

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

Appendix D
Survey for Public Comments
On Agency Proposals

Exemption Survey

The following section will provide the Department with important information about individuals and organizations who submit comments on the plans proposed by the exempt agencies.

1. Please provide your name and contact information so that we can reach you with any questions.

Name (optional):

Company (if applicable):

Email Address:

2. Please use the drop down menu to indicate the New York county in which you reside. If you do not reside in New York, please select "Outside of New York".

3. Please indicate if you are licensed under Title VIII of the Education Law in any of the following professions

- | | |
|--|---|
| ☐ Licensed Master Social Worker | ☐ Physician |
| ☐ Licensed Clinical Social Worker | ☐ Physician Assistant/Specialist Assistant |
| ☐ Licensed Mental Health Counselor | ☐ Registered Professional Nurse |
| ☐ Licensed Creative Arts Therapist | ☐ Nurse Practitioner |
| ☐ Licensed Marriage and Family Therapist | ☐ Other Title VIII profession |
| ☐ Licensed Psychoanalyst | ☐ Not licensed in any Title VIII profession |
| ☐ Psychologist | |

4. Please select the option(s) below that best describe you.

- | | |
|---|---|
| ☐ Consumer or Parent/Guardian of Consumer | ☐ Member of the public |
| ☐ Licensed Professional | ☐ Provider agency |
| ☐ Student/permit holder in licensed profession | ☐ Professional association |
| ☐ Unlicensed individual providing mental health services | |

Other (please specify)

Exemption Survey

***5. Are you submitting comments on the proposals as the representative of an agency (public or private), professional association, provider association, education program, or other organization?**

- ☐ No, I am responding as an individual (you will be directed to the survey)
- ☐ Yes, I am responding on behalf of an organization (you will be asked to provide more information about your program or association)

Exemption Survey

***6. You indicated in Question 5 that you are submitting comments as the representative of an agency, association or other group. Please provide the name of the agency, association or other group below. (If necessary, you can change your answer to Question 5 and you will be directed to the survey).**

If you are responding on behalf of an agency/program that provides professional services, please indicate below what relationship, if any, exists between your agency/program and the exempt State agencies. The following questions are for programs that have a relationship with one or more of the exempt State agencies.

7. Department of Health (DOH)

- ☐ Operated ☐ Regulated ☐ Funded ☐ Approved ☐ Not applicable

8. Office of Alcoholism & Substance Abuse Services (OASAS)

- ☐ Operated ☐ Regulated ☐ Funded ☐ Approved ☐ Not applicable

9. Office of Children and Family Services (OCFS)

- ☐ Operated ☐ Regulated ☐ Funded ☐ Approved ☐ Not applicable

10. Office of Mental Health (OMH)

- ☐ Operated ☐ Regulated ☐ Funded ☐ Approved ☐ Not applicable

11. Office for People with Developmental Disabilities (OPWDD)

- ☐ Operated ☐ Regulated ☐ Funded ☐ Approved ☐ Not applicable

12. State Office for the Aging (SOFA)

- ☐ Operated ☐ Regulated ☐ Funded ☐ Approved ☐ Not applicable

13. Department of Corrections and Community Supervision (DOCCS)

- ☐ Operated ☐ Regulated ☐ Funded ☐ Approved ☐ Not applicable

Exemption Survey

Please indicate your agreement or disagreement with the following statements about professional licensing and access to qualified practitioners.

14. The licensing laws should not exempt from licensure individuals who provide services that are paid for by the public (e.g., Medicaid) while requiring licensure for individuals who provide services to private-pay consumers.

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

15. When choosing a health or mental health care provider, my primary concern is whether the individual understands my culture and background in order to provide appropriate services

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

16. This survey asks for your comments on proposals from seven State agencies. You are encouraged to review and respond to as many or as few agency proposals as you wish. You can move forward and backward in the survey by choosing an agency from the list and then clicking "next" at the bottom of the page.

These options are presented at the end of each agency's recommendation(s). You may select "complete the survey" and click on "next" at any time to end the survey.

- ☐ Office of Alcoholism and Substance Abuse Services (OASAS) 4 proposals
- ☐ Office of Children and Family Services (OCFS) 3 proposals
- ☐ Office of Mental Health (OMH) 2 proposals
- ☐ Office for People with Developmental Disabilities (OPWDD) 5 proposals
- ☐ State Office for the Aging (SOFA) 2 proposals
- ☐ Department of Corrections and Community Supervision (DOCCS) 3 proposals
- ☐ Department of Health (DOH) 1 proposal
- ☐ Complete the survey and provide any additional comments

Exemption Survey

While Credentialed Alcoholism & Substance Abuse Counselors (CASAC) and CASAC Trainees are permanently exempt from the restrictions placed on unlicensed direct care staff, Chapters 130 and 132 of the Laws of 2010 may inadvertently “choke off” the pipeline of entry level counselors who are preparing to become CASACs.

