

WAIVER REQUIRED FOR CERTAIN ENTITIES PROVIDING SOCIAL WORK OR PSYCHOTHERAPY SERVICES

Health Alert

June 1, 2011

In June 2010, the New York State Legislature passed a law clarifying the settings in which social workers, psychotherapists, and certain mental health practitioners could provide professional services. The law allows the New York State Education Department to issue a waiver from corporate practice prohibitions to qualified not-for-profit and education corporations. Recognizing that your corporate entity may employ these professionals, we wanted to advise you of the opportunity to seek a waiver.

The Board of Regents has approved permanent regulations to implement the law, effective February 2, 2011. The Education Department has developed the required waiver applications, consistent with the law and regulations, to allow certain not-for-profit and educational corporations to apply for a waiver.

The applications were posted on the Office of the Professions' website on February 16, 2011. **Qualified agencies have 120 days from the posting of the applications by the Education Department, or until June 16, 2011, to apply for a waiver.**

The New York State Association of Deans of Schools of Social Work, in conjunction with the NASW New York State Chapter, have produced an informational video regarding this issue to clarify who the law pertains to, which corporate entities might require a waiver, and the application process. At a minimum, you should determine whether your entity is exempt from the need for a waiver. For example, no waiver is required for entities already exempt from the corporate practice prohibition because they have an operating certificate issued under Article 28 of the Public Health Law or Articles 16, 31, or 32 of the Mental Hygiene Law and employ professionals within the scope of that operating certificate. The FAQs at the NYSED website are particularly useful.

Waiver applications are available on the New York State Education Department website.

For answers to further questions, visit the National Association of Social Workers website.

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