

S. 4637

A. 6703

2013-2014 Regular Sessions

S E N A T E - A S S E M B L Y

April 16, 2013

IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

IN ASSEMBLY -- 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 REQUIREMENTS
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

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

LBD10338-01-3

1 HEALTH CARE PROFESSIONAL, FOR EXTENDED ACTIVE DUTY WITH THE ARMED FORCES
2 OF THE UNITED STATES, OR FOR OTHER GOOD CAUSE ACCEPTABLE TO THE DEPART-
3 MENT WHICH MAY PREVENT COMPLIANCE.

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

12 (D) A LICENSED CLINICAL SOCIAL WORKER WHO IS ALSO LICENSED AND REGIS-
13 TERED TO PRACTICE AS A LICENSED MASTER SOCIAL WORKER IN THE SAME TRIEN-
14 NIAL REGISTRATION PERIOD, SHALL NOT BE REQUIRED TO COMPLETE MORE THAN
15 THIRTY-SIX HOURS OF CONTINUING EDUCATION IN THE TRIENNIAL REGISTRATION
16 PERIOD, OR ONE HOUR PER MONTH FOR A REGISTRATION PERIOD OTHER THAN THIR-
17 TY-SIX MONTHS.

18 2. DURING EACH TRIENNIAL REGISTRATION PERIOD AN APPLICANT FOR REGIS-
19 TRATION AS A LICENSED MASTER SOCIAL WORKER OR LICENSED CLINICAL SOCIAL
20 WORKER SHALL COMPLETE A MINIMUM OF THIRTY-SIX HOURS OF ACCEPTABLE FORMAL
21 CONTINUING EDUCATION. ANY LICENSED MASTER SOCIAL WORKER OR LICENSED
22 CLINICAL SOCIAL WORKER WHOSE FIRST REGISTRATION DATE FOLLOWING THE
23 EFFECTIVE DATE OF THIS SECTION OCCURS LESS THAN THREE YEARS FROM SUCH
24 EFFECTIVE DATE, BUT ON OR AFTER OCTOBER FIRST, TWO THOUSAND FOURTEEN,
25 SHALL COMPLETE CONTINUING EDUCATION HOURS ON A PRORATED BASIS AT THE
26 RATE OF ONE HOUR PER MONTH FOR THE PERIOD BEGINNING OCTOBER FIRST, TWO
27 THOUSAND FOURTEEN UP TO THE FIRST REGISTRATION DATE THEREAFTER. A LICEN-
28 SEE WHO HAS NOT SATISFIED THE MANDATORY CONTINUING EDUCATION REQUIREMENT
29 SHALL NOT BE ISSUED A TRIENNIAL REGISTRATION CERTIFICATE BY THE DEPART-
30 MENT AND SHALL NOT PRACTICE UNLESS AND UNTIL A CONDITIONAL REGISTRATION
31 IS ISSUED AS PROVIDED FOR IN SUBDIVISION THREE OF THIS SECTION. CONTINU-
32 ING EDUCATION HOURS TAKEN DURING ONE TRIENNIUM MAY NOT BE TRANSFERRED TO
33 THE SUBSEQUENT TRIENNIUM.

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

47 (B) FOR PURPOSES OF THIS SECTION "ACCEPTABLE FORMAL EDUCATION" SHALL
48 MEAN FORMAL COURSES OF LEARNING WHICH CONTRIBUTE TO PROFESSIONAL PRAC-
49 TICE IN SOCIAL WORK AND WHICH MEET THE STANDARDS PRESCRIBED BY REGU-
50 LATIONS OF THE COMMISSIONER. SUCH FORMAL COURSES OF LEARNING SHALL
51 INCLUDE, BUT NOT BE LIMITED TO, COLLEGIATE LEVEL CREDIT AND NON-CREDIT
52 COURSES, PROFESSIONAL DEVELOPMENT PROGRAMS AND TECHNICAL SESSIONS
53 OFFERED BY NATIONAL, STATE AND LOCAL PROFESSIONAL ASSOCIATIONS AND OTHER
54 ORGANIZATIONS ACCEPTABLE TO THE DEPARTMENT, AND ANY OTHER ORGANIZED
55 EDUCATIONAL AND TECHNICAL PROGRAMS ACCEPTABLE TO THE DEPARTMENT. CONTIN-
56 UING EDUCATION COURSES MUST BE TAKEN FROM A PROVIDER WHO HAS BEEN

1 APPROVED BY THE DEPARTMENT, BASED UPON AN APPLICATION AND FEE, PURSUANT
2 TO THE REGULATIONS OF THE COMMISSIONER. THE DEPARTMENT MAY, IN ITS
3 DISCRETION AND AS NEEDED TO CONTRIBUTE TO THE HEALTH AND WELFARE OF THE
4 PUBLIC, REQUIRE THE COMPLETION OF CONTINUING EDUCATION COURSES IN
5 SPECIFIC SUBJECTS TO FULFILL THIS MANDATORY CONTINUING EDUCATION
6 REQUIREMENT. COURSES MUST BE TAKEN FROM A SPONSOR APPROVED BY THE
7 DEPARTMENT, PURSUANT TO THE REGULATIONS OF THE COMMISSIONER. LICENSED
8 MASTER SOCIAL WORKERS OR LICENSED CLINICAL SOCIAL WORKERS SHALL MAINTAIN
9 ADEQUATE DOCUMENTATION OF COMPLETION OF ACCEPTABLE FORMAL CONTINUING
10 EDUCATION AND SHALL PROVIDE SUCH DOCUMENTATION AT THE REQUEST OF THE
11 DEPARTMENT. FAILURE TO PROVIDE SUCH DOCUMENTATION UPON THE REQUEST OF
12 THE DEPARTMENT SHALL BE AN ACT OF MISCONDUCT SUBJECT TO DISCIPLINARY
13 PROCEEDINGS PURSUANT TO SECTION SIXTY-FIVE HUNDRED TEN OF THIS TITLE.

14 (C) THE MANDATORY CONTINUING EDUCATION FEE SHALL BE DETERMINED BY THE
15 DEPARTMENT. SUCH FEE SHALL BE PAYABLE ON OR BEFORE THE FIRST DAY OF EACH
16 TRIENNIAL REGISTRATION PERIOD, AND SHALL BE PAID IN ADDITION TO THE
17 TRIENNIAL REGISTRATION FEE REQUIRED BY PARAGRAPH (G) OF SUBDIVISION ONE
18 AND PARAGRAPH (G) OF SUBDIVISION TWO OF SECTION SEVENTY-SEVEN HUNDRED
19 FOUR OF THIS ARTICLE.

20 S 2. This act shall take effect immediately; provided, however, that
21 effective immediately, the state education department is authorized to
22 take such steps in advance of such effective date, including the addi-
23 tion, amendment and/or repeal of any rule or regulations as may be
24 necessary, to ensure the timely implementation of the provisions of this
25 act on such effective date.