To ensure that entry level counselors who pursue a CASAC in New York State will have the ability to earn qualifying work experience as counselors, it will be necessary for OASAS to obtain an expanded exemption. Such an exemption should require sufficient oversight and supervision of services provided by entry level counselors while ensuring that they have “hands on” practical training in the core counseling performance domains.

17. Do you agree with the Agency's recommendation?

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

18. The Agency's recommendation is necessary to protect the public

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

19. The Agency's recommendation adequately protects the public

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

20. It is important to implement the Agency's recommendation

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

21. The Agency's recommendation is an affordable approach to providing care

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

22. The Agency's recommendation balances licensure to protect the public with controlling the cost of professional services

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

23. The Agency's recommendation will increase the public's access to professional services

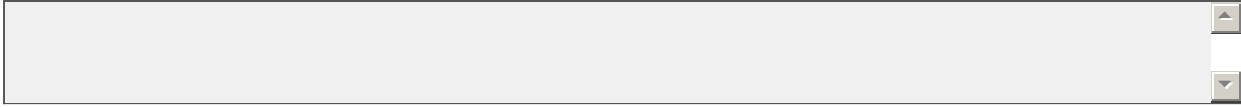
- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

24. What changes would you make in the agency's recommendation?

25. Do you believe that the Agency's recommendation will affect the protection of the public in the delivery of professional services and, if so, how?

Exemption Survey

26. If you have specific concerns about the proposal or if you have your own recommendations, please briefly describe them in the box below.



Exemption Survey

Building on the model developed by the Federal Substance Abuse and Mental Health Services Administration (SAMHSA) in 2010, OASAS will look to promulgate a Scope of Practice framework for substance abuse counselors who work in its service delivery system. The framework currently under development would authorize “permitted activities” for counselors, based on education level achieved, professional credential or license status, and qualifying work experience.

The Scope of Practice framework will be guided by the licensure standards enacted by SED, while incentivizing providers to work with/support unlicensed staff to become credentialed as CASACs or licensed as social workers or mental health practitioners.

27. Do you agree with the Agency's recommendation?

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

28. The Agency's recommendation adequately protects the public

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

29. It is important to implement the Agency's recommendation

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

30. The Agency's recommendation is an affordable approach to providing care

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

31. The Agency's recommendation balances licensure to protect the public with controlling the cost of professional services

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

32. The Agency's recommendation will increase the public's access to professional services

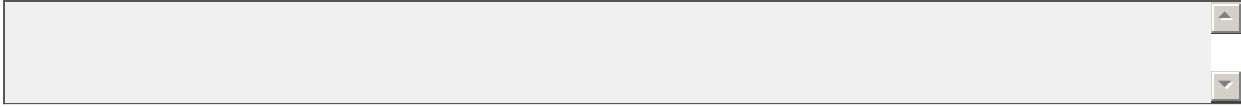
- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

33. What changes would you make in the agency's recommendation?

34. Do you believe that the Agency's recommendation will affect the protection of the public in the delivery of professional services and, if so, how?

Exemption Survey

35. If you have specific concerns about the proposal or if you have your own recommendations, please briefly describe them in the box below.



Exemption Survey

OASAS will continue to work with SED to more clearly define the parameters of the multi-disciplinary team model and how it can serve as the solution for the publicly-funded systems to comply with the State's licensure standards.

By allowing unlicensed personnel to work with and assist in the delivery of services and, where appropriate, recommend treatment options, subject to the direct supervision and sign off by licensed practitioners, the multi-disciplinary team offers a proven, cost effective and viable alternative to the traditional private practice model.

36. Do you agree with the Agency's recommendation?

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

37. The Agency's recommendation adequately protects the public

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

38. It is important to implement the Agency's recommendation

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

39. The Agency's recommendation is an affordable approach to providing care

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

40. The Agency's recommendation balances licensure to protect the public with controlling the cost of professional services

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

41. The Agency's recommendation will increase the public's access to professional services

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

42. What changes would you make in the agency's recommendation?

43. Do you believe that the Agency's recommendation will affect the protection of the public in the delivery of professional services and, if so, how?

44. If you have specific concerns about the proposal or if you have your own recommendations, please briefly describe them in the box below.

Exemption Survey

To minimize disruption in the delivery of chemical dependence and compulsive gambling services and provide greater opportunity for the provider agencies in the OASAS system to transition their current staffing to one that is consistent with the provisions of Chapter 132 of the Laws of 2010, OASAS recommends:

- Expanding the permanent exemption to other OASAS credentialed professionals (e.g., Prevention Professionals, Compulsive Gambling Counselors, etc.)
- Amending the Education Law to allow other unlicensed OASAS "Qualified Health Professionals" to continue serving as part of the OASAS multi-disciplinary team.
- Amending the Education Law for temporary grandparenting into existing professions for qualified individuals who meet specified education, experience or credential requirements

45. Do you agree with the Agency's recommendation?

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

46. The Agency's recommendation adequately protects the public

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

47. It is important to implement the Agency's recommendation

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

48. The Agency's recommendation is an affordable approach to providing care

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

49. The Agency's recommendation balances licensure to protect the public with controlling the cost of professional services

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

50. The Agency's recommendation will increase the public's access to professional services

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

51. What changes would you make in the agency's recommendation?

52. Do you believe that the Agency's recommendation will affect the protection of the public in the delivery of professional services and, if so, how?

