

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. ORTIZ -- read once and referred to the Committee on Higher Education

AN ACT to amend chapter 420 of the laws of 2002 amending the education law relating to the profession of social work and chapter 676 of the laws of 2002 amending the education law relating to defining the practice of psychology, in relation to making certain provisions of law relating to social work and mental health practitioners permanent

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision a of section 9 of chapter 420 of the laws of
2 2002, amending the education law relating to the profession of social
3 work, as amended by chapter 132 of the laws of 2010, is amended to read
4 as follows:
5 Nothing in this act shall prohibit or limit the activities or services
6 on the part of any person in the employ of a program or service oper-
7 ated, regulated, funded, or approved by the department of mental
8 hygiene, the office of children and family services, the department of
9 correctional services, the state office for the aging, the department of
10 health, or a local governmental unit as that term is defined in article
11 41 of the mental hygiene law or a social services district as defined in
12 section 61 of the social services law, provided, however, this section
13 shall not authorize the use of any title authorized pursuant to article
14 154 of the education law[, except that this section shall be deemed
15 repealed on July 1, 2013]; provided, further, however, that on or before
16 October 1, 2010, each state agency identified in this subdivision shall
17 submit to the commissioner of education data, in such form and detail as
18 requested by the commissioner of education, concerning the functions
19 performed by its service provider workforce and the service provider
20 workforce of the local governmental units and social services districts
21 as defined in this subdivision over which the agency has regulatory

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 authority. After receipt of such data, the commissioner shall convene a
2 workgroup of such state agencies for the purpose of reviewing such data
3 and also to make recommendations regarding amendments to law, rule or
4 regulation necessary to clarify which tasks and activities must be
5 performed only by licensed or otherwise authorized personnel. No later
6 than January 1, 2011, after consultation with such work group, the
7 commissioner shall develop criteria for the report required pursuant to
8 subdivision b of this section and shall work with such state agencies by
9 providing advice and guidance regarding which tasks and activities must
10 be performed only by licensed or otherwise authorized personnel.

11 S 2. The opening paragraph of subdivision b of section 17-a of chapter
12 676 of the laws of 2002, amending the education law relating to defining
13 the practice of psychology, as amended by chapter 132 of the laws of
14 2010, is amended to read as follows:

15 [This section shall be deemed repealed July 1, 2013 provided, however,
16 that on] ON or before October 1, 2010, each state agency identified in
17 subdivision a of this section shall submit to the commissioner of educa-
18 tion data, in such form and detail as requested by the commissioner of
19 education, concerning the functions performed by its service provider
20 workforce and the service provider workforce of the local governmental
21 units and social services districts as defined in subdivision a of this
22 section over which the agency has regulatory authority. After receipt of
23 such data, the commissioner shall convene a workgroup of such state
24 agencies for the purpose of reviewing such data and also to make recom-
25 mendations regarding amendments to law, rule or regulation necessary to
26 clarify which tasks and activities must be performed only by licensed or
27 otherwise authorized personnel. No later than January 1, 2011, after
28 consultation with such workgroup, the commissioner shall develop crite-
29 ria for the report required pursuant to paragraph one of this subdivi-
30 sion and shall work with such state agencies by providing advice and
31 guidance regarding which tasks and activities must be performed only by
32 licensed or otherwise authorized personnel.

33 S 3. This act shall take effect immediately.