

5173

2011-2012 Regular Sessions

I N   A S S E M B L Y

February 14, 2011

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

AN ACT to amend the education law, in relation to mandatory continuing education for social workers

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

1     Section 1. The education law is amended by adding a new section 7710  
2     to read as follows:

3     S 7710. MANDATORY CONTINUING EDUCATION. 1. (A) EACH LICENSED MASTER  
4     SOCIAL WORKER OR LICENSED CLINICAL SOCIAL WORKER REQUIRED UNDER THIS  
5     ARTICLE TO REGISTER TRIENNIALLY WITH THE DEPARTMENT TO PRACTICE IN THIS  
6     STATE, SHALL COMPLY WITH THE PROVISIONS OF MANDATORY CONTINUING EDUCATION  
7     REQUIREMENTS PRESCRIBED IN SUBDIVISION TWO OF THIS SECTION, EXCEPT  
8     AS SET FORTH IN PARAGRAPHS (B) AND (C) OF THIS SUBDIVISION. LICENSED  
9     MASTER SOCIAL WORKERS OR LICENSED CLINICAL SOCIAL WORKERS WHO DO NOT  
10    SATISFY THE MANDATORY CONTINUING EDUCATION REQUIREMENTS SHALL NOT PRACTICE  
11    UNTIL THEY HAVE MET SUCH REQUIREMENTS, AND THEY HAVE BEEN ISSUED A  
12    REGISTRATION CERTIFICATE, EXCEPT THAT A LICENSED MASTER SOCIAL WORKER OR  
13    LICENSED CLINICAL SOCIAL WORKER MAY PRACTICE WITHOUT HAVING MET SUCH  
14    REQUIREMENTS IF HE OR SHE IS ISSUED A CONDITIONAL REGISTRATION CERTIFICATE  
15    PURSUANT TO SUBDIVISION THREE OF THIS SECTION.

16    (B) EACH LICENSED MASTER SOCIAL WORKER OR LICENSED CLINICAL SOCIAL  
17    WORKER SHALL BE EXEMPT FROM THE MANDATORY CONTINUING EDUCATION REQUIREMENT  
18    FOR THE TRIENNIAL REGISTRATION PERIOD DURING WHICH THEY ARE FIRST  
19    LICENSED. IN ACCORDANCE WITH THE INTENT OF THIS SECTION, ADJUSTMENT TO  
20    THE MANDATORY CONTINUING EDUCATION REQUIREMENT MAY BE GRANTED BY THE  
21    DEPARTMENT FOR REASONS OF HEALTH THAT ARE CERTIFIED BY AN APPROPRIATE  
22    HEALTH CARE PROFESSIONAL, FOR EXTENDED ACTIVE DUTY WITH THE ARMED FORCES  
23    OF THE UNITED STATES, OR FOR OTHER GOOD CAUSE ACCEPTABLE TO THE DEPARTMENT  
24    WHICH MAY PREVENT COMPLIANCE.

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

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(C) A LICENSED MASTER SOCIAL WORKER OR A LICENSED CLINICAL SOCIAL WORKER NOT ENGAGED IN PRACTICE, AS DETERMINED BY THE DEPARTMENT, SHALL BE EXEMPT FROM THE MANDATORY CONTINUING EDUCATION REQUIREMENT UPON THE FILING OF A STATEMENT WITH THE DEPARTMENT DECLARING SUCH STATUS. ANY LICENSEE WHO RETURNS TO THE PRACTICE OF SOCIAL WORK DURING THE TRIENNIAL REGISTRATION PERIOD SHALL NOTIFY THE DEPARTMENT PRIOR TO REENTERING THE PROFESSION AND SHALL MEET SUCH MANDATORY EDUCATION REQUIREMENTS AS SHALL BE PRESCRIBED BY REGULATIONS OF THE COMMISSIONER.

2. DURING EACH TRIENNIAL REGISTRATION PERIOD AN APPLICANT FOR REGISTRATION AS A LICENSED MASTER SOCIAL WORKER OR LICENSED CLINICAL SOCIAL WORKER SHALL COMPLETE A MINIMUM OF THIRTY HOURS OF ACCEPTABLE FORMAL CONTINUING EDUCATION. ANY LICENSED MASTER SOCIAL WORKER OR LICENSED CLINICAL SOCIAL WORKER WHOSE FIRST REGISTRATION DATE FOLLOWING THE EFFECTIVE DATE OF THIS SECTION OCCURS LESS THAN THREE YEARS FROM SUCH EFFECTIVE DATE, BUT ON OR AFTER JANUARY FIRST, TWO THOUSAND ELEVEN, SHALL COMPLETE CONTINUING EDUCATION HOURS ON A PRORATED BASIS AT THE RATE OF ONE HOUR PER EIGHTEEN MONTHS FOR THE PERIOD BEGINNING JANUARY FIRST, TWO THOUSAND THIRTEEN UP TO THE FIRST REGISTRATION DATE THEREAFTER. A LICENSEE WHO HAS NOT SATISFIED THE MANDATORY CONTINUING EDUCATION REQUIREMENTS SHALL NOT BE ISSUED A TRIENNIAL REGISTRATION CERTIFICATE BY THE DEPARTMENT AND SHALL NOT PRACTICE UNLESS AND UNTIL A CONDITIONAL REGISTRATION CERTIFICATE IS ISSUED AS PROVIDED FOR IN SUBDIVISION THREE OF THIS SECTION. CONTINUING EDUCATION HOURS TAKEN DURING ONE TRIENNIUM MAY NOT BE TRANSFERRED TO A SUBSEQUENT TRIENNIUM.

