

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, January 25, 2023

The meeting was held in person via WebEx at the following locations:

State Education Building, 89 Washington Avenue, EB 150, Albany, NY 12234
Office of the Professions, 1411 Broadway, 10th Floor, New York, NY 10018
Syracuse Regional Office, 333 East Washington Street, Suite 211, Syracuse, NY 13202

Board members present:

Celisia Street (Chair) (Albany)
Laura Eastman-Follis (Albany)
Tracyavon Ford (New York)
Michelle Manley Belge (Syracuse)
Sujata Pai (New York)

Board members absent:

Liz Espinoza
Lola Greene
Denise Krause
Mohini Mishra
Susan Nayowith
Darryl Nicholson-Sansani
Frances Septimo

Staff present:

Evan Seiden, Executive Secretary (New York)
David Hamilton, Assistant Commissioner of Professional Licensing & Practice (Albany)
Dennis Spillane, Executive Director of Office of Professional Discipline (New York)
Mary Fish, Associate in Professional Education (Albany)
Michele Govertsen, Senior Administrative Analyst (Albany)

Welcome and Review of the Agenda

Evan Seiden called the meeting to order at 10:06 AM. Board members and staff introduced themselves and welcomed new Board member Laura Eastman-Follis, LCSW. Laura provided a summary of her background and work experience. It was determined that a quorum of the Board members was not present, therefore, all agenda items were presented for informational purposes. There were no changes in the agenda.

Review of the September 28, 2022 Board Meeting Minutes

The minutes of the September 28, 2022 Board meeting were reviewed and corrected.

Office of Professional Discipline Presentation

Dennis Spillane provided a presentation and handout on the work of the Office of Professional Discipline and the different types of discipline cases that Board members would be involved in. Questions were entertained and answered by Dennis Spillane, and the Board thanked him for the helpful information he provided.

Executive Secretary's Report

- a. **Staffing and Processing:** The Executive Secretary reported that the State Grade 18, Senior Administrative Analyst position has been filled. A new State Grade 14 Education Program Assistant was hired and will begin work on February 2, 2023. With this new position being filled the Board office is now fully staffed. Application processing times are currently at 3-4 weeks out. It was noted that unofficially, the number of limited permit applications has risen 13% compared to the same time last year.
- b. **Board Member Recruitment:** The Executive Secretary is still actively recruiting new members to the Board and asked Board members to refer those interested to him for further information.
- c. **Executive Orders 4.0:** The two executive orders covering the Social Work and Mental Health Practitioner professions expired on January 23, 2023. We are waiting to hear from the Governor's office if these will be extended for another month as they have been in the past.
- d. **State of the State:** As an information item, the Executive Secretary presented two items of interest discussed in the Governor's 2023 State of the State Address. The first item is licensing compacts specifically concerning the nursing and medical professions. Discussion ensued regarding challenges for state licensing boards. There is currently no social work compact. The second item is the permanent expansion of the scope of practice for certain professions to alleviate the healthcare workforce shortages in New York

Legislation and Regulation Affecting Social Work

- a. **Mandatory Continuing Education on Appropriate Boundaries:** The Board of Regents approved regulations on October 4, 2022 that requires all social workers, mental health practitioners and psychologists to complete three hours of acceptable continuing education on issues related to maintaining appropriate professional boundaries between licensees and clients, for every three-year registration period. The course work must be taken from an approved CE provider and counts toward the 36 hours of CE required for every three-year period. The regulation goes into effect for those licensees renewing their registration on April 1, 2023 and thereafter. An Advisory Notice has been placed on the homepage for each of these professions.

- b. Expiration of 100% Self-Study for Continuing Education: Although not an agenda item, the Executive Secretary announced the expiration of the continuing education adjustment provided to licensees as part of the Covid-19 response. The adjustment allowed licensees with registrations due to renew between March 1, 2020 – January 1, 2023 to complete 100% of their CE requirement by self-study courses. This adjustment expired on January 1, 2023. The Covid-19 Frequently Asked Questions website has been updated to read: Starting January 2, 2023, the adjustment is no longer available and licensees should resume their required percentages of self-study for continuing education that is in each individual profession’s laws and regulations.
- c. Diagnostic Privilege for Mental Health Practitioners: Regulations are being drafted for Chapter 230 of the Laws of 2022.
- d. Insurance Law: Chapter 818 of the Laws of 2022 has been signed by the Governor. This law adds all licensed mental health providers as eligible for insurance reimbursement. It 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 law eliminates the need for the “R” privilege. Currently, there is no reference to the “R” privilege in insurance law. A chapter amendment to the Insurance Law is being introduced that will remove any reference to licensed creative arts therapists as eligible providers, based on cost concerns.

