



THE STATE EDUCATION DEPARTMENT/THE UNIVERSITY OF THE STATE OF NEW YORK/ALBANY, NY 12234

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**August 15, 2016**

**TO: Licensure-qualifying graduate social work programs**

**FR: David Hamilton, Ph.D. LMSW, Executive Secretary**

**RE: Requirements for licensure as an LMSW in New York**

I am writing to provide you with information about the process by which students in New York programs that are registered as leading to licensure may be licensed in the social work professions under New York Law. Please share this information with faculty, field instructors and students, as you see fit, so that students can proceed in a legal manner after graduation. Additional information about the licensing process for students who graduated from a program outside the U.S. and licensees moving from another jurisdiction can be found on our website: [www.op.nysed.gov/prof/sw/](http://www.op.nysed.gov/prof/sw/).

In order to practice licensed master social work, as defined in the Education Law, including the supervised practice of clinical social work, a graduate must hold a one-year limited permit issued by the Department to practice under supervision while meeting the examination requirement for LMSW. After licensure, the LMSW may be employed in a setting that is authorized to provide clinical social work services, as defined in the Commissioner's Regulations, to practice under the supervision of a LCSW, licensed psychologist or board-certified psychiatrist. **There is no direct route to licensure as an LCSW—in order to legally meet the experience requirements, an individual must first be licensed as a LMSW or hold a LMSW permit and meet all requirements in law.**

Effective September 1, 2004 an individual must be licensed, hold a limited permit, or be in an exempt setting (as defined in statute<sup>1</sup>) in order to practice licensed master social work or licensed clinical social work in New York. An individual who practices without authorization, such as a permit, even under supervision could face questions about his/her moral character for licensure. A licensed supervisor who delegates activities to an unauthorized person could be charged with unprofessional conduct, under Part 29 of the Regents Rules.

**When to apply:** A student should be encouraged to start the application process for licensure in New York prior to graduation and to use only State-approved forms for all submissions. Data that is received is scanned and retained in the applicant's electronic folder pending verification

<sup>1</sup> Nothing in this act shall prohibit or limit the activities or services on the part of any person in the employ of a program or service operated, regulated, funded, or approved by the department of mental hygiene, office of children and family services, office of temporary and disability assistance, department of corrections and community supervision, department of health, state office for the aging, or a local governmental unit as that term is defined in article 41 of the mental hygiene law or a social services district as defined in section 61 of the social services law, provided, however, this section shall not authorize the use of any title authorized pursuant to article 154 of the education law, except as otherwise provided by such articles, except that this section shall be deemed repealed on July 1, 2018.

of an acceptable MSW degree from the college or university, necessary to both to approve the applicant to take the Master's examination and qualify for a limited permit.

**Applying for LMSW:** A student may apply for licensure as a LMSW at any time by submitting the application (Form 1) and fee (\$294). The applicant must answer the "moral character" questions on the application. If the applicant answers "yes" to any of these questions, he or she must attach documentation (see "moral character" below).

**Education for Licensure:** The graduate school must submit Form 2 to verify that the student has met the degree requirements or received the 60-semester hour MSW degree. We do not require a transcript from graduates of NYSED-registered or CSWE-accredited programs when the student is applying for the LMSW. Every graduate of a registered program has also completed the course work in child abuse identification and does not need to complete this separately.

**Master's Examination:** When the Department has approved both the application for licensure and the MSW education, the student will be eligible to take the Association of Social Work Board's (ASWB) examination. The Department notifies the examination vendor and sends the student a letter with instructions on how to register. A student may not take the ASWB examination for licensure in New York without approval by the Department. Keep in mind ASWB offers several examinations, New York will only accept the ASWB Master's examination for the LMSW, which demonstrates minimal competence for entry-level practice of the profession.

The student must also submit the ASWB application and examination fee to ASWB in order to schedule and take the examination. ASWB provides the examination at sites across New York on a daily basis. Candidate scores are reported to the Department by ASWB every week. Even if the candidate is notified at the test center that he/she passed the examination, the applicant can only practice under supervision and a limited permit until the license is issued. If the candidate fails the examination, he/she is responsible for scheduling another attempt with ASWB and paying the required fee to ASWB. There is not additional fee or paperwork that must be submitted to the Education Department in order to schedule re-takes. Students can access more information about the examination development, content, and scoring on the ASWB website: <http://www.aswb.org/exam-candidates>. The applicant must complete the examination requirement before the limited permit has been exhausted.