Exemption Survey

53. If you have specific concerns about the proposal or if you have your own recommendations, please briefly describe them in the box below.

54. This survey asks for your comments on proposals from seven State agencies. You are encouraged to review and respond to as many or as few agency proposals as you wish. You can move forward and backward in the survey by choosing an agency from the list and then clicking "next" at the bottom of the page. These options are presented at the end of each agency's recommendation(s). You may select "complete the survey" and click on "next" at any time to end the survey.

- ☐ Office of Children and Family Services (OCFS) 3 proposals
- ☐ Office of Mental Health (OMH) 2 proposals
- ☐ Office for People with Developmental Disabilities (OPWDD) 5 proposals
- ☐ State Office for the Aging (SOFA) 2 proposals
- ☐ Department of Corrections and Community Supervision (DOCCS) 3 proposals
- ☐ Department of Health (DOH) 1 proposal
- ☐ Complete the survey and provide any additional comments

Exemption Survey

Provide a permanent exemption for state operated or regulated programs as the regulatory oversight structure provides safeguards for consumers. The exemption for programs that are merely funded by one of the exempted agencies would be discontinued. Regulated residential programs (voluntary agencies) for children, for example, are a large portion of those providers who benefit from the current OCFS exemption.

It is unproven that licensure of voluntary agency staff would enhance the quality of services. As part of OCFS oversight of these programs, OCFS conducts case reviews, makes quarterly monitoring visits and investigates any allegations of child abuse and maltreatment. The focus should be shifted to the practitioners who were the reason for the 2002 enactment of licensing requirements. The legislation was meant for private practitioners who were unregulated and unsupervised and for whom licensing is desirable in order to bill insurance/Medicaid for services. An unintended consequence of the 2002 legislation was that it also impacted on government agencies and regulated not-for-profits.

55. Do you agree with the Agency's recommendation?

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

56. The Agency's recommendation adequately protects the public

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

57. It is important to implement the Agency's recommendation

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

58. The Agency's recommendation is an affordable approach to providing care

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

59. The Agency's recommendation balances licensure to protect the public with controlling the cost of professional services

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

60. The Agency's recommendation will increase the public's access to professional services

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

61. What changes would you make in the agency's recommendation?

62. Do you believe that the Agency's recommendation will affect the protection of the public in the delivery of professional services and, if so, how?

Exemption Survey

63. If you have specific concerns about the proposal or if you have your own recommendations, please briefly describe them in the box below.



Exemption Survey

Provide more clarity in statute/regulation on activities that are and are not within the restricted scopes of practice.

Based on the survey results, many people appeared to misunderstand the restricted practice of assessment and evaluation. More OCFS survey responders indicated that they provided assessment and evaluation than any of the other five activities and more of these responders said that they were unlicensed than said they were licensed.

64. Do you agree with the Agency's recommendation?

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

65. The Agency's recommendation adequately protects the public

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

66. It is important to implement the Agency's recommendation

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

67. The Agency's recommendation is an affordable approach to providing care

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

68. The Agency's recommendation balances licensure to protect the public with controlling the cost of professional services

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

69. The Agency's recommendation will increase the public's access to professional services

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

70. What changes would you make in the agency's recommendation?

71. Do you believe that the Agency's recommendation will affect the protection of the public in the delivery of professional services and, if so, how?

72. If you have specific concerns about the proposal or if you have your own recommendations, please briefly describe them in the box below.

Exemption Survey

Provide more clarity in statute/regulation on the differences between activities that may be performed by a Licensed Master Social Worker (LMSW) and those that are permissible only for a Licensed Clinical Social Worker (LCSW).

73. Do you agree with the Agency's recommendation?

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

74. The Agency's recommendation adequately protects the public

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

75. It is important to implement the Agency's recommendation

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

76. The Agency's recommendation is an affordable approach to providing care

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

77. The Agency's recommendation balances licensure to protect the public with controlling the cost of professional services

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

78. The Agency's recommendation will increase the public's access to professional services

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

79. What changes would you make in the agency's recommendation?

80. Do you believe that the Agency's recommendation will affect the protection of the public in the delivery of professional services and, if so, how?

81. If you have specific concerns about the proposal or if you have your own recommendations, please briefly describe them in the box below.