Professional Practice and Licensure

The following narrative was read by the Executive Secretary in response to recent discussion by certain groups regarding the elimination of the exam requirement for the LMSW license:

The Association of Social Work Boards (ASWB) is comprised of every U.S. State and Canadian jurisdiction and the primary function is to develop and administer an examination that tests for entry level competence by an applicant for licensure. ASWB offers four examinations-- bachelor’s, master’s, advanced generalist, and clinical social work.

There are 150 items in the examination and candidates have 4 hours to complete the examination. Every 5 to 7 years, ASWB conducts a practice analysis by surveying licensed social workers across the U.S. The responses to this analysis are published on the ASWB website and are used to develop the areas in which social work candidates will be tested.

Test items are developed by a diverse pool of licensed social workers who have been trained in writing multiple choice items. Each item is reviewed by the ASWB examination committee and, after any editing, pre-tested as a non-scored item on an examination. Items are assigned to practice areas and, after a certain number of years “retired” due to exposure or changes in social work education and practice. These procedures are consistent with national standards for high-stakes examinations, particularly those for professional licensure.

The State Board has received annual reports from ASWB regarding the performance of New York candidates for license on the Masters and Clinical examinations. We also receive reports that list the number of self-identified graduates of each New York school for a particular year. This listing, however, does not provide individual scores or attributes of those test-takers nor the state in which the graduate sought licensure. A summative report has been provided to the Board and schools by the office for more than a decade.

Over the years, there have been identified differences in performance among schools of social work. Although the Department sought additional information, such as year of graduation and class cohort, ASWB did not provide that information. The ASWB examination application collected self-reported ethnicity, but did not require this information and ASWB had no way to confirm the accuracy of such information.

ASWB did not provide an annual report in 2021, but did provide that information in a recent report available on their website. This report provided a snapshot in time of test takers—based on self-identified ethnicity. As we discussed in prior meetings the ethnicity, age and years since graduation are some of the significant factors identified in the ASWB report.

ASWB is making changes in the exam, starting January 1, 2023 and hopes to complete by 2025 changing some multiple-choice questions from 4 to 3 answers reducing time pressure while maintaining examination validity. They will also update the examination experience by allowing candidates to retrieve a snack during the examination window.

Licensing laws are established to protect the public, by requiring education, experience and examination for entry to the profession, whether it is social work, medicine or one of the more than 50 professions regulated by the Department. Prior to licensure, there was limited oversight of professional practice and little recourse when patients were harmed by an incompetent or unethical practitioner.

The 2022 ASWB report provided a starting point for discussions and research into examination development and performance, to ensure that each candidate has the opportunity to pass the examination and become licensed as a social worker. The Executive Secretary of the State Board will represent the Department and continue to participate in meetings and forums regarding the examination.

The Board of Regents and the State Board are committed to policies that address diversity, equity and inclusion (DEI). In response to the report, the organization has convened information sessions and has scheduled in-person and on-line community meetings. Anyone who is interested can sign up for those meetings on the ASWB website [Contributing to the conversation - Association of Social Work Boards \(aswb.org\)](https://www.aswb.org/contributing-to-the-conversation)

In the meantime, there are no changes in the requirements for licensure under New York law. We look forward to the community discussions and further research from ASWB and others to determine what changes may be required to ensure an appropriate examination for licensure.

The meeting was opened for discussion and questions. There was no disagreement with the information provided and ongoing discussions will occur over time.

Other Business

Board members brought up a few issues they would like to discuss at the next Board meeting. The first issue concerns the emergency regulation approved by the Board of Regents that allows supervision by telephone or video technology (remote supervision). Another issue that needs discussion is the definition of clinical experience for the LCSW license and how that requirement in regulation can be enforced. Both topics will be included on the agenda for the next Board meeting.

Adjournment

The meeting was adjourned at 11:49 AM by Chair Celisia Street.

Minutes submitted by,

A handwritten signature in black ink, appearing to read "Evan Seiden". The signature is fluid and cursive, with a large initial "E" and "S".

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