

# LMSW & LCSW

- Licensing
- Professional Practice
- Public Protection

State Board for Social Work  
New York State Education Department

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# 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 of the professions
  - 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

- Effective 9/1/2004, New York licenses:
- Licensed Master Social Worker (LMSW)
  - (MSW degree & ASWB Masters Examination)
- Licensed Clinical Social Worker
  - (Clinical MSW degree, 36 months post-MSW supervised experience in diagnosis & psychotherapy, ASWB Clinical examination)
- “R” Psychotherapy privilege for certain LCSWs
  - (36 months post-LCSW supervised experience in diagnosis and psychotherapy)

# LMSW Requirements

- Apply online and pay the \$294 application & registration fee by credit card  
<http://www.op.nysed.gov/prof/sw/applysw.html>
- School verifies completion of MSW degree (Form 2 for individual or Form 20 for multiple students)
- Pass ASWB Master's examination
  - Division of Professional Licensing Services (DPLS) 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 for authorized setting in New York
- 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.
- Permit is not issued to candidate who passed exam.
- LCSW supervisor to practice clinical social work

# Passing Masters Exam for licensure

- Eligibility notice emailed to applicant by DPLS
- 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)

# First-time test taker results on the ASWB 2021 Examination

<b>North American Candidates (U.S. &amp; Canada)</b>	<b>1<sup>st</sup> Time Takers</b>	<b>Pass rate</b>
Masters examination	21,602	72.8%
Clinical examination	20,630	74.5%

# 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
- Licensed for life but must register to practice and use the title. Renewal notice sent 4 months before end of registration period
- Exempt from continuing education for the first registration period after licensure; after that, 36 hours from NYSED-approved providers in 36-month registration period



# 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 (cannot be reduced)


# 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 operate his/her own 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;
- A not-for-profit with a waiver issued by NYSED under Education Law
- An entity operated, regulated, funded or approved by certain state or local government agencies or otherwise authorized under New York Law or the laws of the jurisdiction in which the entity is located to provide services, including psychotherapy.



# Compliance with social work continuing education law

- **Not required in first three-year registration period**
- Must complete acceptable CE starting 1/1/15 to register for practice as an LMSW or LCSW
  - 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

# Applying for LCSW license

- Submit application online & pay \$294 fee  
<http://www.op.nysed.gov/prof/sw/applysw.html>
- 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 36 months of clinical experience for licensure in diagnosis & psychotherapy (Form 4B)
- Pass ASWB Clinical examination
  - Entry based on SED approval of clinical education and clinical experience of 36 months in a period no more than 72 months
- Be of good moral character



# Clinical Experience for LCSW

- Law requires completion of 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
- Experience may not be less than 36 months, even if minimum client and supervision hours have been completed



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

- Law requires experience in diagnosis, psychotherapy and assessment-based treatment planning; those terms are defined in Education Law §7701(2)
- 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., do not constitute acceptable experience, as defined in law and not meet the requirements for licensure

# LCSW Scope of Practice

May make LMSW “inactive” at next renewal time and just register to practice as LCSW, since LCSW scope of practice includes everything that can be done by a LMSW 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;

(continued on next slide)



# 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 or to operate a professional clinical social work practice

# Acceptable experience for “R”

- Experience must be after date of licensure as LCSW in New York 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 with ABPN credential)
- 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, which is prohibited for experience to qualify for the LCSW

# 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

- **Profession:** Licensed Master Social Worker; Lic. No. 062594; Cal. No. 31689  
**Regents Action Date:** February 15, 2022  
**Action:** Found guilty of professional misconduct; Penalty: 1 month actual suspension, 23 months stayed suspension, upon return to practice, 2 years probation.  
**Summary:** Licensee was found guilty of the charge of having been convicted of Grand Larceny in the 4th Degree, a class E felony.
- **Profession:** Licensed Clinical Social Worker; Lic. No. 034623; Cal. No. 32034  
**Regents Action Date:** February 15, 2022  
**Action:** Application for consent order granted; Penalty agreed upon: 1 month actual suspension, 23 months stayed suspension, 2 years probation, \$500 fine.  
**Summary:** Licensee did not contest the charge of leaving multiple messages on a former patient's voicemail with inappropriate statements.
- **Profession:** Licensed Master Social Worker; Lic. No. 075314; Cal. No. 32636  
**Regents Action Date:** February 15, 2022  
**Action:** Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation, \$500 fine.  
**Summary:** Licensee admitted to charges of having been convicted of Shoplifting, a class 1 misdemeanor, in the State of Arizona.
- **Profession:** Licensed Master Social Worker; Lic. No. 086412; Cal. No. 32726  
**Regents Action Date:** February 15, 2022  
**Action:** Application for consent order granted; Penalty agreed upon: 2 years stayed suspension, 2 years probation.  
**Summary:** Licensee did not contest the charge of sending inappropriate text messages to a patient on more than one occasion, causing said patient to think that licensee and patient were friends.

# 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)