3. (A) THE DEPARTMENT, IN ITS DISCRETION, MAY ISSUE A CONDITIONAL REGISTRATION TO A LICENSEE WHO FAILS TO MEET THE CONTINUING EDUCATION REQUIREMENTS ESTABLISHED IN SUBDIVISION TWO OF THIS SECTION BUT WHO AGREES TO MAKE UP ANY DEFICIENCIES AND COMPLETE ANY ADDITIONAL EDUCATION WHICH THE DEPARTMENT MAY REQUIRE THE FEE FOR SUCH A CONDITIONAL REGISTRATION SHALL BE THE SAME AS, AND IN ADDITION TO, THE FEE FOR THE TRIENNIAL REGISTRATION. THE DURATION OF SUCH CONDITIONAL REGISTRATION SHALL BE DETERMINED BY THE DEPARTMENT BUT SHALL NOT EXCEED ONE YEAR. ANY LICENSEE WHO IS NOTIFIED OF THE DENIAL OF REGISTRATION FOR FAILURE TO SUBMIT EVIDENCE, SATISFACTORY TO THE DEPARTMENT, OF REQUIRED CONTINUING EDUCATION AND WHO PRACTICES WITHOUT SUCH REGISTRATION MAY BE SUBJECT TO DISCIPLINARY PROCEEDINGS PURSUANT TO SECTION SIXTY-FIVE HUNDRED TEN OF THIS TITLE.

(B) FOR PURPOSES OF THIS SECTION "ACCEPTABLE FORMAL EDUCATION" SHALL MEAN FORMAL COURSES OF LEARNING WHICH CONTRIBUTE TO PROFESSIONAL PRACTICE IN SOCIAL WORK AND WHICH MEET THE STANDARDS PRESCRIBED BY REGULATIONS OF THE COMMISSIONER. SUCH FORMAL COURSES OF LEARNING SHALL INCLUDE, BUT NOT BE LIMITED TO, COLLEGIATE LEVEL CREDIT AND NON-CREDIT COURSES, PROFESSIONAL DEVELOPMENT PROGRAMS AND TECHNICAL SESSIONS OFFERED BY NATIONAL, STATE AND LOCAL PROFESSIONAL ASSOCIATIONS AND OTHER ORGANIZATIONS ACCEPTABLE TO THE DEPARTMENT, AND ANY OTHER ORGANIZED EDUCATIONAL AND TECHNICAL PROGRAMS ACCEPTABLE TO THE DEPARTMENT. THE DEPARTMENT MAY, IN ITS DISCRETION AND AS NEEDED TO CONTRIBUTE TO THE HEALTH AND WELFARE OF THE PUBLIC, REQUIRE THE COMPLETION OF CONTINUING EDUCATION COURSES IN SPECIFIC SUBJECTS TO FULFILL THIS MANDATORY CONTINUING EDUCATION REQUIREMENT. COURSES MUST BE TAKEN FROM A SPONSOR APPROVED BY THE DEPARTMENT, PURSUANT TO THE REGULATIONS OF THE COMMISSIONER. LICENSED MASTER SOCIAL WORKER OR LICENSED CLINICAL SOCIAL WORKER SHALL MAINTAIN ADEQUATE DOCUMENTATION OF COMPLETION OF ACCEPTABLE FORMAL CONTINUING EDUCATION AND SHALL PROVIDE SUCH DOCUMENTATION AT THE REQUEST OF THE DEPARTMENT. FAILURE TO PROVIDE SUCH DOCUMENTATION UPON THE REQUEST OF THE DEPARTMENT SHALL BE AN ACT OF MISCONDUCT SUBJECT TO

1 DISCIPLINARY PROCEEDINGS PURSUANT TO SECTION SIXTY-FIVE HUNDRED TEN OF  
2 THIS TITLE.

3 (C) THE MANDATORY CONTINUING EDUCATION FEE SHALL BE FORTY-FIVE  
4 DOLLARS. SUCH FEE SHALL BE PAYABLE ON OR BEFORE THE FIRST DAY OF EACH  
5 TRIENNIAL REGISTRATION PERIOD, AND SHALL BE PAID IN ADDITION TO THE  
6 TRIENNIAL REGISTRATION FEE REQUIRED BY SECTION SIXTY-SEVEN HUNDRED THIR-  
7 TY-FOUR OF THIS TITLE.

8 S 2. This act shall take effect January 1, 2013. Provided, that effec-  
9 tive immediately, the addition, amendment and/or repeal of any rule or  
10 regulation necessary for the implementation of this act on its effective  
11 date are authorized and directed to be made and completed by the state  
12 education department.