

Report to the Legislature and Executive  
Pursuant to Chapters 130 & 132  
of the Laws of 2010

Appendix B  
Survey of Exempt Programs  
Regarding Practice



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY,  
NY 12234

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March 11, 2011

Dear Colleague:

I am writing to ask you to complete an online survey at <http://www.surveymonkey.com/s/DOCSSurvey>. Your assistance in this matter is of critical importance to agencies that provide social work, mental health and psychological services in New York. Laws that were enacted in 2002 established requirements for professional licensure, including education, examination and experience requirements, and restricted activities that, except for the temporary exemptions discussed below, may only be provided by licensed professionals or persons otherwise authorized under law. The affected professions include:

- Licensed Master Social Work
- Licensed Clinical Social Work
- Marriage and Family Therapy
- Mental Health Counseling
- Psychoanalysis
- Creative Arts Therapy
- Psychology

Provisions in that law enabled programs that are regulated, funded, operated or approved by certain State agencies or local government units to continue offering services utilizing unlicensed staff through an exemption that expired on January 1, 2010. In 2010, at the collaborative urging of this Department and the Executive agencies, the Legislature extended the exemption from January 1, 2010 to July 1, 2013 (Chapters 130 and 132 of the Laws of 2010).

Consequently, **any unlicensed person who is currently performing a restricted activity in a program that is licensed, regulated, funded, operated or approved by one of the affected agencies will be covered by the exemption until July 1, 2013.** The affected agencies are: the Office of Mental Health (OMH), Office for Persons with Developmental Disabilities (OPWDD), Office of Alcoholism and Substance Abuse Services (OASAS), Office of Children and Family Services (OCFS), local social service or mental hygiene district, and, for all professions except psychology, the Department of Health (DOH), Department of Correctional Services (DOCS), and the State Office for the Aging (SOFA). However, since the exemption expires in 2013, your input is critical toward the next steps in the legislative process.

Chapters 130 and 132 of the Laws of 2010 included a requirement that the affected agencies submit to the Commissioner of Education by July 1, 2011 a report which includes but is not limited to:

- Identification of tasks and activities performed by personnel that would, upon expiration of the exemptions, be restricted to licensed personnel, and tasks and functions that do not require a license under Articles 153, 154 or 163 of the Education Law;
- Analysis of the costs associated with employing only appropriately licensed or otherwise authorized personnel, to perform tasks and functions that would require licensure in the absence of the exemptions, including salary and costs associated with providing support to unlicensed personnel in obtaining appropriate licensure;
- An action plan detailing measures through which each affected agency shall, no later than July 1, 2013, employ only licensed or otherwise authorized personnel to perform tasks and functions requiring licensure, comply with professional licensure laws applicable to services provided, assist employees to become licensed and make recommendations on alternative pathways toward licensure.

After receiving the reports, the Education Department will consult with State agencies, not-for-profit providers, professional associations, consumers and other key stakeholders. Those interactions will inform a report that the Education Department is responsible for submitting to the Governor and legislative leaders by July 1, 2012. The report will recommend any amendments to law, rule or regulation necessary to achieve compliance with the licensing laws by July 1, 2013. Other state agency commissioners shall be provided an opportunity to include statements or alternative recommendations in such report.

We ask your assistance in the preparation of this report by completing the survey that we have developed, after extensive discussions with the State agencies and the Executive, to provide a snapshot of the current workforce and the tasks and activities performed in your program or agency by both licensed and unlicensed individuals. If you cannot click on the link in this letter, you can cut and paste it into your web browser. You can email questions about the survey administration to [SWMHPSurvey@mail.nysed.gov](mailto:SWMHPSurvey@mail.nysed.gov).

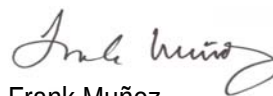
We recognize that this survey will take some time and effort on your part, but cannot stress strongly enough that the information you provide about your staff is critical to the Legislature's consideration of ways by which unlicensed personnel can obtain appropriate licensure or similar exemptions in the future.

The survey focuses on tasks within the categories of diagnosis, assessment-based treatment planning, assessment/evaluation, psychotherapy and services other than psychotherapy. Staff in your program may or may not provide all of the services listed in the survey, so you can skip those portions of the survey that do not pertain to your program. However, to the greatest extent possible, we need information about the services that are provided and the title or qualifications of individuals (licensed or not) who provide the services. This information is critical to identifying the need for alternative pathways to licensure and defining in law any titles or functions that should be exempt in the future.

Attached to this cover letter you will find the sections of law that define the practice of social work, mental health and psychology. In addition to the 2013 exemptions, the law provides exemptions for individuals in certain titles (e.g., CASAC or rape crisis counselors, students in an approved internship, etc.) that do not expire. You can access more information about the licensure and practice of the professions on the Office of the Professions' website: [www.op.nysed.gov/title8/](http://www.op.nysed.gov/title8/).

We are counting on you to provide accurate information about the individuals in the programs operated by your agency who may be affected by the sunset of this exemption. Given the importance of this survey, we ask that you respond **within the next 14 days**. The survey asks for the name and contact information of the person completing the survey, so we will be able to contact him or her with any follow-up questions. **All data collected will be aggregated and no individual respondent or program will be identified and the information collected for this survey will not be used for any other purpose.**

Sincerely,



Frank Muñoz

## ATTACHMENT 1

**Article 154 defines the practice of LMSW and LCSW (7701) and defines activities that may be performed by LMSW or LCSW but that do not require licensure (7702).**

### § 7701. Definitions.

1. Practice of licensed master social work.
  - a. The practice of licensed master social work shall mean the professional application of social work theory, principles, and the methods to prevent, assess, evaluate, formulate and implement a plan of action based on client needs and strengths, and intervene to address mental, social, emotional, behavioral, developmental, and addictive disorders, conditions and disabilities, and of the psychosocial aspects of illness and injury experienced by individuals, couples, families, groups, communities, organizations, and society.
  - b. Licensed master social workers engage in the administration of tests and measures of psychosocial functioning, social work advocacy, case management, counseling, consultation, research, administration and management, and teaching.
  - c. Licensed master social workers provide all forms of supervision other than supervision of the practice of licensed clinical social work as defined in subdivision two of this section.
  - d. Licensed master social workers practice licensed clinical social work in facility settings or other supervised settings approved by the department under supervision in accordance with the commissioner's regulations.
2. Practice of clinical social work.
  - a. The practice of clinical social work encompasses the scope of practice of licensed master social work and, in addition, includes the diagnosis of mental, emotional, behavioral, addictive and developmental disorders and disabilities and of the psychosocial aspects of illness, injury, disability and impairment undertaken within a psychosocial framework; administration and interpretation of tests and measures of psychosocial functioning; development and implementation of appropriate assessment-based treatment plans; and the provision of crisis oriented psychotherapy and brief, short-term and long-term psychotherapy and psychotherapeutic treatment to individuals, couples, families and groups, habilitation, psychoanalysis and behavior therapy; all undertaken for the purpose of preventing, assessing, treating, ameliorating and resolving psychosocial dysfunction with the goal of maintaining and enhancing the mental, emotional, behavioral, and social functioning and well-being of individuals, couples, families, small groups, organizations, communities and society.
  - 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.
  - d. Development of assessment-based treatment plans in the context of licensed clinical social work practice refers to the development of an integrated plan of prioritized interventions, that is based on the diagnosis and psychosocial assessment of the client, to address mental, emotional, behavioral, developmental and addictive disorders, impairments and disabilities, reactions to illnesses, injuries, disabilities and impairments, and social problems.

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§ 7702. Authorized practice and the use of the titles "licensed master social worker" and "licensed clinical social worker".