**Moral Character:** The Education Law requires an applicant for a limited permit or license to be of good moral character as determined by the Department. The student must report on the application for licensure (Form 1) any criminal arrests or convictions or disciplinary action in another licensed profession and provide all appropriate court documents with a letter explaining the circumstances of the arrest/conviction. This information will be reviewed to determine if the applicant is of good moral character today and eligible for the permit and/or license.

**Limited Permit:** In order to practice after graduation, the individual must have a limited permit issued by the Department. **The permit authorizes practice under the supervision of a LMSW or LCSW in a setting that is authorized to provide professional services; no other profession may supervise the LMSW permit holder.** In order to practice clinical social work under supervision, the supervisor must be licensed and registered to practice as a LCSW in New York. The supervisor is responsible for all services provided by the permit holder and providing supervision in accordance with the Education Law and Commissioner's Regulations. **The permit is valid for one year and may not be renewed.** Additional permits may be issued for approved settings and supervisors upon filing of a new Form 5 but an additional fee is not required. If the permit holder practices under more than one supervisor, all supervisors must be named on the permit.

**Limited Permit Application:** The applicant must submit the application for licensure (Form 1) and fee (\$294) and be of good moral character (as determined by the Department). The applicant's school must submit verification of graduate education (Form 2) and this must be approved by the Department before the applicant is eligible for a permit.

The applicant and prospective employer/supervisor must submit the permit application (Form 5) and \$70 fee for review by the State Board. The permit application must include a copy of the supervisor's current registration certificate and the operating certificate, waiver from corporate practice or professional corporation documents that authorize the employer/supervisor to employ and supervise the practice of licensed master social work and/or licensed clinical social work. The Commissioner's Regulations define qualified supervisors and authorized settings; you can access information about the corporate practice waiver available to certain not-for-profit and education corporations at <http://www.op.nysed.gov/waiver-corporate-practice.htm>. **Please note that a setting with a corporate practice waiver is not exempt from the licensing laws.**

**The applicant may not practice the profession, even under supervision, until the permit is issued.** Therefore, it is highly recommended that the student start this process as soon as possible to ensure the information is received in a timely manner for review by the State Board. An applicant may apply for additional permits and supervisors in the same or other settings; each application must include the required information. An additional fee will not be required for permits issued in the same period.

The permit supervisor is responsible for the services assessment, evaluation and treatment of each patient that will be seen by the permit holder under supervision. A supervisor must be employed in the setting and have responsibility for the patients, have access to all relevant information and the informed consent of the patient to be treated by the permit holder practicing under supervision. **An applicant practicing under a limited permit or in an exempt setting may not employ the supervisor or share information with third-parties who are not authorized by the setting and known to the patient.**

In order to protect the public, the Commissioner's Regulations limit a licensee to supervising no more than 5 limited permit holders/applicants at one time. Since the supervisor is responsible for the assessment, evaluation and treatment of each patient seen under his/her supervision, if the licensee supervises 5 permit holders and each permit holder is responsible for 40 patients, the supervisor is responsible for 200 patients. This limit applies whether the permit holders are in more than one profession, therefore no supervisor can ever be responsible for more than 5 supervisees.

The limited permit is valid for one year and may not be renewed. If the permit holder practices in more than one setting, he or she must have a permit displayed in each setting. If the permit holder practices under more than one supervisor, all supervisors must be named on the permit. An employer that is authorized to provide LMSW and/or LCSW services may hire a qualified supervisor to provide "third-party supervision" but there must be a letter of agreement submitted by the employer, supervisor and permit applicant for review by the Department. This letter must affirm that the supervisor will meet with the patients seen under his/her supervision in order to assess, evaluate and treat the patient and the patient must provide informed consent to treatment by a supervised permit holder. The permit holder and supervisor are responsible for ensuring that supervision is provided in accordance with the regulations: [www.op.nysed.gov/prof/sw/swlaw.htm](http://www.op.nysed.gov/prof/sw/swlaw.htm).

