

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 207, 212, 6501, 6504, 6506, 6507, 6508, 7704, 7705, and 7706 of the Education Law and sections 3221 and 4303 of the Insurance Law.

1. Sections 74.3 through 74.7 of the Regulations of the Commissioner of Education are amended, effective September 24, 2010, as follows.

§74.3 Experience requirement for licensure as a licensed clinical social worker.

(a) An applicant for licensure as a licensed clinical social worker shall meet the experience requirement for licensure by submitting documentation of three years of full-time supervised clinical social work experience in diagnosis, psychotherapy, and assessment-based treatment plans, or the part-time equivalent, or a combination of full-time and part-time supervised clinical social work experience in diagnosis, psychotherapy, and assessment-based treatment plans, completed over a period not to exceed six years, in accordance with the requirements of [this section] section 74.6 of this Part. For purposes of this subdivision, the full-time experience shall consist of not less than [48 weeks per year, excluding vacation, with not less than an average of 20 client contact hours per week] 2,000 client contact hours over a continuous period of at least 36 months and not to exceed six years. [The part-time equivalent shall consist of the same total number of client contact hours provided over more than three years.]

(1) [The experience] Experience obtained in New York must be obtained as a licensed master social worker (LMSW) or limited permit holder, except the department may, in limited circumstances, accept other experience where an applicant demonstrates that such experience was obtained in an authorized setting and under the supervision of a qualified supervisor. Experience obtained in another jurisdiction must be obtained after the applicant completes the master's degree program in social work

required for licensure in licensed clinical social work, as prescribed in section 74.1(c) of this Part, and such experience must be obtained in a setting authorized in such jurisdiction to provide such services and be under the supervision of a qualified supervisor acceptable to the department.

(2) The supervised experience shall be obtained in [a facility setting, as prescribed in subparagraph (i) of this paragraph or a nonfacility setting,] a setting acceptable to the department, as [prescribed] defined in subdivision (a) of section 74.6 of this Part. [subparagraph (ii) of this paragraph, or a combination of the two.

(i) A facility setting shall mean a federal, state, county or municipal agency, or other political subdivision, or a chartered elementary or secondary school or degree-granting educational institution, or a not-for-profit or proprietary incorporated entity, which government agency, educational institution, or not-for-profit or proprietary incorporated entity is licensed or otherwise authorized to provide services that fall within the scope of practice of licensed clinical social work.

(ii) A nonfacility setting shall mean any other setting not prescribed in subparagraph (i) of this paragraph.

(3) Supervision of the experience. The experience shall be supervised in accordance with the requirements of this paragraph.

(i) Supervision of the experience shall consist of contact between the applicant and supervisor during which:

(a) the applicant appraises the supervisor of the diagnosis and treatment of each client;

(b) the applicant's cases are discussed;

(c) the supervisor provides the applicant with oversight and guidance in diagnosing and treating clients;

(d) the supervisor regularly reviews and evaluates the professional work of the applicant; and

(e) the supervisor provides at least one hour per week or two hours every other week of in-person individual or group clinical supervision, provided that at least two hours per month shall be individual clinical supervision.

(ii) The supervision shall be provided by:

(a) a licensed clinical social worker or the equivalent as determined by the department; or

(b) a psychologist who, at the time of supervision of the applicant, was licensed as a psychologist in the state where supervision occurred, and was qualified in psychotherapy as determined by the department, based upon a review of the psychologist's education and training, including but not limited to education and training in psychotherapy obtained through completion of a program in psychology registered pursuant to Part 52 of this Title or a program in psychology accredited by the American Psychological Association; or

(c) a physician who, at the time of supervision of the applicant, was a diplomate in psychiatry of the American Board of Psychiatry and Neurology, Inc. or had the equivalent training and experience as determined by the department.]

(3) The supervision shall be provided by a supervisor who meets the requirements of paragraph (c)(2) of section 74.6 of this Part.