Exemption Survey

82. This survey asks for your comments on proposals from seven State agencies. You are encouraged to review and respond to as many or as few agency proposals as you wish. You can move forward and backward in the survey by choosing an agency from the list and then clicking "next" at the bottom of the page. These options are presented at the end of each agency's recommendation(s). You may select "complete the survey" and click on "next" at any time to end the survey.

- ☐ Office of Alcoholism and Substance Abuse Services (OASAS) 4 proposals
- ☐ Office of Mental Health (OMH) 2 proposals
- ☐ Office for People with Developmental Disabilities (OPWDD) 5 proposals
- ☐ State Office for the Aging (SOFA) 2 proposals
- ☐ Department of Corrections and Community Supervision (DOCCS) 3 proposals
- ☐ Department of Health (DOH) 1 proposal
- ☐ Complete the survey and provide any additional comments

Exemption Survey

Most importantly, the Legislature should establish a permanent exemption from “scope of practice” restrictions for programs operated, funded, licensed, or regulated by OMH.

All of the State mental hygiene (“O”) agencies agree that the Education Law Title VII regulatory apparatus has many benefits, and where appropriate, as in the recent OMH Part 599 clinic regulation (14 NYCRR Part 599), has been wholeheartedly endorsed. However, OMH and the “O” agencies also have instituted within the public behavioral health system substantial cost-effective public protections, and there is no demonstrated need for additional restrictions on the operation of these programs.

83. Do you agree with the Agency's recommendation?

☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

84. The Agency's recommendation adequately protects the public

☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

85. It is important to implement the Agency's recommendation

☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

86. The Agency's recommendation is an affordable approach to providing care

☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

87. The Agency's recommendation balances licensure to protect the public with controlling the cost of professional services

☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

88. The Agency's recommendation will increase the public's access to professional services

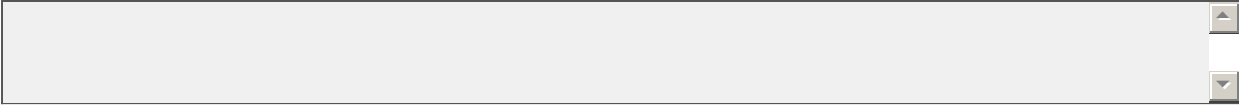
☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

89. What changes would you make in the agency's recommendation?

90. Do you believe that the Agency's recommendation will affect the protection of the public in the delivery of professional services and, if so, how?

Exemption Survey

91. If you have specific concerns about the proposal or if you have your own recommendations, please briefly describe them in the box below.



Exemption Survey

The OMH has sufficient oversight mechanisms and program supervision in the service delivery system that makes conversion of unlicensed staff to licensed staff unnecessary.

Extension of the current exemption from the "scope of practice" provisions will preserve the State statutory scheme for the provision of quality behavioral health services as defined in the State's Mental Hygiene Law, as well as the important oversight role of the "O" agencies within the Department of Mental Hygiene.

92. Do you agree with the Agency's recommendation?

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

93. The Agency's recommendation adequately protects the public

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

94. It is important to implement the Agency's recommendation

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

95. The Agency's recommendation is an affordable approach to providing care

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

96. The Agency's recommendation balances licensure to protect the public with controlling the cost of professional services

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

97. The Agency's recommendation will increase the public's access to professional services

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

98. What changes would you make in the agency's recommendation?

99. Do you believe that the Agency's recommendation will affect the protection of the public in the delivery of professional services and, if so, how?

100. If you have specific concerns about the proposal or if you have your own recommendations, please briefly describe them in the box below.

Exemption Survey

101. This survey asks for your comments on proposals from seven State agencies. You are encouraged to review and respond to as many or as few agency proposals as you wish. You can move forward and backward in the survey by choosing an agency from the list and then clicking "next" at the bottom of the page. These options are presented at the end of each agency's recommendation(s). You may select "complete the survey" and click on "next" at any time to end the survey.

- ☐ Office of Alcoholism and Substance Abuse Services (OASAS) 4 proposals
- ☐ Office of Children and Family Services (OCFS) 3 proposals
- ☐ Office for People with Developmental Disabilities (OPWDD) 5 proposals
- ☐ State Office for the Aging (SOFA) 2 proposals
- ☐ Department of Corrections and Community Supervision (DOCCS) 3 proposals
- ☐ Department of Health (DOH) 1 proposal
- ☐ Complete the survey and provide any additional comments

Exemption Survey

The survey responses collected by the Office of the Professions do not provide specific information regarding the reasons why the MSWs reported in the survey are not licensed under current State Education Law. OPWDD recommends that further examination of the circumstances of the unlicensed MSWs is necessary to determine if individuals are:

1. Covered under the permanent exemption found in Article 154;
2. Working toward licensure during the extension of the time-limited exemption;
3. Employees of OPWDD state-operated programs who meet the Civil Service qualifications at the professional level, but are not required to be licensed for his/her job title under applicable Civil Service standards; and/or
4. Not authorized to provide restricted activities and must obtain a license and/or the requisite supervision or supervised experience in accordance with Education Law; or do not have the necessary education, training or experience to become licensed under current Education Law.

