

# THE COALITION

OF BEHAVIORAL  
HEALTH  
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A non-profit tax-exempt  
organization representing  
New York City's community-  
Based behavioral health sector.

## Memorandum in Support: Assembly Bill No. 8897 (M. of A. Pretlow, at the request of the New York State Education Department) re: social work/mental health care practitioner licensure

The Coalition of Behavioral Health Agencies, Inc. is the umbrella advocacy organization of New York's behavioral health community, representing over 100 non-profit community based behavioral health agencies that serve more than 350,000 clients in the five boroughs of New York City and its environs. On behalf of its member agencies and the clients they serve, we strongly urge the Legislature to enact the above-referenced legislation to avert what might otherwise be a crisis in the delivery of mental health services in New York State.

Social workers and mental health care practitioners who practice in settings operated or licensed by the Department of Mental Hygiene agencies or by local governmental units have been exempt from the social worker and mental health practitioner licensing requirements since their inception—an exemption that is scheduled to expire less than a year from now. The exemption recognized the challenges many practitioners—and their employing agencies—would have faced if those requirements had become immediately effective. Unless the exemption is extended, many of our agencies may be unable to maintain their services, their highly skilled and closely supervised staff may be unable to retain their positions and the people who are being served by these facilities will be unable to obtain treatment.

The bill not only extends the social work and mental health practitioner exemption through July, 2011 (and applies the exemption to persons employed by agencies licensed by other appropriate governmental entities), but also directs the Education Department to convene a working group of stakeholders to work to resolve any outstanding licensing issues and issue a report by January 1, 2011—thereby assuring that the licensing issues affecting these practitioners will be addressed once and for all.

In addition, the Education Law currently prohibits the practice of professions by a business corporation or not-for-profit corporation (unless otherwise authorized by law, such as through a state operating license). Many community based providers with a long history of providing social work and mental health services are now technically in violation of corporate practice restrictions when social work became profession.

The bill establishes a registration process for all agencies providing services protected under Article 154 (social work) or 163 (the allied mental health professions), which will bring such entities into compliance with the corporate practice limitation. The bill also inserts a “look-back” provision into the social work and mental health profession experience requirements, which will allow such professionals to retrospectively include experience obtained in settings that were not authorized prior to the registry.

For all of the above reasons, we strongly support the passage of this critically needed legislation.