

The University of The State of New York
State Education Department
Office of the Professions

**New York State Board of Social Work
Meeting Minutes**

Wednesday September 28, 2022

Meeting was held in person via WebEx at the following locations:

State Education Building, 89 Washington Ave, EB 150, Albany, NY, 12234
Office of the Professions, 1411 Broadway, 10th floor, New York, NY 10018

Board members present:

Celisia Street (Chair) Albany
Sujata pai (Vice-Chair)
Tracyavon Ford
Mohini Mishra
Susan Nayowith

Board members absent:

Liz Espinoza
Lola A Greene
Denise Krause
Michelle Manley
Suzanne Meyer
Darryl Nicholson-Sansani
Frances Septimo

Staff Present:

Evan Seiden, Executive Secretary (ES) (New York)
David Hamilton, Assistant Commissioner of Professional Licensing & Practice (Albany)
Mary Fish, Associate in Professional Education (Albany)
Michele Govertsen, Education Program Assistant 1 (Albany)

Welcome and Review of Agenda

Evan Seiden called the meeting to order at 10:05 am. Board members and staff introduced themselves and the Board reviewed the minutes from January 14, 2022 meeting.

Review of January 14, 2022 Board Meeting Minutes

The Board reviewed the minutes from the January 14, 2022 Board meeting. There were no changes made. A motion was made to approve the minutes motion was passed unanimously. It

was determined that a quorum of the Board members was not present, therefore approval of the minutes will be voted on at the next meeting.

Executive Secretary's Report

Evan Seiden announced his appointment as Executive Secretary by the Board of Regents in April 2022, replacing David Hamilton, who was appointed to the Assistant Commissioner of Professional Licensing & Practice in December 2021. The Education Program Assistant 1 position has been filled in the Board office and a recruitment process has begun to replace the Senior Administrative Analyst position, due to the imminent retirement of that staff person. Review of licensure applications continues with the assistance of all staff. Nomination forms for potential Board members are being reviewed and additional candidates continue to be recruited. Board Nomination forms can be found on the NYSED website. The suspension of the Open Meetings Law (Executive Order 220.1) expired on (9/12/22). Executive Order #4 was extended by EO #4.13 until October 27, 2022, allowing all mental health practitioners with an unencumbered New York License that is in good standing, but not currently registered in New York to practice in New York.

Legislation and Regulation affecting Social Work

- a. Chapter 230 of the Laws of 2022: Mental Health Practitioners' Diagnosis Privilege
David Hamilton provided an overview of the law establishing a diagnostic privilege available to certain mental health practitioners. On June 24, 2022, Governor Kathy Hochul signed Chapter 23 of the laws of 2022 which allows licensed mental health counselors (LMHCs), licensed marriage and family therapists (LMFTs) and licensed psychoanalysts (LPs) to earn diagnostic privilege by meeting specified requirements. These professions did not previously have the authority to diagnose. The Board of Regents adopted emergency regulations on July 12, 2022. A 60-day public comment period commenced through the State Register on July 27, 2022. Those comments are currently being reviewed and addressed. The proposed amendment will be presented to the Board of Regents for permanent adoption at their November 2022 meeting. The Office of the Professions is working on regulations to implement the law, including the education experience requirements. A Frequently Asked Questions page will also be posted on the NYSED website in the coming months. It should be noted that the privilege cannot be issued until the June 24, 2024. The meeting opened up for discussion and the board members were able to ask questions, get clarifications and share feedback pertaining to the new law.
- b. Chapter 159 of the Laws of 2021: amended the education law in relation to extending certain license exemptions for social workers, psychologists and mental health practitioners employed in programs that are operated, regulated, approved or funded by certain state or local government agencies. Effective June 24, 2022, an individual must be licensed or authorized (e.g., limited permit holder or student intern) under the Education Law to practice psychology, social work and mental health practice, as defined in Articles 153, 154 and 163 of the Education Law, respectively, to be employed in a program or service that is defined in law. This does not affect individuals who were hired

prior to June 24, 2022 and who may accept employment in similar programs and services without licensure.

- c. Legislative Bill A1171 and S6574: requires blanket health insurance policies to provide coverage for outpatient treatment by a mental health practitioner or clinical social worker. Insurers providing reimbursement for psychiatric or psychological services or for the diagnosis and treatment of mental health conditions by physicians, psychiatrists, or psychologists, shall provide the same coverage to the insured for such services when performed by a licensed clinical social worker, licensed mental health counselor, licensed creative arts therapist, licensed marriage and family therapist, and licensed psychoanalyst, within the scope of practice. This bill has not been signed by the governor.
- d. Proposed Amendment to Mandatory Continuing Education: On October 4, 2022, it is anticipated that the Board of Regents will vote on the proposed amendment to the Commissioner's Regulations that would require psychologists, social workers, and mental health practitioners to complete three hours of continuing education on issues related to maintaining appropriate professional boundaries with clients for each registration period, beginning on or after April 1, 2023.

Professional Practice and Licensure

Evan Seiden reviewed the objectives for the Social Work Compact, regarding cross-state practice of licensed professional social workers. Members discussed the qualifications for and effects the Social Work Compact would have for New York licensed social workers. Compacts for medicine, nursing and physical therapy currently exist in several states, but there are no compacts in New York.

Other Business

Evan Seiden proposed a presentation from the Office of Professional Discipline for the next Board meeting.

ASWB Examination

Discussion on the ASWB new website and tools that could be used to attain testing statistics and other ASWB information.

Closing Remarks and Adjournment

Evan Seiden thanked the Board for a productive meeting. The next Board meeting will be scheduled for a date in January 2023. The meeting was adjourned at 11:45am.

Minutes submitted by,

A handwritten signature in black ink, appearing to read "Evan J. Seiden", enclosed in a thin black rectangular border.

Evan Seiden MBA, LCSW-R
Executive Secretary
State Board for Social Work
State Board for Mental Health Practitioners

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