Further study of the above circumstances and receipt of guidance from the Office of the Professions and the Department of Civil Service will be necessary to enable OPWDD to develop and implement a policy that will assure compliance with the professional licensure laws for unlicensed MSWs employed in OPWDD state-operated programs and OPWDD approved, funded and regulated voluntary programs, not later than July 1, 2013.

102. Do you agree with the Agency's recommendation?

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

103. The Agency's recommendation adequately protects the public

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

104. It is important to implement the Agency's recommendation

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

105. The Agency's recommendation is an affordable approach to providing care

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

106. The Agency's recommendation balances licensure to protect the public with controlling the cost of professional services

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

107. The Agency's recommendation will increase the public's access to professional services

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

108. What changes would you make in the agency's recommendation?

Exemption Survey

109. Do you believe that the Agency's recommendation will affect the protection of the public in the delivery of professional services and, if so, how?

110. If you have specific concerns about the proposal or if you have your own recommendations, please briefly describe them in the box below.

Exemption Survey

OPWDD recommends more detailed review of the use of counselor/program aide/assistant and case manager/service coordinator titles in OPWDD state-operated programs and OPWDD approved, funded, regulated voluntary programs to provide services under the protected scope of practice of a LMSW and the performance of restricted activities associated with clinical social work practice.

OPWDD supports the efforts of the Office of the Professions to clarify the protected scopes of practice and clearly identify restricted activities that may not be performed by not-licensed or unauthorized individuals.

OPWDD is prepared to work in collaboration with representatives from the Office of the Professions, the Department of Civil Service and State and voluntary agency Human Resources departments to recommend appropriate realignment of job duties and responsibilities to insure that only individuals licensed or authorized under the law provide these services and perform restricted activities, after July 1, 2013.

111. Do you agree with the Agency's recommendation?

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

112. The Agency's recommendation adequately protects the public

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

113. It is important to implement the Agency's recommendation

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

114. The Agency's recommendation is an affordable approach to providing care

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

115. The Agency's recommendation balances licensure to protect the public with controlling the cost of professional services

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

116. The Agency's recommendation will increase the public's access to professional services

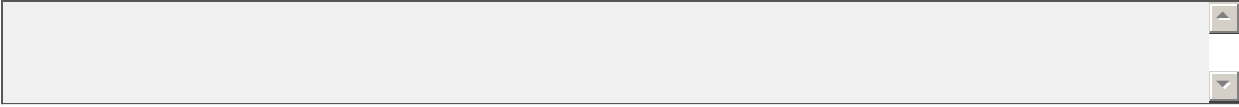
- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

117. What changes would you make in the agency's recommendation?

118. Do you believe that the Agency's recommendation will affect the protection of the public in the delivery of professional services and, if so, how?

Exemption Survey

119. If you have specific concerns about the proposal or if you have your own recommendations, please briefly describe them in the box below.



Exemption Survey

OPWDD recommends that the Office of the Professions support the following recommendations to address this issue in its report to the Legislature:

1. In cases where individuals can demonstrate experience appropriate and acceptable to SED, OPWDD strongly supports consideration of an alternative pathway to licensure that includes substitution of experience for examination and/or other licensure requirements; and

2. If individuals in the occupational titles of counselor/program aide/assistant and case manager/service coordinator are also unlicensed MSWs, OPWDD supports the same consideration of an alternative pathway to licensure as described above.

120. Do you agree with the Agency's recommendation?

☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

121. The Agency's recommendation adequately protects the public

☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

122. It is important to implement the Agency's recommendation

☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

123. The Agency's recommendation is an affordable approach to providing care

☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

124. The Agency's recommendation balances licensure to protect the public with controlling the cost of professional services

☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

125. The Agency's recommendation will increase the public's access to professional services

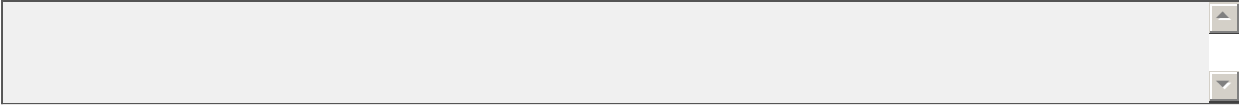
☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

126. What changes would you make in the agency's recommendation?

127. Do you believe that the Agency's recommendation will affect the protection of the public in the delivery of professional services and, if so, how?

Exemption Survey

128. If you have specific concerns about the proposal or if you have your own recommendations, please briefly describe them in the box below.



Exemption Survey

OPWDD recommends that the Office of the Professions support the two permanent solutions to this issue in its report to the Legislature; the first proposal is:

Amendment to the Education Law expanding the current permanent exemption from licensure found in Article 153, psychology, for a psychologist in the employ of a federal, state, county or municipal agency, or other political subdivision, or a chartered elementary or secondary school or degree-granting educational institution insofar as such activities and services are a part of the duties of his salaried position to include OPWDD voluntary not-for-profit agencies;

Note: the second proposal on the next survey page.