1. In addition to the licensed social work services included in subdivisions one and two of section seventy-seven hundred one of this article, licensed master social workers and licensed clinical social workers may perform the following social work functions that do not require a license under this article, including but not limited to:
  - a. Serve as a community organizer, planner, or administrator for social service programs in any setting.
  - b. Provide supervision and/or consultation to individuals, groups, institutions and agencies.
  - c. Serve as a faculty member or instructor in an educational setting.
  - d. Plan and/or conduct research projects and program evaluation studies.
  - e. Maintain familiarity with both professional and self-help systems in the community in order to assist the client in those services when necessary.
  - f. Assist individuals or groups with difficult day to day problems such as finding employment, locating sources of assistance, organizing community groups to work on a specific problem.
  - g. Consult with other agencies on problems and cases served in common and coordinating services among agencies or providing case management.
  - h. Conduct data gathering on social problems.
  - i. Serve as an advocate for those clients or groups of clients whose needs are not being met by available programs or by a specific agency.
  - j. Assess, evaluate and formulate a plan of action based on client need.
  - k. Provide training to community groups, agencies, and other professionals.
  - l. Provide administrative supervision.

#### **§ 7707. Special provisions.**

5. Licensed master social workers and licensed clinical social workers may use accepted classifications of signs, symptoms, dysfunctions and disorders, including, but not limited to, classifications used in the practice setting for the purpose of providing mental health services.

#### **Exemption from licensure for individuals under Article 154:**

Nothing in this act shall prohibit or limit the activities or services on the part of any person in the employ of a program or service operated, regulated, funded, or approved by the department of mental hygiene, the office of children and family services, the department of correctional services, the state office for the aging, the department of health, or a local governmental unit as that term is defined in article 41 of the mental hygiene law or a social services district as defined in section 61 of the social services law, provided, however, this section shall not authorize the use of any title authorized pursuant to article 154 of the education law, except that this section shall be deemed repealed on July 1, 2013.

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#### **Article 153 defines the practice of psychology**

##### **§7601-a. Definition of the practice of psychology.**

1. The practice of psychology is the observation, description, evaluation, interpretation, and modification of behavior for the purpose of preventing or eliminating symptomatic, maladaptive or undesired behavior; enhancing interpersonal relationships, personal, group or organizational effectiveness and work and/or life adjustment; and improving behavioral health and/or mental health. The practice includes, but is not limited to psychological (including neuropsychological) testing and counseling; psychoanalysis; psychotherapy; the diagnosis and treatment of mental, nervous, emotional, cognitive or behavioral disorders, disabilities, ailments or illnesses, alcoholism, substance abuse, disorders of habit or conduct, the psychological aspects of physical illness, accident, injury or disability, psychological aspects of learning (including learning disorders); and the use of accepted classification systems.
2. The term "diagnosis and treatment" means the appropriate psychological diagnosis and the ordering or providing of treatment according to need. Treatment includes, but is not limited to counseling,

psychotherapy, marital or family therapy, psychoanalysis, and other psychological interventions, including verbal, behavioral, or other appropriate means as defined in regulations promulgated by the commissioner.

**Exemption from licensure for individuals under Article 153:**

- a. In relation to activities and services provided under article 153 of the education law, nothing in this act shall prohibit or limit the activities or services on the part of any person in the employ of a program or service operated, regulated, funded, or approved by the department of mental hygiene or the office of children and family services, or a local governmental unit as that term is defined in article 41 of the mental hygiene law or a social services district as defined in section 61 of the social services law. This section shall not authorize the use of any title authorized pursuant to article 153 or 163 of the education law by any such employed person, except as otherwise provided by such articles respectively.
- b. This section shall be deemed repealed July 1, 2013.

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**Article 163 the practice of mental health practitioners.**

**§8401. Definitions.**

For purposes of this article, the following terms shall have the following meanings:

1. "Board" means the state board for mental health practitioners authorized by section eighty-four hundred six of this article.
2. "Psychotherapy" means the treatment of mental, nervous, emotional, behavioral and addictive disorders, and ailments by the use of both verbal and behavioral methods of intervention in interpersonal relationships with the intent of assisting the persons to modify attitudes, thinking, affect, and behavior which are intellectually, socially and emotionally maladaptive.

**§8402. Mental health counseling.**

1. Definition of the practice of mental health counseling. The practice of the profession of mental health counseling is defined as:
  - a. the evaluation, assessment, amelioration, treatment, modification, or adjustment to a disability, problem, or disorder of behavior, character, development, emotion, personality or relationships by the use of verbal or behavioral methods with individuals, couples, families or groups in private practice, group, or organized settings; and
  - b. the use of assessment instruments and mental health counseling and psychotherapy to identify, evaluate and treat dysfunctions and disorders for purposes of providing appropriate mental health counseling services.

**§8403. Marriage and family therapy.**

1. Definition of the practice of marriage and family therapy. The practice of the profession of marriage and family therapy is defined as:
  - a. the assessment and treatment of nervous and mental disorders, whether affective, cognitive or behavioral, which results in dysfunctional interpersonal family relationships including, but not limited to familial relationships, marital/couple relationships, parent-child relationships, pre-marital and other personal relationships;
  - b. the use of mental health counseling, psychotherapy and therapeutic techniques to evaluate and treat marital, relational, and family systems, and individuals in relationship to these systems;
  - c. the use of mental health counseling and psychotherapeutic techniques to treat mental, emotional and behavioral disorders and ailments within the context of marital, relational and family systems to prevent and ameliorate dysfunction; and
  - d. the use of assessment instruments and mental health counseling and psychotherapy to identify and evaluate dysfunctions and disorders for purposes of providing appropriate marriage and family therapy services.

#### §8404. Creative arts therapy.

1. Definition of the practice of creative arts therapy. The practice of the profession of creative arts therapy is defined as:
  - a. the assessment, evaluation, and the therapeutic intervention and treatment, which may be either primary, parallel or adjunctive, of mental, emotional, developmental and behavioral disorders through the use of the arts as approved by the department; and
  - b. the use of assessment instruments and mental health counseling and psychotherapy to identify, evaluate and treat dysfunctions and disorders for purposes of providing appropriate creative arts therapy services.

#### §8405. Psychoanalysis.

1. Definition of the practice of psychoanalysis. The practice of the profession of psychoanalysis is defined as:
  - a. the observation, description, evaluation, and interpretation of dynamic unconscious mental processes that contribute to the formation of personality and behavior in order to identify and resolve unconscious psychic problems which affect interpersonal relationships and emotional development, to facilitate changes in personality and behavior through the use of verbal and nonverbal cognitive and emotional communication, and to develop adaptive functioning; and
  - b. the use of assessment instruments and mental health counseling and psychotherapy to identify, evaluate and treat dysfunctions and disorders for purposes of providing appropriate psychoanalytic services.

#### §8411. Special provisions.

3. Any person licensed pursuant to this article may use accepted classifications of signs, symptoms, dysfunctions and disorders, as approved in accordance with regulations promulgated by the department, in the practice of such licensed profession.

#### **Exemption from licensure for individuals under Article 163**

- a. In relation to activities and services provided under article 163 of the education law, nothing in this act shall prohibit or limit such activities or services on the part of any person in the employ of a program or service operated, regulated, funded, or approved by the department of mental hygiene, the office of children and family services, the department of correctional services, the state office for the aging and the department of health or a local governmental unit as that term is defined in article 41 of the mental hygiene law or a social services district as defined in section 61 of the social services law, pursuant to authority granted by law. This section shall not authorize the use of any title authorized pursuant to article 153 or 163 of the education law by any such employed person, except as otherwise provided by such articles respectively.
- b. This section shall be deemed repealed July 1, 2013

## ATTACHMENT 2

### Glossary of terms used in the survey

**Direct care staff** shall mean individuals employed by the program to provide services to persons served by the program. Direct care staff may include individuals licensed under Title VIII of the Education Law or other persons authorized in the regulations of the oversight agency.

**Professional license** shall mean a license, certification or registration issued to an individual under Title VIII of the Education Law that authorizes the license holder to engage in the practice of the profession and to use the professional title. The licensee must be registered with the Education Department in order to practice the profession and use the title established in the law, unless otherwise provided for in law.

**Otherwise authorized person** in the context of professional practice of a profession shall mean an individual who is defined as exempt from the licensure laws in Title VIII of the Education Law, such as an individual in another profession, a limited permit holder, or a student who is completing a supervised internship or externship under the supervision of a licensed professional, as part of a degree-program recognized by the Education Department, or a person who is employed in an exempt site.

