



Legislation Text

File #: Res 1300-2012, **Version:** A

Proposed Res. No. 1300-A

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, S.6466-A/A.9794, legislation that would allow licensed social workers and mental health professionals to be legally hired by nonprofit social service organizations without requiring a waiver.

By Council Member Vann

Whereas, According to the National Association of Social Workers, the primary mission of social work is to enhance human wellbeing and help meet the basic human needs of all people, with particular attention to those who are vulnerable; and

Whereas, Social work focuses on helping people become emotionally and financially stable; and

Whereas, According to the New York State Education Department (NYSED), social workers may help people cope with issues in their everyday lives such as living with disabilities or life-threatening diseases, unemployment, inadequate housing, substance abuse, and child or spousal abuse; and

Whereas, Social workers help people find resources in order to improve their quality of life; and

Whereas, Social workers provide people with information regarding counseling, job training, reduced or low income housing, drug and alcohol cessation programs, and programs that help people augment their food supply; and

Whereas, Social work is critical to society because it encourages and promotes positive social change; and

Whereas, According to NYSED, in order to become a licensed social worker in New York State, an individual must be of good moral character, be at least 21 years of age, meet education requirements, complete training, and meet examination requirements; and

Whereas, Originally, NYSED took the position that New York State law did not allow certain nonprofit organizations, including those formed for charitable, educational or religious purposes, to hire licensed social workers; and

Whereas, Licensed professionals were only allowed to work in their own private practices; and

Whereas, NYSED asserted that state law places restrictions on the hiring of licensed social workers by nonprofits and other corporate entities in order to prevent these professionals from being influenced by unlicensed supervisors in support of a corporate goal; and

Whereas, As of 2010, the New York State Legislature modified the state law to permit nonprofit organizations to apply for waivers that would allow them to hire licensed social workers and other licensed mental health professionals; and

Whereas, The deadline to apply for a waiver was February 1, 2012; and

Whereas, If a nonprofit organization did not apply for a waiver in time, or if its request has been denied, hiring a licensed social worker or mental health professional could lead to criminal charges against the organization; and

Whereas, It is not illegal for certain licensed professionals such as pharmacists and optometrists to be hired without a waiver; and

Whereas, In March 2012 a broad coalition of over 90 non-profit organizations from across New York State was formed and called for the enactment of legislation eliminating the prohibition against the hiring of licensed social workers and mental health professionals by non-profits; and

Whereas, In 2012, Senator John Bonacic (R-NY) and Assembly Member Amy Paulin (D-NY) introduced S.6466-A and companion bill A.9794; and

Whereas, The purpose of this legislation is to amend the Public Health Law and the Education Law in relation to the provision of certain professional services, including social work services, to children's camps and nonprofit social service organizations; and

Whereas, The bill indicates that services may be provided either directly by an entity or indirectly by contract with individuals or professional entities that are duly licensed, registered, or authorized to provide such services; and

Whereas, The bill states that nothing in the Education Law shall be construed to prohibit a licensed professional from practicing his or her licensed profession; and

Whereas, Therefore, it should not be illegal for a licensed social worker to provide social work services to those in need; and

Whereas, It is counterproductive for services to be cut off from people in need because an organization did not meet a particular deadline; and

Whereas, It is essential that nonprofit social service organizations legally be allowed to hire licensed social workers and other licensed mental health professionals in order to guarantee that crucial services are provided to those in need; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign S.6466-A/A.9794, legislation that would allow licensed social workers and mental health professionals to be legally hired by nonprofit social service organizations without requiring a waiver.

LS# 3377
GP/JP
04/09/2012