129. Do you agree with the Agency's recommendation?

☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

130. The Agency's recommendation adequately protects the public

☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

131. It is important to implement the Agency's recommendation

☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

132. The Agency's recommendation is an affordable approach to providing care

☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

133. The Agency's recommendation balances licensure to protect the public with controlling the cost of professional services

☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

134. The Agency's recommendation will increase the public's access to professional services

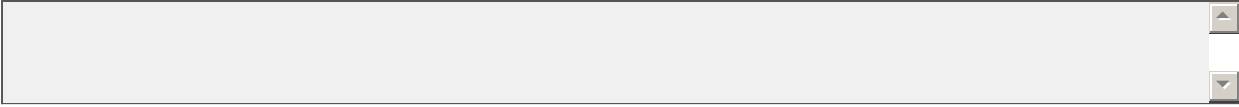
☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

135. What changes would you make in the agency's recommendation?

136. Do you believe that the Agency's recommendation will affect the protection of the public in the delivery of professional services and, if so, how?

Exemption Survey

137. If you have specific concerns about the proposal or if you have your own recommendations, please briefly describe them in the box below.



Exemption Survey

OPWDD recommends that the Office of the Professions support the two permanent solutions to this issue in its report to the Legislature; the second proposal is:

Amendment to the Education Law adding a new Article requiring licensing of behavioral health practitioners. Licensing standards to include having a master's degree in psychology, or having successfully completed at least 60 graduate hours in a program leading to a doctoral degree in psychology; having two years of supervised full-time experience in the delivery of professional behavioral health or psychological services; and passing an examination.

NOTE: the first proposal is on the prior survey page

138. Do you agree with the Agency's recommendation?

☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

139. The Agency's recommendation adequately protects the public

☐ Strongly agree ☐ Agree ☐ No opinion ☐ Disagree ☐ Strongly disagree

140. It is important to implement the Agency's recommendation

☐ Strongly agree ☐ Agree ☐ No opinion ☐ Disagree ☐ Strongly disagree

141. The Agency's recommendation is an affordable approach to providing care

☐ Strongly agree ☐ Agree ☐ No opinion ☐ Disagree ☐ Strongly disagree

142. The Agency's recommendation balances licensure to protect the public with controlling the cost of professional services

☐ Strongly agree ☐ Agree ☐ No opinion ☐ Disagree ☐ Strongly disagree

143. The Agency's recommendation will INCREASE the public's access to professional services

☐ Strongly agree ☐ Agree ☐ No opinion ☐ Disagree ☐ Strongly disagree

144. The Agency's recommendation will DECREASE the public's access to professional services

☐ Strongly agree ☐ Agree ☐ No opinion ☐ Disagree ☐ Strongly disagree

145. What changes would you make in the agency's recommendation?

Exemption Survey

146. Do you believe that the Agency's recommendation will affect the protection of the public in the delivery of professional services and, if so, how?

147. If you have specific concerns about the Agency's proposal or if you have your own recommendations, please briefly describe them in the box below.

148. This survey asks for your comments on proposals from seven State agencies. You are encouraged to review and respond to as many or as few agency proposals as you wish. You can move forward and backward in the survey by choosing an agency from the list and then clicking "next" at the bottom of the page. These options are presented at the end of each agency's recommendation(s). You may select "complete the survey" and click on "next" at any time to end the survey.

- ☐ Office of Alcoholism and Substance Abuse Services (OASAS) 4 proposals
- ☐ Office of Children and Family Services (OCFS) 3 proposals
- ☐ Office of Mental Health (OMH) 2 proposals
- ☐ State Office for the Aging (SOFA) 2 proposals
- ☐ Department of Corrections and Community Supervision (DOCCS) 3 proposals
- ☐ Department of Health (DOH) 1 proposal
- ☐ Complete the survey and provide any additional comments

Exemption Survey

Many of the programs regulated, operated, funded or approved by NYSOFA do not include the various functions from the various scopes of practice established by the Mental Health Practice Act but they use many shared terms that are being used in the scopes of the mental health and social work professions outlined in the Act. These shared terms include: assessments; case management; care coordination; counseling; intervention; self management; and treatment plan. NYSOFA uses these terms in the context of determining the needs and service eligibility of older adults for programs and services provided through the Aging Services Network under the Older Americans Act and the New York State Elder Law – not for the purpose of assessing, diagnosing and treating an older adult with mental illness.

It is recommended that programs that NYSOFA regulates, operates, and funds be provided: (1) clarification in statute and (2) an exemption that the use of shared terms by these professions is limited to the provision of mental health services such as psychotherapy, psychoanalysis, or diagnosis of mental health conditions, as per the DSM codes and ICD 10 codes.