**Psychotherapy** shall have the following meaning taken from Article 163 of the Education Law (section 8401(2)) whether or not provided by individuals licensed under that article: "Psychotherapy" means the treatment of mental, nervous, emotional, behavioral and addictive disorders, and ailments by the use of both verbal and behavioral methods of intervention in interpersonal relationships with the intent of assisting the persons to modify attitudes, thinking, affect, and behavior which are intellectually, socially and emotionally maladaptive.

**Developmental Testing** This term is defined specifically to mean developmental testing related to developmental disorders and disabilities. It's focus, among other things, is on the early diagnosis and recommendations for treatment and involves the identification of cognitive, language, sensorimotor, physical, and similar disorders and disabilities, among other areas of function, for young children, the identification and recommendations for treatment and placement for older children and the evaluation to determine levels of growth and delay, as well as training and other activities for adolescents and adults.

# SWMHP Survey

## 1. Introduction to the survey

This survey is intended to capture information about all of the individuals who engage in tasks and activities that may fall within the restricted scope of practice of certain, defined professions, established under Articles 153 (psychology), 154 (social work) and 163 (mental health practitioners) of the Education Law. This includes all individuals who work in your programs, whether they are employed directly by your agency or work under a contract arrangement, either individually or through a staffing agency. Chapters 130 and 132 of the Laws of 2010 provided an extension until July 1, 2013 of the exemption from professional licensure that was scheduled to expire on June 1, 2010 for persons employed in certain programs. The law also requires the Education Department, working with the impacted State agencies, to complete a report on the tasks performed by individuals in exempt programs.

The survey identifies five major functions that are within the scope of professional practice that may be provided in your program. We have included definitions of these functions, which include assessment/evaluation, diagnosis, assessment-based treatment planning, psychotherapy, and other treatment. To help you answer the survey about individuals working in your program, we have provided examples of services and activities that will be restricted to licensed individuals, beginning July 1, 2013 if the exemption is not extended, as well as examples of those services that would not require licensure. You should review these definitions and examples before you respond to questions about the individuals working in your program.

For each of the functions, please indicate the professional and occupational titles under which these individuals provide the service or activity to consumers, as well as the number of individuals in each title. For instance in completing the questions in section 9 (Psychotherapy staff), if the program has:

- 5 LCSWs employed to provide psychotherapy, please indicate this in the section for individuals licensed under the Education Law (Question 25);
- 2 Rehabilitation Counselors employed to provide psychotherapy, please indicate this in the section for individuals who are not licensed Education Law by indicating the most appropriate occupational title (Question 26);
- 3 pastoral counselors employed to provide psychotherapy, who are not licensed and whose occupational title is not listed, indicate these in the space provided (Question 27); and
- 2 volunteers or contracted individuals, who are not licensed, to provide psychotherapy, indicate the titles used for these persons in the space provided (Question 28).

If an individual holds more than one license and/or credential, the individual should only be identified once, preferably where he or she performs most of the services.

It is important to get an accurate count of individuals who provide these services as an employee, volunteer, or contractor, so that the final report can address the possible need for alternative pathways to licensure, continuing the current exemptions in the law if necessary, and other changes in law and regulation related to the licensed professions. If your agency uses occupational titles other than those listed, there is space to provide additional titles in the "comments" box after the question. If your agency does not provide a specific activity or service, please indicate this in the space provided on the survey. At the end of the survey, you can provide general comments about the anticipated effect on your program, including staff recruitment and retention, when the current exemptions from the licensure requirements expire on July 1, 2013.

## SWMHP Survey

**1. We are asking for information by program, based on the State agency that operates, regulates, approves or funds your program. This survey is being sent to programs that may have a regulatory relationship with multiple agencies. The organizations responding to this survey will vary significantly in size and in complexity. It is the intent to collect data at the “program level” in order to assess the feasibility of exempting certain program types, if it is determined appropriate to do so. Therefore, organizations which operate more than one program and receive funding from one or more state agencies should complete a separate survey for each program type that is operated. All data compiled in this survey will be reported in aggregate without identifying programs or respondents and will not be used for any other purpose.**

**This survey is being distributed to programs that are regulated by various state and local government entities. So that we can aggregate responses by regulatory agency and location, please provide the following information.**

Your Agency Name:

Your Program Name:

**2. Please provide a one-sentence description of your program:**

|  |   |
|--|---|
|  | 5 |
|  | 6 |

# SWMHP Survey

**3. Program is operated, licensed, certified, regulated, approved, or funded by (select all that apply):**

|                                   | Operated by              | Licensed or Certified<br>by | Regulated by             | Approved by              | Funded by                |
|-----------------------------------|--------------------------|-----------------------------|--------------------------|--------------------------|--------------------------|
| OMH                               | <input type="checkbox"/> | <input type="checkbox"/>    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| OPWDD                             | <input type="checkbox"/> | <input type="checkbox"/>    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| OASAS                             | <input type="checkbox"/> | <input type="checkbox"/>    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| OCFS                              | <input type="checkbox"/> | <input type="checkbox"/>    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| DOH                               | <input type="checkbox"/> | <input type="checkbox"/>    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| DOCS                              | <input type="checkbox"/> | <input type="checkbox"/>    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| SOFA                              | <input type="checkbox"/> | <input type="checkbox"/>    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| NYSED                             | <input type="checkbox"/> | <input type="checkbox"/>    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Local Social Services<br>District | <input type="checkbox"/> | <input type="checkbox"/>    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Local Mental Hygiene<br>District  | <input type="checkbox"/> | <input type="checkbox"/>    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Local Area Agency of<br>Aging     | <input type="checkbox"/> | <input type="checkbox"/>    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| NYC DHMH                          | <input type="checkbox"/> | <input type="checkbox"/>    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| NYC ACS                           | <input type="checkbox"/> | <input type="checkbox"/>    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Veterans' Administration          | <input type="checkbox"/> | <input type="checkbox"/>    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Other Federal Agency              | <input type="checkbox"/> | <input type="checkbox"/>    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

# SWMHP Survey

## 4. Please indicate the county (counties) in which this program provides services

- |                                      |                                     |                                       |
|--------------------------------------|-------------------------------------|---------------------------------------|
| <input type="checkbox"/> Albany      | <input type="checkbox"/> Herkimer   | <input type="checkbox"/> Richmond     |
| <input type="checkbox"/> Allegany    | <input type="checkbox"/> Jefferson  | <input type="checkbox"/> Rockland     |
| <input type="checkbox"/> Bronx       | <input type="checkbox"/> Kings      | <input type="checkbox"/> Saratoga     |
| <input type="checkbox"/> Broome      | <input type="checkbox"/> Lewis      | <input type="checkbox"/> Schenectady  |
| <input type="checkbox"/> Cattaraugus | <input type="checkbox"/> Livingston | <input type="checkbox"/> Schoharie    |
| <input type="checkbox"/> Cayuga      | <input type="checkbox"/> Madison    | <input type="checkbox"/> Schuyler     |
| <input type="checkbox"/> Chautauqua  | <input type="checkbox"/> Monroe     | <input type="checkbox"/> Seneca       |
| <input type="checkbox"/> Chemung     | <input type="checkbox"/> Montgomery | <input type="checkbox"/> St. Lawrence |
| <input type="checkbox"/> Chenango    | <input type="checkbox"/> Nassau     | <input type="checkbox"/> Steuben      |
| <input type="checkbox"/> Clinton     | <input type="checkbox"/> New York   | <input type="checkbox"/> Suffolk      |
| <input type="checkbox"/> Columbia    | <input type="checkbox"/> Niagara    | <input type="checkbox"/> Sullivan     |
| <input type="checkbox"/> Cortland    | <input type="checkbox"/> Oneida     | <input type="checkbox"/> Tioga        |
| <input type="checkbox"/> Delaware    | <input type="checkbox"/> Onondaga   | <input type="checkbox"/> Tompkins     |
| <input type="checkbox"/> Dutchess    | <input type="checkbox"/> Ontario    | <input type="checkbox"/> Ulster       |
| <input type="checkbox"/> Erie        | <input type="checkbox"/> Orange     | <input type="checkbox"/> Warren       |
| <input type="checkbox"/> Essex       | <input type="checkbox"/> Orleans    | <input type="checkbox"/> Washington   |
| <input type="checkbox"/> Franklin    | <input type="checkbox"/> Oswego     | <input type="checkbox"/> Wayne        |
| <input type="checkbox"/> Fulton      | <input type="checkbox"/> Otsego     | <input type="checkbox"/> Westchester  |
| <input type="checkbox"/> Genesee     | <input type="checkbox"/> Putnam     | <input type="checkbox"/> Wyoming      |
| <input type="checkbox"/> Greene      | <input type="checkbox"/> Queens     | <input type="checkbox"/> Yates        |
| <input type="checkbox"/> Hamilton    | <input type="checkbox"/> Rensselaer |                                       |