(4) The supervisor(s) shall verify the applicant's supervised experience to the department on forms prescribed by the department. The department may request additional information or clarification in regard to the supervisor's qualifications or the authority of the setting to provide professional services. In the event a supervisor is deceased or not available, the verification may be submitted by a licensed colleague

who attests to the name and qualifications of the supervisor, the dates of supervised experience, client contact hours and supervision hours and other information required by the department to evaluate the applicant's supervised experience.

§74.4 Limited permits.

(a) Limited permits to practice licensed master social work. As authorized by section 7705 of the Education Law, on recommendation of the State Board for Social Work, the department may issue a limited permit to practice licensed master social work under the general supervision of a licensed master social worker or a licensed clinical social worker, in accordance with the requirements of this subdivision.

(1) An applicant for a limited permit to practice licensed master social work shall:

(i) file an application for a limited permit with the department and pay the application fee; [and]

(ii) be of good moral character, as determined by the department; and

(iii) satisfy all requirements for licensure as a licensed master social worker, except the examination requirement.

(2) The limited permit in licensed master social work shall be issued for a specific [employment] setting deemed acceptable by the department, as described in subdivision (a) of section 74.6 of this Part. The setting shall not be a private practice owned or operated by the applicant.

(3) An individual practicing licensed master social work under a limited permit shall be under the general supervision of a licensed master social worker or licensed clinical social worker. For purposes of this subdivision, general supervision shall mean that the supervising licensed master social worker or licensed clinical social worker is available for consultation, assessment and evaluation, has authorized the permit holder

to provide the services, and exercises the degree of supervision appropriate to the circumstances. In addition:

(i) the supervisor shall be responsible for appropriate oversight of all services provided by a permit holder under his or her general supervision; and

(ii) no supervisor shall supervise more than five permit holders at one time.

(4) The limited permit in licensed master social work shall be valid for a period of not more than 12 months, and shall not be renewable.

(b) Limited permits to practice licensed clinical social work. As authorized by section 7705 of the Education Law, on recommendation of the State Board for Social Work, the department may issue a limited permit to practice licensed clinical social work under the general supervision of a licensed clinical social worker, in accordance with the requirements of this subdivision.

(1) An applicant for a limited permit to practice licensed clinical social work shall:

(i) file an application for a limited permit with the department and pay the application fee; [and]

(ii) be of good moral character, as determined by the department; and

(iii) satisfy all requirements for licensure as a licensed clinical social worker, except the examination requirement.

(2) The limited permit in licensed clinical social work shall be issued for a specific [employment] setting acceptable to the department, as described in subdivision (a) of section 74.6 of this Part, except that the setting shall not be a private practice owned or operated by the applicant.

(3) An individual practicing licensed clinical social work under a limited permit shall be under the general supervision of a licensed clinical social worker. For purposes of this subdivision, general supervision shall [mean that supervision of practice under

the limited permit shall consist of contact between the permit holder and supervisor during which:

(i) the permit holder apprises the supervisor of the diagnosis and treatment of each client;

(ii) the permit holder's cases are discussed;

(iii) the supervisor provides the permit holder with oversight and guidance in diagnosing and treating clients;

(iv) the supervisor regularly reviews and evaluates the professional work of the permit holder; and

(v) the supervisor provides at least one hour per week or two hours every other week of in-person individual or group clinical supervision, provided that at least two hours per month shall be individual clinical supervision.] mean that the supervision meets the requirements set forth in subdivision (c) of section 74.6 of this Part. In addition:

(i) the supervisor shall be responsible for appropriate oversight of all services provided by a permit holder under his or her general supervision; and

(ii) no supervisor shall supervise more than five permit holders at one time.

(4) . . .

§74.5 Authorization qualifying licensed clinical social workers for certain insurance reimbursement.

(a) Upon satisfaction of the requirements set forth in subdivision (c) of this section, and filing with the department an application and a fee of [\$85] \$100, a licensed clinical social worker may qualify for insurance reimbursement [on the basis of three or more additional years of experience in psychotherapy beyond that required for licensure

as a licensed clinical social worker,] pursuant to Insurance Law[,] section 3221(l)(4)(D) or 4303(n).