If the supervisor or permit holder leaves the setting, the supervisor is responsible for voiding and returning the permit and sending Form 4B to verify any supervised hours completed by the applicant. **The applicant may not practice until a new permit has been issued** (this also allows an applicant to cease practice by returning the permit, until new employment or a new supervisor is identified). Experience that is completed by an applicant without a valid limited permit or in an exempt setting is illegal and is not acceptable toward licensure. **The applicant will have to complete experience in a legal manner in order to meet the experience requirements for licensure as a LCSW.**

**Licensure:** When the applicant has met all requirements, including a passing score on the Master's examination and good moral character, the Department will issue a license along with the first three-year registration. **A licensee must notify the Department within 30 days of a move or name change.** The Department will send a renewal registration notice to licensees every three years, and must have the licensee's current address to send the notice; it will not be forwarded. If the licensee is not registered, he/she is not eligible to practice the profession or use the restricted title. The licensee must practice in accordance with the scope of practice, as defined in the Education Law, and Part 29 of the Regents Rules, which define unprofessional conduct in the professions. The laws, rules and regulations are on our web site: [www.op.nysed.gov/prof/sw.htm](http://www.op.nysed.gov/prof/sw.htm).

**Continuing Education:** Effective January 1, 2015, every LMSW and LCSW must complete 36 hours of continuing education, acceptable to the Department, in each three-year registration period. A LMSW or LCSW will not have to complete continuing education during the first three-year registration period after initial licensure. The licensee is responsible for completing

continuing education from a Department-approved provider of social work continuing education, starting with the second registration period. Please note that the second period is usually less than 36 months, as the registration period is adjusted to end in the month before the licensee's birth month in the third year; the registration fee is adjusted accordingly and the continuing education requirement is also pro-rated so that the licensee only has to complete one hour of acceptable continuing education for each month in the second registration period. Additional information about social work continuing education may be found at <http://www.op.nysed.gov/prof/sw/swceinfo.htm>.

**Clinical Social Work:** A LMSW may only practice clinical social work under supervision of an LCSW, licensed psychologist or board-certified psychiatrist physician in a setting authorized to provide professional services including psychotherapy. **A LMSW who owns or operates a private practice and/or employs a supervisor may be charged with unprofessional conduct and such experience is not acceptable.** In order to become a LCSW, the applicant must meet all requirements for licensure in that profession, including an application and fee, clinical MSW degree acceptable to the Department, three-years of post-MSW supervised experience in diagnosis and psychotherapy, acceptable to the Department, acceptable moral character and clinical examination. **An individual who is licensed as a LMSW may submit Form 6 to request prior review of the proposed supervisor and setting, to ensure these are appropriate for clinical social work experience.**

**Applying for LCSW:** A LMSW may apply for the LCSW at any time by submitting LCSW Form 1 and fee (\$294) and having the school submit Form 2 to verify clinical content in the MSW degree. **If the LMSW graduated from a NYS-registered MSW program that leads to the LCSW, a transcript is not required.** Individuals who graduated from a NYS school prior to September 2004 or from a school outside of NY must have the school submit Form 2 and transcript for individual evaluation. When the applicant has completed at least 2,000 client contact hours in diagnosis, psychotherapy and assessment-based treatment planning, with at least 100 hours of in-person individual or group supervision, over a period of not less than 36 months and not more than 72 continuous months, verification should be submitted by the qualified supervisor(s) on Form 4B.

Experience must be completed in a legal manner, generally, as an LMSW or LMSW Permit Holder; experience in an exempt setting, as defined in law, may be accepted if the supervisor is qualified. When the applicant's clinical education and clinical experience are approved by the Board, the applicant will be eligible for the ASWB Clinical examination. The LMSW must maintain LMSW registration and supervision until licensed. After the LMSW's clinical education and supervised experience have been approved by the Department, the LCSW applicant may apply for a LCSW permit (Form 5 and \$70 fee) to practice for one year under the supervision of a LCSW in a setting acceptable to the Board. **The same regulations and limitations on the LMSW permit, as noted above, apply to the LCSW permit, including the prohibition on employing one's supervisor and establishing a private practice.**

**Other jurisdictions:** The requirements for licensure are established by each jurisdiction and the most accurate and timely information can be accessed through the ASWB web site: [www.aswb.org/licensees/](http://www.aswb.org/licensees/).

Students can access application materials and instructions, as well as practice guidelines developed by the State Board for Social Work, on the web: [www.op.nysed.gov/prof/sw/](http://www.op.nysed.gov/prof/sw/). If there are changes in the laws, rules and regulations, or the application materials in the future, those would be posted on the web.

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