## 2. Assessment/Evaluation

Assessment/evaluation in the practice of the professions includes collecting information through clinical interviews, psychological and psychosocial tests and measures, contacts with members of the consumer's family and educational; employment, and/or health care settings/providers for the purpose of determining a behavioral health diagnosis and/or appropriate behavioral management, discharge, or treatment plan for the consumer. This includes the administration and interpretation of psychological tests and procedures including measures of cognitive, language, sensorimotor, and physical functioning to identify developmental disorders and disabilities in young children, and to determine levels of growth and delay for purposes of treatment, training and placement for adolescents and adults.

Examples of "assessment/evaluation" and related professional practices include, but are not limited to:

- a. Clinical interviews with the patient and/or collateral parties to collect information necessary to determine the consumer's level of function for persons with mental, emotional, nervous, behavioral and developmental needs, for the purpose of establishing a behavioral health diagnosis or completing or modifying a treatment plan.
- b. Determining the consumer's psychological and developmental progress, through the administration and scoring of appropriate instruments, including clinical interviews with the consumer, family members and others.
- c. Using written text, art, music, photographs, or other media to evaluate how the patient expresses emotions, thoughts, or behaviors, in order to develop or modify the mental or behavioral health diagnosis or treatment plan.
- d. Administering, scoring and interpreting clinical tests and measures of psychosocial, developmental, and psychological functioning and reviewing the results of the evaluation with a consumer to establish a behavioral health service plan.

Related activities which are generally NOT considered "assessment/evaluation" include, but are not limited to:

- a. Having a consumer complete a form that provides information that may include but is not limited to housing, employment, income, psychosocial or health status, as part of the "intake."
- b. Providing a consumer with a paper-and-pencil test to complete, when such test does not require the observation and judgment of a licensed professional and commonly is identified as self-administered.
- c. Observing, describing and reporting the behavior of consumers, and, if appropriate, gathering information about such things as the person's living situation, health, nutrition and available informal supports in order to identify problems and needs.

**\* 5. You must choose one of the following and click "next" to continue the survey:**

- ☐ "Assessment/evaluation" is not provided in this program (skip to next question)
- ☐ "Assessment/evaluation" is provided in this program (please complete the following questions)

## 3. Assessment/evaluation staff

**6. Please indicate the NUMBER of individuals licensed under the Education Law in this program who provide "assessment/evaluation," no matter how often. If an individual is licensed in more than one profession, you should report this person only once:**

|                                              |                      |
|----------------------------------------------|----------------------|
| Physician                                    | <input type="text"/> |
| Physician Assistant                          | <input type="text"/> |
| Licensed Master Social Worker                | <input type="text"/> |
| Licensed Clinical Social Worker              | <input type="text"/> |
| Psychologist                                 | <input type="text"/> |
| Intern, resident, student, limited permittee | <input type="text"/> |
| Nurse Practitioner                           | <input type="text"/> |
| Creative Arts Therapist                      | <input type="text"/> |
| Marriage & Family Therapist                  | <input type="text"/> |
| Mental Health Counselor                      | <input type="text"/> |
| Psychoanalyst                                | <input type="text"/> |
| Other licensed professional                  | <input type="text"/> |

## SWMHP Survey

**7. Please indicate the NUMBER of employees in each title in this program, who are not licensed under the Education Law and who provide "assessment/evaluation," no matter how often. If an individual is credentialed in more than one title, you should only list this person once:**

|                                                                          |                      |
|--------------------------------------------------------------------------|----------------------|
| Psychologist employed by a government entity                             | <input type="text"/> |
| CASAC or CASAC-T                                                         | <input type="text"/> |
| Social worker (not licensed)                                             | <input type="text"/> |
| Certified Rehabilitation Counselor                                       | <input type="text"/> |
| NBCC Counselor                                                           | <input type="text"/> |
| Care Coordinator                                                         | <input type="text"/> |
| Vocational Counselor                                                     | <input type="text"/> |
| Case Manager                                                             | <input type="text"/> |
| Prevention Counselor                                                     | <input type="text"/> |
| Applied Behavioral Sciences Specialist and/or Applied Behavioral Analyst | <input type="text"/> |
| Youth Counselor                                                          | <input type="text"/> |
| Correction Counselor                                                     | <input type="text"/> |
| Rehabilitation Therapist                                                 | <input type="text"/> |
| Recreation Therapist                                                     | <input type="text"/> |
| Counselor or Residential Program Aide                                    | <input type="text"/> |
| Mental Health Therapy Aide or Assistant                                  | <input type="text"/> |
| Case Worker                                                              | <input type="text"/> |
| Service Coordinator                                                      | <input type="text"/> |
| Correction Officer                                                       | <input type="text"/> |
| Correction Sergeant                                                      | <input type="text"/> |
| Correction Captain                                                       | <input type="text"/> |
| ASAT Program Assistant                                                   | <input type="text"/> |
| Correction Counselor (ASAT)                                              | <input type="text"/> |
| Supervising Correction Counselor (ASAT)                                  | <input type="text"/> |
| Supervising Correction Counselor                                         | <input type="text"/> |
| ASAT Program Assistant (CASAC/T)                                         | <input type="text"/> |
| Social work case manager                                                 | <input type="text"/> |
| Social work case worker                                                  | <input type="text"/> |

## SWMHP Survey

**8. If there are employees in other occupational titles who are not licensed and are not listed above, please indicate the title(s) and number of individuals in each title, who provide "assessment/evaluation." Please very briefly describe the nature of these services and the population being served.**

|                    |                      |
|--------------------|----------------------|
| Title:             | <input type="text"/> |
| Number:            | <input type="text"/> |
| Services Provided: | <input type="text"/> |
| Title:             | <input type="text"/> |
| Number:            | <input type="text"/> |
| Services provided: | <input type="text"/> |

**9. Please indicate the number of individuals who are NOT employees in this program (e.g., contractors, volunteers, etc.), who are NOT licensed under the Education Law and who provide "assessment/evaluation" in this program, no matter how often:**

|                          |                      |
|--------------------------|----------------------|
| Title:                   | <input type="text"/> |
| Number:                  | <input type="text"/> |
| Relationship to program: | <input type="text"/> |
| Services provided:       | <input type="text"/> |
| Title:                   | <input type="text"/> |
| Number:                  | <input type="text"/> |
| Relationship to program: | <input type="text"/> |
| Services provided:       | <input type="text"/> |

**10. Please provide any other comments about this service below:**

|                      |   |
|----------------------|---|
| <input type="text"/> | 5 |
| <input type="text"/> | 6 |

## 4. Diagnosis

Diagnosis is the identification of a disorder on the basis of its signs and symptoms and an analysis of the underlying mental, nervous, emotional, behavioral, developmental and addictive disorders, impairment and disabilities to determine their cause and potential treatments. Such diagnoses are commonly made consistent with acceptable classification systems, such as the Diagnostic and Statistical Manual of Mental Disorders (DSM). Statutory definitions are attached to the cover letter that informed you of the survey.