149. Do you agree with the Agency's recommendation?

☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

150. The Agency's recommendation adequately protects the public

☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

151. It is important to implement the Agency's recommendation

☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

152. The Agency's recommendation is an affordable approach to providing care

☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

153. The Agency's recommendation balances licensure to protect the public with controlling the cost of professional services

☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

154. The Agency's recommendation will increase the public's access to professional services

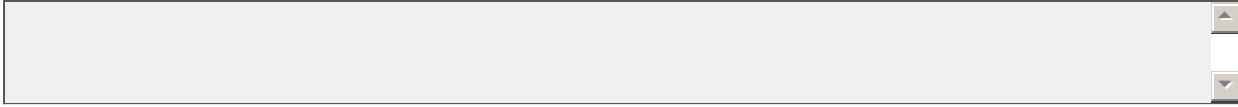
☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

155. What changes would you make in the agency's recommendation?

156. Do you believe that the Agency's recommendation will affect the protection of the public in the delivery of professional services and, if so, how?

Exemption Survey

157. If you have specific concerns about the proposal or if you have your own recommendations, please briefly describe them in the box below.



Exemption Survey

The Administration on Aging (AoA) is developing objectives, priorities and a long-term plan for supporting State and local efforts pertaining to education, prevention, detection and treatment of mental disorders, including age-related dementia, depression, and Alzheimer's disease and related neurological disorders with neurological and organic brain dysfunction. Although the 2006 Amendments to the Older Americans Act include no specific requirements for States regarding new Title II mental health provisions, there are significant opportunities for States to:

- Ensure that mental health programs and services are aware of the role Aging and Disability Resource Centers play in connecting consumers with resources to meet their needs.
- Explore the availability of evidence-based mental health programs and incorporating them where practicable.
- Strengthen partnerships between mental health programs and services and the Aging Services Network at the State and AAA/community levels.

In order to ensure this work can continue, it is recommended that an exemption should be crafted that would allow the Aging Services Network to effectively carry out the mental health references that are contained in the Older Americans Act, which is the major source of funding for the Aging Services Network and is designed to encourage innovation.

158. Do you agree with the Agency's recommendation?

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

159. The Agency's recommendation adequately protects the public

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

160. It is important to implement the Agency's recommendation

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

161. The Agency's recommendation is an affordable approach to providing care

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

162. The Agency's recommendation balances licensure to protect the public with controlling the cost of professional services

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

163. The Agency's recommendation will increase the public's access to professional services

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

164. What changes would you make in the agency's recommendation?

Exemption Survey

165. Do you believe that the Agency's recommendation will affect the protection of the public in the delivery of professional services and, if so, how?

166. If you have specific concerns about the proposal or if you have your own recommendations, please briefly describe them in the box below.

167. This survey asks for your comments on proposals from seven State agencies. You are encouraged to review and respond to as many or as few agency proposals as you wish. You can move forward and backward in the survey by choosing an agency from the list and then clicking "next" at the bottom of the page. These options are presented at the end of each agency's recommendation(s). You may select "complete the survey" and click on "next" at any time to end the survey.

- ☐ Office of Alcoholism and Substance Abuse Services (OASAS) 4 proposals
- ☐ Office of Children and Family Services (OCFS) 3 proposals
- ☐ Office of Mental Health (OMH) 2 proposals
- ☐ Office for People with Developmental Disabilities (OPWDD) 5 proposals
- ☐ Department of Corrections and Community Supervision (DOCCS) 3 proposals
- ☐ Department of Health (DOH) 1 proposal
- ☐ Complete the survey and provide any additional comments

Exemption Survey

Recommendations on alternative pathways to licensure would be to receive SED's acceptance of the established Civil Service education and experience requirements for the Alcohol and Substance Abuse Treatment (ASAT) titles.

168. Do you agree with the Agency's recommendation?

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

169. The Agency's recommendation adequately protects the public

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

170. It is important to implement the Agency's recommendation

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

171. The Agency's recommendation is an affordable approach to providing care

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

172. The Agency's recommendation balances licensure to protect the public with controlling the cost of professional services

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

173. The Agency's recommendation will increase the public's access to professional services

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

174. What changes would you make in the agency's recommendation?

175. Do you believe that the Agency's recommendation will affect the protection of the public in the delivery of professional services and, if so, how?

176. If you have specific concerns about the proposal or if you have your own recommendations, please briefly describe them in the box below.

Exemption Survey

Recommendations on possible modification to the Civil Service requirements to include a Qualified Health Professional (QHP) of which a Credential Alcoholism & Substance Abuse Counselor (CASAC) is, could be explored, with the allowance for "grandfathering" in current employees in such titles.