(b) Definition. As used in this section, psychotherapy means 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.

(c) In order to fulfill the requirements of Insurance Law, section 3221(l)(4)(D) or 4303(n) and except as provided in subdivision (d) of this section, the licensed clinical social worker shall complete at least 2,400 client contact hours of experience in psychotherapy over a period of not less than three [or more additional] years [of experience in psychotherapy beyond that required for] after licensure as a licensed clinical social worker, with not less than 400 client contact hours in any one year, in accordance with the following criteria:

[(1)_Length of experience. Each candidate shall have the experience which meets the standards of subparagraph (i), (ii) or (iii) of this paragraph.

(i) Experience obtained in a facility shall be:

(a) no less than three calendar years of experience providing psychotherapy services, which shall comprise no less than 2,400 direct client contact hours in sessions of at least 45 minutes each with not less than 400 client contact hours in any one year; and

(b) in a facility formally approved in a manner satisfactory to the department by the State Education Department, Office of Mental Health, Office of Mental Retardation and Developmental Disabilities, Division of Substance Abuse Services, Division of Alcoholism and Alcohol Abuse, State Department of Health, State Board of Social Welfare, State Department of Social Services, Secretary of State (except professional

service corporations), the Legislature of the State of New York, or comparable departments of other states, territories of the United States, or the United States as determined by the department.

(ii) Experience obtained in a nonfacility practice shall be no less than three calendar years of experience providing psychotherapy services, which shall comprise no less than 2,400 direct client hours in sessions of no less than 45 minutes each with no less than 400 client contact hours in any one year.

(iii) A combination of experience in facilities and experience in nonfacility practice which meets the standards of subparagraphs (i) and (ii) of this paragraph.

(2) Time of experience. Experience to be acceptable shall follow receipt of the master's degree in social work and shall have been obtained subsequent to the experience used as qualifying for licensure as a licensed clinical social worker.]

(1) Acceptable setting. The experience shall be completed in a setting acceptable to the department, as described in this paragraph, which may include a practice owned or operated by the applicant. An acceptable setting shall mean:

(i) a professional service corporation, registered limited liability partnership, or professional service limited liability company authorized to provide services that include psychotherapy;

(ii) a sole proprietorship owned by a licensee who provides services that are within the scope of his or her profession and services that are within the scope of psychotherapy;

(iii) a professional partnership owned by licensees who provide services that include psychotherapy.

(iv) a hospital or clinic authorized under article 28 of the Public Health Law to provide services that include psychotherapy;

(v) a program or facility authorized under the Mental Hygiene Law to provide services that include psychotherapy;

(vi) a program or facility authorized under federal law to provide services that include psychotherapy; or

(vii) an entity defined as exempt from the licensing requirements or otherwise authorized under New York law or the laws of the jurisdiction in which the entity is located to provide services that include psychotherapy.

[3](2) Supervision of experience. [All experience shall be under satisfactory supervision in accordance with] The licensed clinical social worker shall submit for review and approval by the State Board for Social Work, on forms prescribed by the department, a plan for supervised experience that will meet the requirements of this paragraph. The plan shall be submitted to the State Board for Social Work before the licensed clinical social worker commences the supervised experience requirement under this section.

(i) The [supervision of the experience shall be] plan for supervision shall specify:

(a) individual [supervision] or group consultation of no less than two hours per month; or

(b) [group supervision or group consultation of no less than four hours per month;

(c) case seminars of no less than four hours per month in a formal course] enrollment in a program authorized to provide psychotherapy offered by an institution of higher education or by a psychotherapy institute chartered by the Board of Regents [; or

(d) peer supervision, consisting of no less than four hours per month. Candidates presenting peer supervision for approval shall also submit two case summaries satisfactory to the board. Such case summaries shall include and demonstrate the relationships among the presenting problem, the background material, a formulation of

case dynamics, a diagnostic statement, the treatment process, the treatment outcomes, and supervisory issues].