Examples of "diagnosis" and related professional practice include, but are not limited to:

- a. Evaluating information that is gathered regarding the consumer's health, mental health, social, and developmental status directly from the consumer or in consultation with others, to make a behavioral health diagnosis using the DSM or similar classification system.
- b. Engaging in clinical interviews and clinical testing to gather, interpret and evaluate information from appropriate sources, to identify signs and symptoms and causes of behaviors for purposes of making a behavioral health diagnosis.
- c. The application of professional judgment based on the clinical evaluation, which could include relevant information received from consumers and others, including direct care staff, to reach a diagnosis of the consumer's disorder or dysfunction and identifying it using the DSM or other classification system.

Related activities which are generally NOT considered "diagnosis" include, but are not limited to:

- a. Recording and/or verifying information about the consumer, as part of an intake, or assessment document, for the purpose of providing the diagnosing clinician with information necessary to make the mental or behavioral health diagnosis.
- b. Assisting in the data gathering regarding psychosocial functioning and collecting other information about the consumer's social, mental and health status, to the extent such assistance does not involve restricted professional practice activities.
- c. Collecting information, including assisting the consumer in the completion of forms and questionnaires that will provide background information for the licensed professional who is making the mental or behavioral health diagnosis.
- d. Coordinating access to or arranging for services such as home care and other community based services, housing, employment, vocational training, or health care.
- e. Assisting in gathering information about previous mental health interventions, hospitalizations, emergency interventions and other forms of treatment, for review by the licensed professional.
- f. Reporting observations about the behavior, action and responses to treatment as part of a multi-disciplinary team.

**\* 11. You must choose one of the following and click "next" to continue the survey:**

- ☐ "Diagnosis" is not provided in this program (skip to next question)
- ☐ "Diagnosis" is provided in this program (please complete the following questions)

## 5. Diagnosis staff

**12. Please indicate the NUMBER of individuals licensed under the Education Law in this program who provide "diagnosis," no matter how often. If an individual is licensed in more than one profession, you should only report this person once:**

|                                              |                      |
|----------------------------------------------|----------------------|
| Physician                                    | <input type="text"/> |
| Physician Assistant                          | <input type="text"/> |
| Licensed Master Social Worker                | <input type="text"/> |
| Licensed Clinical Social Worker              | <input type="text"/> |
| Psychologist                                 | <input type="text"/> |
| Intern, resident, student, limited permittee | <input type="text"/> |
| Nurse Practitioner                           | <input type="text"/> |
| Creative Arts Therapist                      | <input type="text"/> |
| Marriage and Family Therapist                | <input type="text"/> |
| Mental Health Counselor                      | <input type="text"/> |
| Licensed Psychoanalyst                       | <input type="text"/> |
| Other licensed professional                  | <input type="text"/> |

## SWMHP Survey

**13. Please indicate the NUMBER of employees in each title in this program, who are not licensed under the Education Law and who provide “diagnosis” no matter how often. If an individual is credentialed in more than one title, you should only list this person once:**

|                                                                          |                      |
|--------------------------------------------------------------------------|----------------------|
| Psychologist employed by a government entity                             | <input type="text"/> |
| CASAC or CASAC-T                                                         | <input type="text"/> |
| Social worker (not licensed)                                             | <input type="text"/> |
| Certified Rehabilitation Counselor                                       | <input type="text"/> |
| NBCC Counselor                                                           | <input type="text"/> |
| Care Coordinator                                                         | <input type="text"/> |
| Vocational Counselor                                                     | <input type="text"/> |
| Case Manager                                                             | <input type="text"/> |
| Prevention Counselor                                                     | <input type="text"/> |
| Applied Behavioral Sciences Specialist and/or Applied Behavioral Analyst | <input type="text"/> |
| Youth Counselor                                                          | <input type="text"/> |
| Correction Counselor                                                     | <input type="text"/> |
| Rehabilitation Therapist                                                 | <input type="text"/> |
| Recreation Therapist                                                     | <input type="text"/> |
| Counselor or Residential Program Aide                                    | <input type="text"/> |
| Mental Health Therapy Aide or Assistant                                  | <input type="text"/> |
| Case Worker                                                              | <input type="text"/> |
| Service Coordinator                                                      | <input type="text"/> |
| Correction Officer                                                       | <input type="text"/> |
| Correction Sergeant                                                      | <input type="text"/> |
| Correction Captain                                                       | <input type="text"/> |
| ASAT Program Assistant                                                   | <input type="text"/> |
| Correction Counselor (ASAT)                                              | <input type="text"/> |
| Supervising Correction Counselor (ASAT)                                  | <input type="text"/> |
| Supervising Correction Counselor                                         | <input type="text"/> |
| ASAT Program Assistant (CASAC/T)                                         | <input type="text"/> |
| Social Work Case Manager                                                 | <input type="text"/> |
| Social Work Case Worker                                                  | <input type="text"/> |

## SWMHP Survey

**14. If there are employees in other occupational titles who are not listed above, please indicate the title(s) and number of individuals in each title, who provide "diagnosis." Please very briefly describe the nature of these services and the population being served.**

|                    |                      |
|--------------------|----------------------|
| Title:             | <input type="text"/> |
| Number:            | <input type="text"/> |
| Services provided: | <input type="text"/> |
| Title:             | <input type="text"/> |
| Number:            | <input type="text"/> |
| Services provided: | <input type="text"/> |

**15. Please indicate the number of individuals who are NOT employees in this program (e.g., contractors, volunteers, etc.), who are NOT licensed under the Education Law and who provide "diagnosis" in this program, no matter how often:**

|                          |                      |
|--------------------------|----------------------|
| Title:                   | <input type="text"/> |
| Number:                  | <input type="text"/> |
| Relationship to program: | <input type="text"/> |
| Services provided:       | <input type="text"/> |
| Title:                   | <input type="text"/> |
| Number:                  | <input type="text"/> |
| Relationship to program: | <input type="text"/> |
| Services provided:       | <input type="text"/> |

**16. Please provide any other comments about this service below:**

|                      |   |
|----------------------|---|
| <input type="text"/> | 5 |
| <input type="text"/> | 6 |

## 6. Assessmentbased treatment planning

Assessment-based treatment planning is described as the development of an integrated plan of prioritized interventions, that is based on the diagnosis and psychosocial assessment of the consumer, to address mental, emotional, behavioral, developmental and addictive disorders, impairments and disabilities, reactions to illnesses, injuries, disabilities and impairments, and social problems. Assessment-based treatment planning is used to determine when professional services should be initiated, altered, reduced or eliminated.

Examples of "assessment-based treatment planning" and related professional practice include, but are not limited to:

- a. Using professional knowledge and judgment to establish or approve recommended treatment goals with the consumer that reflect long- and short-term objectives for the purpose of improving mental health.
- b. Ongoing re-assessment and revision of a treatment plan related to a consumer's progress toward achieving treatment goals based on information obtained from the consumer, from psychosocial tests and measures, from appropriately trained staff, and from collateral sources.
- c. Conducting family or other corollary group meetings, alone or with the assistance of staff, to assess and integrate family interactions with the consumer into a long-term mental health treatment plan. This meeting is part of the treatment planning process, rather than family meetings concerning daily activities.
- d. Determining the appropriate psychotherapy and mental health services to be provided to a consumer.

Related activities which are generally NOT considered "assessment-based treatment planning," include, but are not limited to:

- a. Conducting an intake or needs assessment that attempts to identify the consumer's understanding and perception of the situation, problem(s) and needs, gather information related to such things as the person's living situation, functioning, health, nutrition and informal supports, determine eligibility and appropriateness for services from an agency, filling out standard forms and giving routine instructions.
- b. Collecting data, gathering information and providing input or opinion to enable the licensed professional to determine the consumer's progress in meeting the treatment goals and modify such goals to reflect changes in the consumer's condition.
- c. Identifying gaps in necessary services and advocating for consumers with public and private providers and government entities to provide access to services.
- d. Reviewing existing case records for available information to assist in gathering background information which may be used by the licensed professional or multi-disciplinary team to provide appropriate services.
- e. Providing information, assistance, referrals and support, consistent with applicable laws and policies, to the extent the individual is qualified by training and education.
- f. Providing case management services to individuals, including but not limited to, developing and implementing a plan to access services including transportation, employment, and housing, and scheduling appointments for the consumer.

