call to order

Chair Celisia Street convened the meeting at 10:35 a.m., welcoming Board members, guests and visitors. The agenda was approved by consent.

2. Review of June 2, 2021 State Board Minutes

Motion to approve the minutes as submitted (Nayowith/Ford). Passed unanimously.

3. Executive Secretary's Report

Executive Secretary Hamilton provided an overview of the challenges faced by the Office of the Professions in recruiting, hiring and maintaining qualified staff, which is affecting processing time. New procedures, including applicant's ability to submit an application for licensure and pay the fee by credit card has facilitated part of the process. Technology staff is working to implement an online LMSW permit application and payment by credit card, with verification by the supervisor on a form uploaded by the applicant.

More than 90% of the phone calls and emails received by OP are a request for the status of one's application. A priority of the Modernization project is to provide applicants a secure and timely way to determine the documents that have been received and progress toward meeting the requirements for licensure. Currently staff that process applications also answer phones and emails, so that one activity delays the other; the online system will allow staff to focus on review and approval of applications.

There are 30 State Boards and Committees that assist the Department with the license, practice and discipline of more than 50 professions. Licensed professionals and consumers interested in serving on a State Board can access information about State Board positions and

current/anticipated vacancies at <http://www.op.nysed.gov/boards/bdnominationcalls.htm>, including the nomination form.

Executive Order #4 allows many licensed professionals in New York to practice without being actively registered. It also allows certain professions, including licensed master social worker or licensed clinical social worker, licensed in another jurisdiction to practice in New York without a New York license. The Executive Order expires on October 27, 2021 and may only be renewed by Governor Kathy Hochul. The Office of the Professions has extended until July 1, 2022 the acceptance of self-study continuing education in social work and other professions, when offered by NYSED-approved providers.

4. Discussion – Effect of COVID-19 on Social Work License & Practice

The Board of Regents previously amended NYCRR §74.6(c) to allow alternative means for supervision of a LMSW practicing clinical social work due to COVID. At some point, the effects of COVID will dwindle, but supervisors and licensees may seek continued authorization for supervision by distance technology. The State Board engaged in a discussion to consider the possibility of incorporating distance technology, while affirming the supervisor’s responsibility for each patient seen by the supervisee.

Effective September 1, 2004, the NYCRR required the LMSW to receive one-hour each week or two hours every other week, when practicing clinical social work. The regulations required 2,880 client contact hours in diagnosis and psychotherapy. At that time defined full-time practice as 20 client contact hours per week; part-time was defined as 10 client contact hours; and a year was defined as 48 weeks. The law required the LMSW to complete 36 months of supervised experience or 72 months of part-time experience or a combination of the two, over a period not to exceed 72 consecutive months.

Regulations adopted by the Board of Regents in December 2010 amended NYCRR 74.6(c)(1) to require at least 2,000 supervised client contact hours in diagnosis and psychotherapy with at least 100 hours in-person individual or group clinical supervision, distributed appropriately over the period of the supervised experience when the LMSW is working toward licensure as a LCSW. A LMSW who is not seeking licensure must receive two hours of in-person individual or group supervision when practicing clinical social work, per the amended 74.6(d)(1)(v).

The Chair facilitated a discussion of potential revisions to the NYCRR 74.6 regulations regarding supervision of the LMSW practicing clinical social work. Topics included:

- Requiring each LMSW seeking to provide clinical social work services to submit Form 6 for prior review by the State Board to ensure the supervisor is qualified and the setting is authorized;
- Amending the supervision to require a minimum of 2, 3 or 4 hours of individual or group supervision each month which would constitute 72, 108 or 144 hours, respectively over a 36-month period;
- Defining full time and part-time hours as weekly clinical contact hours (e.g., 14 and 7, respectively); and
- When the LMSW is practicing in more than one setting under different supervisors, affirming that each supervisor must provide the minimum supervision hours for the patients seen under supervision;

Additionally, there will be further discussion about setting a maximum number of supervisees, to ensure patient safety, since the supervisor is responsible for each person treated under supervision. A discussion and recommendation about the use of acceptable technology was deferred to a future meeting.

5. Association of Social Work Boards (ASWB)

The ASWB annual meeting will be held online, November 19-20, 2021 and Executive Secretary Hamilton will participate. At this time, there is one proposed by-laws amendment regarding the process by which a member jurisdiction may propose amendments. The slate of candidates for election has not been released.

ASWB announced that reports will be made available to social work education programs for the first time. ASWB has not indicated if these reports will be in the same limited format as current school-reports or if it will be comprehensive, similar to those published by similar associations. ASWB also announced they will conduct a review of the licensing examinations, utilizing the perspective of Diversity, Equity & Inclusion (DEI), although no information has been provided about possible outcome or goals to ensure the examination are fair to all social work graduates.

6. Professional Practice

The exemption from licensure for certain programs and services was extended for an additional year (June 24, 2022) by Chapter 187 of the Laws of 2021. The Board was provided existing statutory language about the activities that do and do not require licensure as a LMSW or LCSW, as there will likely be efforts to further clarify activities and individuals that are exempt from licensure and the Board will be able to help answer questions to guide decision makers.

Vice Chair Ford has raised questions about the duties of school social workers, including clarification as to whether the counseling services provided in accordance with a student's Individualized Education Plan (IEP) constitutes acceptable experience in providing psychotherapy, as required to qualify for licensure as a LCSW in New York. In addition, there are concerns about appropriate supervision and whether the services provided are diagnosis and psychotherapy, as defined in Education Law §7701(2)(b) and (c):

- b. Diagnosis in the context of licensed clinical social work practice is the process of distinguishing, beyond general social work assessment, between similar mental, emotional, behavioral, developmental and addictive disorders, impairments and disabilities within a psychosocial framework on the basis of their similar and unique characteristics consistent with accepted classification systems.*
- c. Psychotherapy in the context of licensed clinical social work practice is the use of verbal methods in interpersonal relationships with the intent of assisting a person or persons to modify attitudes and behavior which are intellectually, socially, or emotionally maladaptive.*

An applicant for LCSW must complete 36 months of supervised experience, acceptable to the State Board, in those activities only. If "counseling" in the school does not meet the definition, then experience will not qualify.

7. Other Business

Secretary Hamilton provided the State Board with a question from a New York social work program regarding the acceptability of simulated internship activities in generalist practice. Emergency regulations adopted by the Board of Regents during the COVID crisis have allowed schools to adjust field experience, practicums or other such experience requirements, if such requirements cannot be successfully completed due to the COVID-19 crisis.

However, simulations would not meet the definition of an internship in NYCRR 52.30, which requires 900 hours under a qualified supervisor in an authorized setting. Although the Council on Social Work Education (CSWE) allows schools to use such a model, their standards do not change New York laws and regulations. .

8. Adjournment

There being no other business, the Chair thanked all for their participation. The meeting was adjourned at 12:15 p.m. by unanimous consensus (Street).

Minutes submitted by,



David Hamilton, Ph.D., LMSW
Executive Secretary