177. Do you agree with the Agency's recommendation?

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

178. The Agency's recommendation adequately protects the public

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

179. It is important to implement the Agency's recommendation

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

180. The Agency's recommendation is an affordable approach to providing care

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

181. The Agency's recommendation balances licensure to protect the public with controlling the cost of professional services

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

182. The Agency's recommendation will increase the public's access to professional services

- ☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

183. What changes would you make in the agency's recommendation?

184. Do you believe that the Agency's recommendation will affect the protection of the public in the delivery of professional services and, if so, how?

185. If you have specific concerns about the proposal or if you have your own recommendations, please briefly describe them in the box below.

Exemption Survey

Recommendations for amendments to law, rules and regulations necessary to fully implement the requirements for licensure by July 1, 2013 would be to develop established waivers in regard to percentages of Qualified Health Professional (QHP) staff necessary at each site to maintain the provision of substance abuse services, as well as action plans for those sites without QHP staff.

The collaboration between DOCCS and OASAS has developed waivers (Memorandum of Understanding) (ATTACHMENT #18 to the DOCCS Report) to address such staffing considerations when specified DOCCS sites are identified for OASAS certification.

186. Do you agree with the Agency's recommendation?

☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

187. The Agency's recommendation adequately protects the public

☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

188. It is important to implement the Agency's recommendation

☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

189. The Agency's recommendation is an affordable approach to providing care

☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

190. The Agency's recommendation balances licensure to protect the public with controlling the cost of professional services

☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

191. The Agency's recommendation will increase the public's access to professional services

☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

192. What changes would you make in the agency's recommendation?

193. Do you believe that the Agency's recommendation will affect the protection of the public in the delivery of professional services and, if so, how?

Exemption Survey

194. If you have specific concerns about the proposal or if you have your own recommendations, please briefly describe them in the box below.

195. This survey asks for your comments on proposals from seven State agencies. You are encouraged to review and respond to as many or as few agency proposals as you wish. You can move forward and backward in the survey by choosing an agency from the list and then clicking "next" at the bottom of the page. These options are presented at the end of each agency's recommendation(s). You may select "complete the survey" and click on "next" at any time to end the survey.

- ☐ Office of Alcoholism and Substance Abuse Services (OASAS) 4 proposals
- ☐ Office of Children and Family Services (OCFS) 3 proposals
- ☐ Office of Mental Health (OMH) 2 proposals
- ☐ Office for People with Developmental Disabilities (OPWDD) 5 proposals
- ☐ State Office for the Aging (SOFA) 2 proposals
- ☐ Department of Health (DOH) 1 proposal
- ☐ Complete the survey and provide any additional comments

Exemption Survey

The Department of Health does not believe any actions are necessary to amend the law and defers to agencies that are being impacted by this legislation for further recommendations. The Department looks forward to working with SED and other agencies in the future to ensure compliance with this legislation.

196. Do you agree with the Agency's recommendation?

☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

197. The Agency's recommendation adequately protects the public

☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

198. It is important to implement the Agency's recommendation

☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

199. The Agency's recommendation is an affordable approach to providing care

☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

200. The Agency's recommendation balances licensure to protect the public with controlling the cost of professional services

☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

201. The Agency's recommendation will increase the public's access to professional services

☐ Strongly agree ☐ Agree ☐ Unknown ☐ Disagree ☐ Strongly disagree

202. What changes would you make in the agency's recommendation?

203. Do you believe that the Agency's recommendation will affect the protection of the public in the delivery of professional services and, if so, how?

204. If you have specific concerns about the proposal or if you have your own recommendations, please briefly describe them in the box below.

Exemption Survey

205. This survey asks for your comments on proposals from seven State agencies. You are encouraged to review and respond to as many or as few agency proposals as you wish. You can move forward and backward in the survey by choosing an agency from the list and then clicking "next" at the bottom of the page. These options are presented at the end of each agency's recommendation(s). You may select "complete the survey" and click on "next" at any time to end the survey.

- ☐ Office of Alcoholism and Substance Abuse Services (OASAS) 4 proposals
- ☐ Office of Children and Family Services (OCFS) 3 proposals
- ☐ Office of Mental Health (OMH) 2 proposals
- ☐ Office for People with Developmental Disabilities (OPWDD) 5 proposals
- ☐ State Office for the Aging (SOFA) 2 proposals
- ☐ Department of Corrections and Community Supervision (DOCCS) 3 proposals
- ☐ Complete the survey and provide any additional comments

Exemption Survey

Thank you for taking the time to review the recommendations of the exempt State agencies in regard to the exemptions from licensure as a psychologist, social worker or mental health practitioner.

The Office of the Professions will be compiling and reviewing the information, in order to develop the report mandated by law. Your comments and thoughts will prove valuable in completing this process.

If you have additional comments or suggestions we would invite you to provide them in the box below.

206. Please provide any additional comments or suggestions for consideration by the Office of the Professions in developing the report and recommending changes in laws, rules or regulations. If you wish to submit a separate letter, you may send it by email to SWMHPSurvey@mail.nysed.gov.