### \* 17. You must choose one of the following and click "next" to continue the survey:

- ☐ "Assessment-based treatment planning" is not provided in this program (skip to next question)
- ☐ "Assessment-based treatment planning" is provided in this program (please complete the following questions)

## 7. Assessmentbased treatment planning staff

**18. Please indicate the NUMBER of individuals licensed under the Education Law in this program who provide "assessment-based treatment planning," no matter how often. If an individual is licensed in more than one profession you should only report this person once:**

|                                             |                      |
|---------------------------------------------|----------------------|
| Physician                                   | <input type="text"/> |
| Physician Assistant                         | <input type="text"/> |
| Licensed Master Social Worker               | <input type="text"/> |
| Licensed Clinical Social Worker             | <input type="text"/> |
| Psychologist                                | <input type="text"/> |
| Intern, resident student, limited permittee | <input type="text"/> |
| Nurse Practitioner                          | <input type="text"/> |
| Creative Arts Therapist                     | <input type="text"/> |
| Marriage & Family Therapist                 | <input type="text"/> |
| Mental Health Counselor                     | <input type="text"/> |
| Psychoanalyst                               | <input type="text"/> |
| Other licensed professional                 | <input type="text"/> |

## SWMHP Survey

**19. Please indicate the NUMBER of employees in each title in this program, who are not licensed, under the Education Law and who provide “assessment-based treatment planning,” no matter how often. If an individual is credentialed in more than one title, you should only report that person once:**

|                                                                          |                      |
|--------------------------------------------------------------------------|----------------------|
| Psychologist employed by a government entity                             | <input type="text"/> |
| CASAC or CASAC-T                                                         | <input type="text"/> |
| Social worker (not licensed)                                             | <input type="text"/> |
| Certified Rehabilitation Counselor                                       | <input type="text"/> |
| NBCC Counselor                                                           | <input type="text"/> |
| Care Coordinator                                                         | <input type="text"/> |
| Vocational Counselor                                                     | <input type="text"/> |
| Case Manager                                                             | <input type="text"/> |
| Prevention Counselor                                                     | <input type="text"/> |
| Applied Behavioral Sciences Specialist and/or Applied Behavioral Analyst | <input type="text"/> |
| Youth Counselor                                                          | <input type="text"/> |
| Correction Counselor                                                     | <input type="text"/> |
| Rehabilitation Therapist                                                 | <input type="text"/> |
| Recreation Therapist                                                     | <input type="text"/> |
| Counselor or Residential Program Aide                                    | <input type="text"/> |
| Mental Health Therapy Aide or Assistant                                  | <input type="text"/> |
| Case Worker                                                              | <input type="text"/> |
| Service Coordinator                                                      | <input type="text"/> |
| Correction Officer                                                       | <input type="text"/> |
| Correction Sergeant                                                      | <input type="text"/> |
| Correction Captain                                                       | <input type="text"/> |
| ASAT Program Assistant                                                   | <input type="text"/> |
| Correction Counselor (ASAT)                                              | <input type="text"/> |
| Supervising Correction Counselor (ASAT)                                  | <input type="text"/> |
| Supervising Correction Counselor                                         | <input type="text"/> |
| ASAT Program Assistant (CASAC/T)                                         | <input type="text"/> |
| Social Work Case Manager                                                 | <input type="text"/> |
| Social Work Case Worker                                                  | <input type="text"/> |

## SWMHP Survey

**20. If there are employees in other occupational titles who are not licensed and are listed not above, please indicate the title(s) and number of individuals in each title, who provide "assessment-based treatment planning." Please very briefly describe the nature of these services and the population being served.**

|                    |                      |
|--------------------|----------------------|
| Title:             | <input type="text"/> |
| Number:            | <input type="text"/> |
| Services provided: | <input type="text"/> |
| Title:             | <input type="text"/> |
| Number:            | <input type="text"/> |
| Services provided: | <input type="text"/> |

**21. Please indicate the number of individuals who are NOT employees in this program (e.g., contractors, volunteers, etc.), who are NOT licensed under the Education Law and who provide "assessment-based treatment planning" in this program, no matter how often:**

|                          |                      |
|--------------------------|----------------------|
| Title:                   | <input type="text"/> |
| Number:                  | <input type="text"/> |
| Relationship to program: | <input type="text"/> |
| Services provided:       | <input type="text"/> |
| Title:                   | <input type="text"/> |
| Number:                  | <input type="text"/> |
| Relationship to program: | <input type="text"/> |
| Services provided:       | <input type="text"/> |

**22. Please provide any other comments about this service below:**

|                      |   |
|----------------------|---|
| <input type="text"/> | 5 |
| <input type="text"/> | 6 |

## 8. Psychotherapy

Psychotherapy is defined in section 8401(2) of the Education Law as the treatment of mental, nervous, emotional, behavioral and addictive disorders, and ailments by the use of both verbal and behavioral methods of intervention in interpersonal relationships with the intent of assisting the person's ability to modify attitudes, thinking, affect, and behavior which are intellectually, socially and emotionally maladaptive.

There may be other definitions of psychotherapy in federal (e.g., Medicare) or state (e.g., Insurance) laws and in health insurance policies. This survey is using a definition in the Education Law which describes many theoretically-based, scientific systems of activities that are provided directly by individuals licensed or authorized under the Education Law or under an exemption until July 1, 2013.

Examples of "psychotherapy" and related professional practice include, but are not limited to:

- a. Providing individual, family or group therapy based on a professional assessment and as part of a behavioral health treatment plan developed by the individual licensed under Education Law.
- b. Planning, approving and/or overseeing the development or modification of a reward-based behavior modification treatment plan to reinforce positive behaviors (e.g., abstinence) or discourage negative behaviors (e.g., substance abuse). The licensed professional is responsible for determining the type and amount of psychotherapy that is needed, but may seek and consider information from direct care staff.
- c. Providing direct treatment to the consumer (alone or in group therapy) based on various psychotherapy models (e.g., Cognitive-Behavioral Therapy or psychoanalysis).
- d. Conducting and leading art or music therapy group sessions to assess and/or treat the consumer's mental health needs. Licensee can use appropriately trained staff to provide support for these activities, such as assisting consumers with movements or playing an instrument.
- e. Utilizing directive techniques to educate the consumer so that he/she can (1) learn and understand their symptoms and the purpose and goals of the treatment of their mental illness or other conditions and (2) develop/strengthen coping skills and personal strengths to more fully engage in treatment and life activities.

Related activities which are generally NOT considered "psychotherapy" include, but are not limited to:

- a. Assisting the consumer in the completion of forms or documents and collecting records and information for use by the licensed professional.
- b. Collecting information about consumer behavior and providing such information to the licensed professional.
- c. Providing rewards to consumers with points for positive activities, based on a token-based reward systems developed by an individual licensed under the Education Law.
- d. Leading peer support groups to provide group members with an opportunity to share information and experiences as a means to provide mutual support among members.
- e. Assisting consumers in arts and crafts, music, recreation or other activities to provide social and extracurricular activities that increase social interactions with others for socialization or recreational purposes.
- f. Discussing with the individual his/her situation, needs, concerns, and thoughts in order to help identify services that support the person's independence and quality of life.

