

# LMSW & LCSW

- Licensing
- Professional Practice
- Public Protection

Overview for MSW students  
Fall 2016

# New York's Regulation of Professions is Unique

- Board of Regents is responsible for the license, practice and discipline of 50+ professions and 850,000+ licensees
  - Regents appoint the Commissioner and Deputy Commissioner, Executive Secretary and State Boards members
- Education Department administers the license, practice and discipline
  - Deputy Commissioner for the Office of the Professions
  - Professional Licensing Services & Professional Conduct
- State Boards, under an Executive Secretary appointed by the Board of Regents, assist the Department and Regents
  - Members include LMSWs, LCSWs and public members

# Licensure Protects the Public

- Chapter 420 of the Laws of 2002
  - Established two social work professions with distinct requirements for licensure effective 9/1/2004:
    - Licensed Master Social Worker (LMSW)
      - Acceptable MSW and ASWB Masters Exam
    - Licensed Clinical Social Worker (LCSW)
      - Acceptable clinical MSW, 3 years of supervised clinical experience, and ASWB Clinical Exam
  - Retained the psychotherapy “R” privilege
  - Restricts the practice and use of titles “LMSW” & “LCSW”
  - Exemption for individuals employed in certain settings until July 1, 2018

# Exemptions are necessary to protect some activities

- Individual with a BSW degree, or the equivalent, who engages in certain activities (never clinical social work) under supervision of an LMSW or LCSW
- Other professions and occupations
  - Medicine, psychology, nursing, etc.
  - Pastoral counselors, addictions counselors
- Students completing internships in approved programs
- Advice, support, encouragement & information provided by individuals and organizations

# Requirements for Licensure in New York

Licensed Master Social Worker

Licensed Clinical Social Worker

# LMSW Requirements

- Submit application (Form 1)
- Submit fee (\$115 application + \$179 for initial 3-year registration)
- School verifies completion of MSW degree (Form 2)
- Pass ASWB Master's examination
  - State Board approval based on application for licensure & verification of acceptable MSW degree
  - Exam given daily across the U.S.
- Be of good moral character, as determined by SED

# Limited Permit Authorizes Practice under Supervision

- Applicants for licensure may only practice with a limited permit
- Supervised by LMSW or LCSW only
  - Submit application and fee for licensure;
  - Meet all requirements except examination
  - Permit application and fee (\$70)
- Valid for one year only; no extensions allowed.
- Requires LCSW supervisor to practice clinical social work
- Provisional school social work certification substitutes for permit

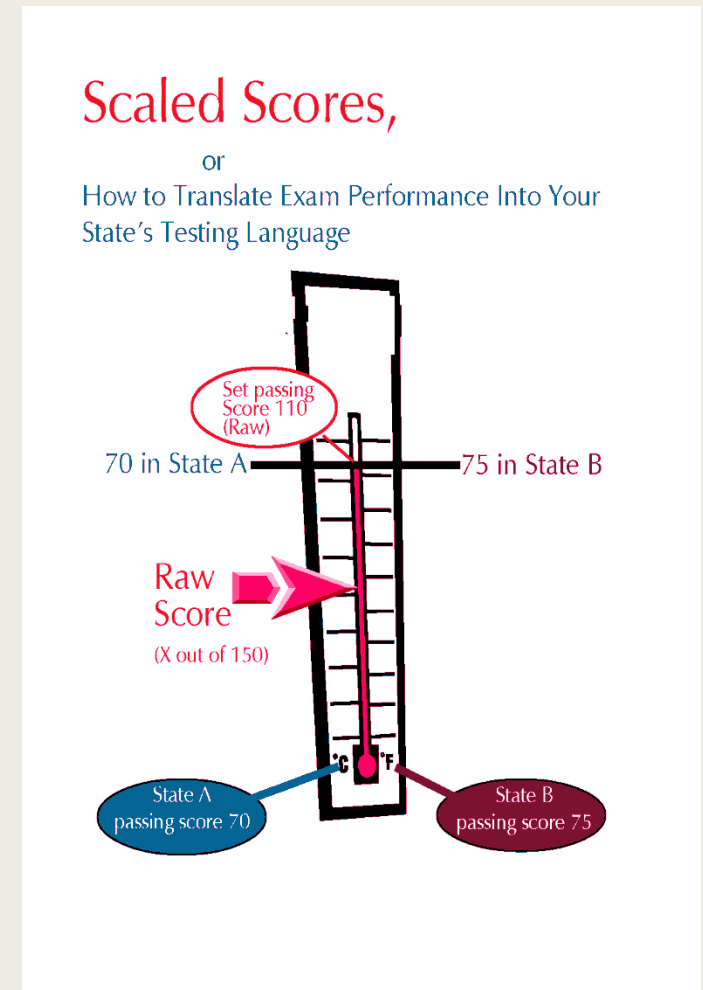
# Passing Masters Exam for licensure

- Eligibility notice to applicant & ASWB based on Form 1, fee and Form 2
- Candidate registers at [www.aswb.org](http://www.aswb.org) by submitting application and \$230 fee
- Exam offered 5 days/week across the U.S.
- Items screened to eliminate bias and pre-tested for reliability and validity
- Blueprints and KSA at [www.aswb.org](http://www.aswb.org)



# ASWB exams used across US

- 4-hour test window for 170 items (150 scores and 20 pre-tested)
- 3 forms used annually, equated scores
- Score report shows areas needing improvement
- 90-day waiting period for retest
- ESL arrangements are not acceptable in NY



# First-time test taker results on the ASWB 2015 Masters Examination

<b>Masters Examination</b>	<b>1<sup>st</sup> Time Takers</b>	<b>Pass rate</b>
North America Masters	12,198	80%
New York Masters	2,691	77%
University at Albany Graduates Masters	153	84%

# Licensed and registered to practice as a LMSW in New York

- Registered for 36 months after date of licensure; next period will be adjusted.
- Must notify SED within 30 days of a change in name and/or address
- Renewal notice sent 4 months before end of registration period
- Exempt from continuing education for the first registration period

# LMSW practice is defined in law

- Professional application of social work theory, principles and the methods
- Intervene to address and prevent mental, social, emotional behavioral, developmental, and addictive disorders and the psychosocial aspects of illness and injury.
- Administer tests and measures of psychosocial functioning
- Engage in social work advocacy, case management, counseling, consultation, research, administration, management and teaching
- Supervision other than the practice of the LCSW

# LMSW practice includes activities that do not require licensure

- Facilitate community organization
- Provide supervision (other than clinical social work)
- Case management and coordination of services
- Serve as a client advocate
- Assist individuals or groups with difficult day-to-day problems such as, locating sources of assistance and self-help systems
- Assess, evaluate and formulate a plan of action based on client needs
- Serve as faculty member or instructor in an educational setting (not a field instructor)

# LMSW practice of clinical social work is restricted

- LMSW may only practice clinical social work under an LCSW, psychologist or psychiatrist employed by the setting
  - LMSW permit holder may only practice clinical social work under the supervision of an LCSW
- Setting must be authorized to provide clinical social work services and psychotherapy (operating certificate or waiver)
- Applicant must be supervised in accordance with law and regulations:
  - At least 100 hours of supervision distributed over a period of not less than 36 months (74.6(c))
  - Two hours/month of supervision if applicant is not completing experience toward the LCSW (74.6(d))
- Regulations: Clarify requirements including setting
  - At least 2,000 client contact hours & 36 months

# Clinical supervisor employed by the setting, not the applicant

- Setting is responsible for providing a qualified, clinical supervisor licensed and registered to practice
- LMSW may not employ a supervisor or have private practice
- Supervisor is responsible for clinical services provided by LMSW to the clients
- If the setting hires 3<sup>rd</sup> party supervisor, supervisor is responsible for patients and patients must have access to the supervisor

# Acceptable setting for clinical social work practice

An acceptable setting is:

- A professional corporation, partnership or sole proprietorship authorized to practice clinical social work and psychotherapy;
- 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;
- A program or facility authorized under federal law to provide services that are within the scope of practice of licensed clinical social work;
- A public elementary, middle or high school authorized by the Education Department to provide school social work services as defined in Part 80-2.3 of the Commissioner's Regulations, including clinical social work;
- An entity defined as exempt from the licensing requirements under New York Law (until 6/30/18) or otherwise authorized under New York Law of the laws of the jurisdiction in which the entity is located to provide services, including psychotherapy.



# Compliance with social work continuing education law

- Must complete acceptable CE starting 1/1/15 to register for practice as an LMSW or LCSW
  - **Not required in first three-year registration period**
  - Not required if licensee is “inactive” and not practicing as an LMSW or LCSW in New York
  - Complete CE when returning from inactive status
  - Requirement may be adjusted for good cause (illness, active military duty), acceptable to SED
  - One-year conditional registration allows licensee to make up the deficiency from prior period PLUS the hours required during the conditional registration

# Requirements for LCSW license

- Submit application (Form 1) & \$294 fee
- Graduate school verifies completion of clinical MSW degree (Form 2)
  - Individual transcript evaluation for graduate of program other than NYS registered LCSW
- Supervisor(s) verifies clinical experience for licensure (Form 4B)
- Pass ASWB Clinical examination
  - Entry based on SED approval of clinical education and clinical experience
- Be of good moral character

# Clinical Experience for LCSW

- Law establishes requirement: 36 months of post-MSW supervised experience in diagnosis, psychotherapy & assessment-based treatment planning, over period of not less than 36 and not more than 72 months, under LCSW, psychologist or psychiatrist in allowed setting
- Must complete at least
  - 36 months of practice +
  - 2,000 client contact hours +
  - 100 hours of individual/group in-person supervision
- May only practice under supervision until licensed as an LCSW

# Acceptable clinical experience for licensure is narrowly defined in the Education Law

- Law requires experience in diagnosis, psychotherapy and assessment-based treatment planning to ensure competence when licensed
- Acceptable activities are determined by the supervisor, but typically are consistent with third-party reimbursement for psychotherapy and diagnosis as defined in Insurance Law
- Other direct client activities, such as case management, psychosocial assessments, supportive counseling, discharge planning, etc., would not constitute acceptable experience, as defined in law and not meet the requirements for licensure

# First-time test taker results on the ASWB 2015 Clinical Examination

<b>Clinical Examination</b>	<b>1<sup>st</sup> Time Takers</b>	<b>Pass rate</b>
North America Clinical	12,981	76%
New York Clinical	1,121	78%
University at Albany Grads Clinical	88	93%

# LCSW Scope of Practice

- May make LMSW “inactive” at next renewal time and just register to practice as LCSW
- LCSW practice includes LMSW practice plus:
- Diagnosis of mental, emotional, behavioral, addictive and developmental disorders and disabilities;
- Psychosocial aspects of illness, injury, disability and impairment within a psychosocial framework;
- Administration and interpretation of tests and measures of psychosocial functioning;
- Development and implementation of appropriate assessment-based treatment plans;

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# LCSW Scope of Practice (cont)

- Development and implementation of appropriate assessment-based treatment plans;
- Provision of crisis-oriented psychotherapy and brief, short-term and long-term psychotherapy and psychotherapeutic treatment to individuals, couples, families and groups, habilitation, psychoanalysis and behavior therapy;
- All undertaken for purpose of preventing, assessing, treating, ameliorating and resolving psychosocial dysfunction with the goal of maintaining and enhancing the mental, emotional, behavioral and social functioning and well-being of individuals, couples, families, small groups, organizations, communities and society.

# Insurance law authorizes the “R” privilege for reimbursement of certain LCSWs

- An LCSW must meet the requirements in insurance law and Commissioner’s Regulations
- NY insurer that reimburses psychologist or psychiatrist for psychotherapy must reimburse an LCSW with the “R”
- Defines psychotherapy that is eligible for reimbursement
- Does not apply to policies for a self-insuring entity or an exempt ERISA plan
- Does not change the scope of practice or CE requirement
- Privilege is not required to practice clinical social work



# Acceptable experience for “R”

- Experience must be after date of licensure as LCSW and completed under a plan approved by Board (Form 1SWPR, 6SWPR & \$100)
- Requires at least 36 months and 2,400 client contact hours in diagnosis & psychotherapy
- No less than 400 client contact hours in a year for that year to be acceptable
- Experience may take more than 72 months

# Qualified supervisor for “R”

- Supervisor must be licensed and registered to practice as:
  - LCSW with the “R” privilege
  - Licensed Psychologist
  - Licensed Psychiatrist (Physician)
- Individual or group consultation of no less than 2 hours/month
- Setting and patients must know if there is an outside consultant directing services
- Applicant may pay the consultant

# Professional Responsibility

- Applicant who meets all requirements is issued a professional license and registration
  - New York license is valid for life, unless annulled, suspended or revoked
  - Licensee must register every three years
  - As of January 1, 2015, New York requires 36 hours of continuing education in triennial registration period
    - **Exemption in first registration period**
  - Register on-line today – apply on-line soon!

# Unprofessional Conduct

- Education Law and Regents Rules define unprofessional conduct in the practice of more than 50 professions
  - Includes practicing beyond scope or competence; with neglect or while impaired; moral unfitness to practice the profession; criminal conviction
- May include specific prohibitions for the profession
  - Record-keeping; invasive procedures

# Disciplinary Actions

- The Board of Regents is responsible for all disciplinary actions
  - Final actions are searchable on the Office of the Professions website:  
[www.op.nysed.gov/rasearches.htm](http://www.op.nysed.gov/rasearches.htm)
  - Verify licensure and registration online:  
[www.op.nysed.gov/opsearches.htm](http://www.op.nysed.gov/opsearches.htm)
  - Application for restoration of a license requires demonstration of rehabilitation, remorse and restitution

# Recent SW disciplinary actions

## **Braelynn Murphy; Collins, NY**

- LMSW #055287; Regents Action Date: June 14, 2016
- Application for consent order granted; **Penalty agreed upon:** 1 year stayed suspension, 1 year probation, \$500 fine. **Summary:** Licensee did not contest the charge of having been convicted of Driving While Intoxicated.

## **Cheryl Ann Bianchi-Bigelow; Rochester, NY**

- LCSW #034299; Regents Action Date: April 19, 2016
- Application for consent order granted; **Penalty agreed upon:** 2 year stayed suspension, 2 years probation, \$1,000 fine. **Summary:** Licensee did not contest the charge of improper billing practice

## **William N. Bryant; Trumansburg, NY**

- LMSW #065410 & LCSW #071802; Regents Action Date: March 22, 2016
- Application to surrender licenses granted. **Summary:** Licensee did not contest charges of failure to appropriately treat a client, failure to maintain appropriate professional boundaries with the client and failure to maintain records.

## **Amy Christine Ryan-Heiser; Williamsville, NY**

- LMSW #059168 & LCSW #070379; Regents Action Date: March 22, 2016
- Application for consent order granted; **Penalty agreed upon:** Censure and Reprimand, 1 year probation, \$500 fine. **Summary:** Licensee did not contest the charge of having failed to maintain a treatment plan for patient and failed to maintain an accurate record of patient's evaluation and treatment).

# Questions & Answers



# Contacts and Resources

- Office of the Professions Website:  
[www.op.nysed.gov](http://www.op.nysed.gov)
- Facebook:  
[www.facebook.com/NYSProfessions](http://www.facebook.com/NYSProfessions)
- Association of Social Work Boards:  
[www.aswb.org](http://www.aswb.org)
- Council on Social Work Education:  
[www.cswe.org](http://www.cswe.org)