(ii) [To be satisfactory,] The individual or group supervision must be provided by:

(a) A licensed clinical social worker who, at the time of supervision of the applicant, held the psychotherapy privilege authorized by this paragraph [met the qualifications for licensure as a licensed clinical social worker pursuant to Article 154 of the Education Law] or [their] the equivalent as determined by the department; or

(b) . . .

(c) . . .

(d) An applicant who started the experience to qualify for insurance reimbursement prior to January 1, 2011 may submit any experience obtained prior to licensure as a licensed clinical social worker provided that such experience, in the determination of the department, satisfies the experience requirements for such reimbursement and is obtained after the experience used to satisfy the experience requirements for licensure as a licensed clinical social worker. Experience to qualify for insurance reimbursement commenced on after January 1, 2011 shall be obtained only after licensure as a licensed clinical social worker.

§74.6 Supervision [of licensed master social worker] requirements for certain qualified individuals providing clinical social work services.

[In accordance with section 7701(1)(d) of the Education Law, a licensed master social worker] Certain qualified individuals, as defined in paragraph (2) of subdivision (a) of this section, that seek to use the services to satisfy the experience requirements for licensure as a licensed clinical social worker may provide clinical social work services in a [facility setting or a non-facility] setting acceptable to the department, [as defined by]

as described in paragraph (1) of subdivision (a) of this section, under appropriate supervision, as prescribed in subdivision [(b)] (c) of this section.

(a) For purposes of this section:

(1) [A facility setting shall mean a federal, state, county or municipal agency, or other political subdivision, or a chartered elementary or secondary school or degree-granting educational institution, or a not-for-profit or proprietary incorporated entity, which government agency, educational institution, or not-for-profit or proprietary incorporated entity is licensed or otherwise authorized to provide services that fall within the scope of practice of licensed clinical social work.

(2) A non-facility setting shall mean any other setting not prescribed in paragraph (1) of this subdivision.]

An acceptable setting shall mean:

(i) a professional service corporation, registered limited liability partnership, or professional service limited liability company authorized to provide services that are within the scope of practice of licensed clinical social work;

(ii) a sole proprietorship owned by a licensee who provides services that are within the scope of his or her profession and services that are within the scope of licensed clinical social work;

(iii) a professional partnership owned by licensees who provide services that are within the scope of practice of licensed clinical social work.

(iv) a hospital or clinic authorized under article 28 of the Public Health Law to provide services that are within the scope of practice of licensed clinical social work;

(v) a program or facility authorized under the Mental Hygiene Law to provide services that are within the scope of practice of licensed clinical social work;

(vi) a program or facility authorized under federal law to provide services that are within the scope of practice of licensed clinical social work; or

(vii) an entity defined as exempt from the licensing requirements or otherwise authorized under New York law or the laws of the jurisdiction in which the entity is located to provide services that are within the scope of practice of licensed clinical social work.

(2) A qualified individual shall mean a licensed master social worker, an individual with a limited permit to practice licensed clinical social work as authorized by section 7705 of the Education Law, or an individual otherwise authorized to provide clinical social work services in a setting acceptable to the department and under appropriate supervision.

(b) A qualified individual may submit to the State Board for Social Work a plan for his or her supervised experience in New York toward licensure as a licensed clinical social worker for review and approval. The plan shall include:

(1) a copy of documentation establishing that the agency or setting is an acceptable setting as defined in subdivision (a) of this section;

(2) a copy of the license of the qualified supervisor, as defined in subdivision (c) of this section;

(3) a plan for supervision of the qualified individual accompanied by an attestation from the supervisor(s) that he/she is responsible for any services provided by the individual;

(4) if a third-party is supervising the qualified individual, an affirmation from a designated representative of the setting that the setting is authorized to provide clinical social work services and that the setting will ensure appropriate supervision of the qualified individual when the individual is performing such services..

[b] (c) Supervision of the clinical social work services provided by [the licensed master social worker] a qualified individual seeking licensure as a licensed clinical social worker.

(1) Supervision of the clinical social work services provided by the [licensed master social worker] qualified individual shall consist of contact between the [licensed master social worker] qualified individual and supervisor during which:

(i) the [licensed master social worker] qualified individual apprises the supervisor of the diagnosis and treatment of each client;

(ii) the [licensed master social worker's] qualified individual's cases are discussed;

(iii) the supervisor provides the [licensed master social worker] qualified individual with oversight and guidance in diagnosing and treating clients;

(iv) the supervisor regularly reviews and evaluates the professional work of the [licensed master social worker] qualified individual; and

(v) the supervisor provides at least [one hour per week or two hours every other week of] one hundred hours of in-person individual or group clinical supervision, distributed appropriately over the period of the supervised experience. [, provided that at least two hours per month shall be individual clinical supervision.]

(2) . . .

(d) Supervision of a licensed master social worker providing clinical social work services in accordance with section 7701(1)(d) of the Education Law who is not using such services to satisfy the experience requirements for licensure as a licensed clinical social worker.

(1) Supervision of the clinical social work services provided by the licensed master social worker shall consist of contact between the licensed master social worker and supervisor during which:

(i) the licensed master social worker apprises the supervisor of the diagnosis and treatment of each client;

(ii) the licensed master social worker's cases are discussed;

(iii) the supervisor provides the licensed master social worker with oversight and guidance in diagnosing and treating clients;

(iv) the supervisor regularly reviews and evaluates the professional work of the licensed master social worker; and

(v) the supervisor provides at least two hours per month of in-person individual or group clinical supervision.

(2) The supervision shall be provided by an appropriate supervisor as described in paragraph (c)(2) of this section.

(e) Verification of the experience. The supervisor shall be responsible for maintaining records of the client contact hours in diagnosis, psychotherapy and assessment-based treatment planning and supervision hours provided to the qualified individual. Upon request by the department, such records shall be provided by the supervisor.

§74.7 Supervision of [baccalaureate] certain social workers providing licensed master social work services.

In accordance with section 7706(2) of the Education Law, an individual who holds a baccalaureate of social work degree or an equivalent or higher degree based upon completion of a baccalaureate or master's degree program in social work registered by the department pursuant to Part 52 of this Title, or approved by an

acceptable accrediting agency as defined in section 74.1(a) of this Part, shall be permitted to perform activities and services within the scope of practice of a licensed master social worker as defined in paragraphs (a) and (b) of subdivision (1) of section 7701 of the Education Law, under the supervision of a licensed master social worker or a licensed clinical social worker. For purposes of this section, supervision shall mean that the licensed master social worker or licensed clinical social worker is available for consultation, assessment and evaluation, has authorized [the baccalaureate social worker] such individual to provide the services, and exercises the degree of supervision appropriate to the circumstances. Nothing in this section shall authorize the use of a title restricted under subdivisions 2 and 3 of section 7702 of the Education Law or the practice of licensed clinical social work, as defined in section 7701 of the Education Law.

2. The Regulations of the Commissioner of Education are amended, effective September 24, 2010, by the addition of a new section 74.9, to read as follows:

§ 74.9 Licensure by endorsement of certain licensed clinical social workers.

An applicant seeking endorsement of a license in clinical social work issued by another state, country or territory shall present evidence of:

(a) age, the applicant shall be at least 21 years of age;

(b) licensure by another jurisdiction in clinical social work;

(c) completion of a master's degree in social work with clinical content that qualified the applicant for licensure as a licensed clinical social worker in the other jurisdiction;

(d) completion of supervised experience in clinical social work and psychotherapy that qualified the applicant for initial licensure in the other jurisdiction;

(e) passage of an examination acceptable to the department for the practice of clinical social work, as defined in section 74.2 of this Part;

(f) at least ten years of experience in clinical social work satisfactory to the State Board for Social Work, within the 15 years immediately preceding the application for licensure by endorsement in New York;

(g) completion of coursework in the identification and reporting of suspected child abuse and neglect or the exemption from such coursework, as specified in section 6507(3) of the Education Law;

(h) good moral character as determined by the department; and

(i) acceptable licensure and discipline status in each jurisdiction in which the applicant holds a professional license.