## SWMHP Survey

**\* 23. You must choose one of the following and click "next" to continue the survey:**

- ☐ "Psychotherapy" is not provided in this program (skip to next question)
- ☐ "Psychotherapy" is provided in this program (please complete the following questions)

## 9. Psychotherapy Staff

**24. Please indicate the NUMBER of individuals licensed under the Education Law in this program who provide "psychotherapy," no matter how often. If an individual is licensed in more than one profession, you should only report this person once:**

|                                             |                      |
|---------------------------------------------|----------------------|
| Physician                                   | <input type="text"/> |
| Physician Assistant                         | <input type="text"/> |
| Licensed Master Social Worker               | <input type="text"/> |
| Licensed Clinical Social Worker             | <input type="text"/> |
| Psychologist                                | <input type="text"/> |
| Intern, resident student, limited permittee | <input type="text"/> |
| Nurse Practitioner                          | <input type="text"/> |
| Creative Arts Therapist                     | <input type="text"/> |
| Marriage & Family Therapist                 | <input type="text"/> |
| Mental Health Counselor                     | <input type="text"/> |
| Psychoanalyst                               | <input type="text"/> |
| Other licensed professional                 | <input type="text"/> |

## SWMHP Survey

**25. Please indicate the NUMBER of employees in each title in this program, who are not licensed, under the Education Law and who provide "psychotherapy," no matter how often. If an individual is credentialed in more than one title, you should only report this person once:**

|                                                                          |                      |
|--------------------------------------------------------------------------|----------------------|
| Psychologist employed by a government entity                             | <input type="text"/> |
| CASAC or CASAC-T                                                         | <input type="text"/> |
| Social worker (not licensed)                                             | <input type="text"/> |
| Certified Rehabilitation Counselor                                       | <input type="text"/> |
| NBCC Counselor                                                           | <input type="text"/> |
| Care Coordinator                                                         | <input type="text"/> |
| Vocational Counselor                                                     | <input type="text"/> |
| Case Manager                                                             | <input type="text"/> |
| Prevention Counselor                                                     | <input type="text"/> |
| Applied Behavioral Sciences Specialist and/or Applied Behavioral Analyst | <input type="text"/> |
| Youth Counselor                                                          | <input type="text"/> |
| Correction Counselor                                                     | <input type="text"/> |
| Rehabilitation Therapist                                                 | <input type="text"/> |
| Recreation Therapist                                                     | <input type="text"/> |
| Counselor or Residential Program Aide                                    | <input type="text"/> |
| Mental Health Therapy Aide or Assistant                                  | <input type="text"/> |
| Case Worker                                                              | <input type="text"/> |
| Service Coordinator                                                      | <input type="text"/> |
| Correction Officer                                                       | <input type="text"/> |
| Correction Sergeant                                                      | <input type="text"/> |
| Correction Captain                                                       | <input type="text"/> |
| ASAT Program Assistant                                                   | <input type="text"/> |
| Social Work Case Manager                                                 | <input type="text"/> |
| Social Work Case Worker                                                  | <input type="text"/> |

**26. If there are employees in other occupational titles who are not licensed and are not listed above, please indicate the title(s) and number of individuals in each title, who provide "psychotherapy." Please very briefly describe the nature of these services and the population being served.**

|                    |                      |
|--------------------|----------------------|
| Title:             | <input type="text"/> |
| Number:            | <input type="text"/> |
| Services provided: | <input type="text"/> |
| Title:             | <input type="text"/> |
| Number:            | <input type="text"/> |
| Services provided: | <input type="text"/> |

## SWMHP Survey

**27. Please indicate the number of individuals who are NOT employees in this program (e.g., contractors, volunteers, etc.), who are NOT licensed under the Education Law and who provide "psychotherapy" in this program, no matter how often:**

|                          |                      |
|--------------------------|----------------------|
| Title:                   | <input type="text"/> |
| Number:                  | <input type="text"/> |
| Relationship to program: | <input type="text"/> |
| Services provided:       | <input type="text"/> |
| Title:                   | <input type="text"/> |
| Number:                  | <input type="text"/> |
| Relationship to program: | <input type="text"/> |
| Services provided:       | <input type="text"/> |

**28. Please provide any other comments about this service below:**

|                      |   |
|----------------------|---|
| <input type="text"/> | 5 |
| <input type="text"/> | 6 |

## 10. Treatment other than psychotherapy

Treatment is a broad term that can be used to describe certain restricted activities performed by professionally licensed individuals, as well as non-restricted activities performed by those who are not licensed. It is difficult to define the term in such a way as to clearly draw a distinction between restricted and non-restricted activities. For purposes of this survey, professional treatment refers to activities and services that are based on the exercise of professional judgment in the provision of mental or behavioral health services and are within the scopes of practice of psychology, social work, mental health counseling, creative arts therapy, marriage and family therapy, and psychoanalysis. Examples of treatment are provided below.

Counseling is included in the scopes of practice of several professions and the term, when used in a professional context, is often used interchangeably with “psychotherapy” and “treatment”. Please note, however, that there are activities described as “counseling” (e.g., career counseling) that do not fall within the restricted scopes of practice of mental health professionals. There are also specific permanent exemptions in the Education Law for credentialed attorneys, rape crisis counselors, credentialed alcoholism and substance abuse counselors and for clergy members providing pastoral counseling when acting within their respective authorities (Education Law section 8410[2] and [4]). Additionally, Education Law section 8410(5) states that licensure is not required to provide instruction, advice, support, encouragement, or information to individuals, families, and relational groups.

Examples of “treatment other than psychotherapy” and related professional practice include, but are not limited to:

- a. Developing a behavioral health plan based on an assessment/evaluation of a person’s psychological, social and developmental functions, of supports and services to address addictive or behavioral disorders and conditions leading to purposeful behavioral change.
- b. Using psychological interventions to modify behavior for the purpose of preventing or eliminating symptomatic, maladaptive, or undesired behavior; to enhance interpersonal relationships, personal, group or organizational effectiveness, or work and/or life adjustment; or to improve behavioral or mental health.
- c. Assessing the consumer’s disability when developing a treatment plan based on that assessment and evaluation using the DSM, that may include counseling, job training and access to technology and services, that assists the patient in achieving maximum participation in work and social activities.
- d. Providing individual, couple, family, relational and group therapy by following a behavioral health treatment plan that is based on an assessment/evaluation, implementing change in the overall, long-term mental well-being of individuals, couple, families and those in other relationships, considering the nature and roles of individuals in relation to others, particularly in the family system.
- e. Using creative arts (e.g., dance, art, music) to care for the consumer who are assessed and evaluated using the DSM or similar classification systems and are following a treatment plan that by design seeks to increase awareness of self and others, cope with the symptoms of stress, illness and trauma, and enhance cognitive abilities through the creation of and reflection on art and the artistic process to improve self-esteem, develop more effective communications skills and relationships, gain insight into patterns of behavior, and create new options for coping with problems.
- f. Providing professional clinical interventions or professional counseling services to change or improve a consumer’s behavioral health related to addictions, such as alcohol or substance abuse; compliance with treatment programs for physical illnesses, such as cardiac rehabilitation regimens.
- g. Providing recommendations for mental and physical rehabilitation activities based on neuropsychological testing related to traumatic brain injury, disturbances of memory, thought, and attention, and/or sensorimotor functioning.
- h. Establishing and conducting behavior modification groups with the intent of changing the harmful behavior of persons.

## SWMHP Survey

Related activities which are generally NOT considered "treatment other than psychotherapy" include, but are not limited to:

- a. Participating as a member of a multi-disciplinary team which is responsible for providing/monitoring treatment in accord with the treatment plan and providing verbal or written reports to the multi-disciplinary treatment team. Providing guidance, support, re-assurance or instruction to consumers.
- b. Providing advice, information and assistance to individuals and family members to identify needs and available resources in the community to meet the needs of the individual or a family member.
- c. Engaging in immediate and long-term problem solving, engaging in the development of social skills, or giving practical help in areas such as, but not limited to, housing, employment, child care, parenting, community based services and finances.
- d. Leading or coaching self-management support groups (such as in the Chronic Disease Self-Management Program) or other support groups that are part of other non-mental health treatment group programs.
- e. Offering education programs that provide information about disease identification and recommended treatments that may be provided by licensed health care professionals.
- f. Providing information about self-help services and access to community resources to assist the person receiving services in meeting goals for education, employment, mental health status, community living or other conditions.
- g. Providing concrete services, directly or through a third-party, such as child care, transportation, home care, home delivered meals and shopping and food preparation.
- h. Advocating with educational, judicial or other systems to ensure protection of the individual's rights and access to appropriate services.
- i. Implementing a care plan designed to address problems, needs and desires.
- j. Using de-escalation techniques to respond appropriately to dangerous or threatening behaviors and intervening as authorized to ensure the immediate safety of the patient and others.

**\* 29. You must choose one of the following and click "next" to continue the survey:**

- ☐ "Treatment other than psychotherapy" is not provided in this program (skip to next question)
- ☐ "Treatment other than psychotherapy" is provided in this program (please complete the following questions)

## 11. Treatment other than psychotherapy staff

**30. Please indicate the NUMBER of individuals licensed under the Education Law in this program who provide "treatment other than psychotherapy," no matter how often. If an individual is licensed in more than one profession, you should only report this person once:**

|                                             |                      |
|---------------------------------------------|----------------------|
| Physician                                   | <input type="text"/> |
| Physician Assistant                         | <input type="text"/> |
| Licensed Master Social Worker               | <input type="text"/> |
| Licensed Clinical Social Worker             | <input type="text"/> |
| Psychologist                                | <input type="text"/> |
| Intern, resident student, limited permittee | <input type="text"/> |
| Nurse Practitioner                          | <input type="text"/> |
| Creative Arts Therapist                     | <input type="text"/> |
| Marriage & Family Therapist                 | <input type="text"/> |
| Mental Health Counselor                     | <input type="text"/> |
| Psychoanalyst                               | <input type="text"/> |
| Other licensed professional                 | <input type="text"/> |

## SWMHP Survey

**31. Please indicate the NUMBER of employees in each title in this program, who are not licensed, under the Education Law and who provide “treatment other than psychotherapy,” no matter how often. If an individual is credentialed in more than one title, you should only report this person once:**

Psychologist employed by a government entity

CASAC or CASAC-T

Social worker (not licensed)

Certified Rehabilitation Counselor

NBCC Counselor

Care Coordinator

Vocational Counselor

Case Manager

Prevention Counselor

Applied Behavioral Sciences Specialist and/or Applied Behavioral Analyst

Youth Counselor

Correction Counselor

Rehabilitation Therapist

Recreation Therapist

Counselor or Residential Program Aide

Mental Health Therapy Aide or Assistant

Case Worker

Service Coordinator

Correction Officer

Correction Sergeant

Correction Captain

ASAT Program Assistant

Correction Counselor (ASAT)

Supervising Correction Counselor (ASAT)

Supervising Correction Counselor

ASAT Program Assistant (CASAC/T)

Social Work Case Manager

Social Work Case Worker

## SWMHP Survey

**32. If there are employees in other occupational titles who are not licensed and are not listed above, please indicate the title(s) and number of individuals in each title, who provide "treatment other than psychotherapy." Please very briefly describe the nature of these services and the population being served.**

|                    |                      |
|--------------------|----------------------|
| Title:             | <input type="text"/> |
| Number:            | <input type="text"/> |
| Services provided: | <input type="text"/> |
| Title:             | <input type="text"/> |
| Number:            | <input type="text"/> |
| Services provided: | <input type="text"/> |

**33. Please indicate the number of individuals who are NOT employees in this program (e.g., contractors, volunteers, etc.), who are NOT licensed under the Education Law and who provide "treatment other than psychotherapy" in this program, no matter how often:**

|                          |                      |
|--------------------------|----------------------|
| Title:                   | <input type="text"/> |
| Number:                  | <input type="text"/> |
| Relationship to program: | <input type="text"/> |
| Services provided:       | <input type="text"/> |
| Title:                   | <input type="text"/> |
| Number:                  | <input type="text"/> |
| Relationship to program: | <input type="text"/> |
| Services provided:       | <input type="text"/> |

**34. Please provide any other comments about this service below:**

|                      |   |
|----------------------|---|
| <input type="text"/> | 5 |
| <input type="text"/> | 6 |

## 12. Aggregate Staffing Information

### 35. Total number of staff in the program (select one)

☐ 1 to 10

☐ 26 to 50

☐ 101 to 200

☐ 11 to 25

☐ 51 to 100

☐ 201 or more

### 36. Total number of licensed and unlicensed staff that provide any of the five services (assessment/evaluation, diagnosis, assessment-based treatment planning, psychotherapy, and treatment other than psychotherapy) identified in this survey:

### 37. Please provide the total number of staff who are currently unlicensed and who provide any of the five services identified in this survey.

### 38. Of the total number of staff identified in Question 37, please estimate the total number of FTEs (full-time equivalents) providing any of the five services identified in this survey:

Full-time equivalents  
(FTEs)

### 39. Of the total FTEs providing any of the five services identified above, please estimate the total number of FTEs who are currently unlicensed:

Full-time equivalents  
(FTEs)

## SWMHP Survey

**40. For each of the licensed professions listed below, that you have identified as providing any of the five services in this survey, please provide the entry level ANNUAL SALARY for that title:**

|                                             |                      |
|---------------------------------------------|----------------------|
| Physician                                   | <input type="text"/> |
| Physician Assistant                         | <input type="text"/> |
| Licensed Master Social Worker               | <input type="text"/> |
| Licensed Clinical Social Worker             | <input type="text"/> |
| Psychologist                                | <input type="text"/> |
| Intern, resident student, limited permittee | <input type="text"/> |
| Nurse Practitioner                          | <input type="text"/> |
| Creative Arts Therapist                     | <input type="text"/> |
| Marriage & Family Therapist                 | <input type="text"/> |
| Mental Health Counselor                     | <input type="text"/> |
| Psychoanalyst                               | <input type="text"/> |
| Other licensed professional                 | <input type="text"/> |

# SWMHP Survey

**41. For each of the titles below that you have identified as providing any of the five services in this survey, please provide the entry level ANNUAL SALARY for that title:**

|                                                                          |                      |
|--------------------------------------------------------------------------|----------------------|
| Psychologist employed by a government entity                             | <input type="text"/> |
| CASAC or CASAC-T                                                         | <input type="text"/> |
| Social worker (not licensed)                                             | <input type="text"/> |
| Certified Rehabilitation Counselor                                       | <input type="text"/> |
| NBCC Counselor                                                           | <input type="text"/> |
| Care Coordinator                                                         | <input type="text"/> |
| Vocational Counselor                                                     | <input type="text"/> |
| Case Manager                                                             | <input type="text"/> |
| Prevention Counselor                                                     | <input type="text"/> |
| Applied Behavioral Sciences Specialist and/or Applied Behavioral Analyst | <input type="text"/> |
| Youth Counselor                                                          | <input type="text"/> |
| Correction Counselor                                                     | <input type="text"/> |
| Rehabilitation Therapist                                                 | <input type="text"/> |
| Recreation Therapist                                                     | <input type="text"/> |
| Counselor or Residential Program Aide                                    | <input type="text"/> |
| Mental Health Therapy Aide or Assistant                                  | <input type="text"/> |
| Case Worker                                                              | <input type="text"/> |
| Service Coordinator                                                      | <input type="text"/> |
| Correction Officer                                                       | <input type="text"/> |
| Correction Sergeant                                                      | <input type="text"/> |
| Correction Captain                                                       | <input type="text"/> |
| ASAT Program Assistant                                                   | <input type="text"/> |
| Correction Counselor (ASAT)                                              | <input type="text"/> |
| Supervising Correction Counselor (ASAT)                                  | <input type="text"/> |
| Supervising Correction Counselor                                         | <input type="text"/> |
| ASAT Program Assistant (CASAC/T)                                         | <input type="text"/> |
| Social Work Case Manager                                                 | <input type="text"/> |
| Social Work Case Worker                                                  | <input type="text"/> |
| Other:                                                                   | <input type="text"/> |
| Other:                                                                   | <input type="text"/> |
| Other:                                                                   | <input type="text"/> |
| Other:                                                                   | <input type="text"/> |
| Other:                                                                   | <input type="text"/> |

## 13. Conclusion

**42. We welcome any additional comments or information that you may wish to provide that may be helpful in determining the impact of the licensure laws.**



**43. Thank you for completing this survey. We value your input.**

**Please provide your name and contact information, in case we need to contact you with any questions or follow-up.**

**All information collected by this survey will be aggregated and no individual respondent or program will be identified and the information collected for this survey will not be used for any other purpose.**

**If you want to submit any questions or job titles/descriptions, please email those to [SWMHPSurvey@mail.nysed.gov](mailto:SWMHPSurvey@mail.nysed.gov).**

Name of person completing   
survey:  
Title of person completing   
survey:  
Email address: