



# TESTIMONY

SUBMITTED TO BOTH THE JOINT FISCAL HEARING ON HIGHER  
EDUCATION (2/4/2021) & MENTAL HYGIENE (2/5/2021)

By the

NEW YORK MENTAL HEALTH COUNSELORS ASSOCIATION

Thank you for the opportunity to submit testimony on issues impacting access to mental health care around the state. As this issue impacts both the professions and mental health, we are submitting this testimony to both Joint Fiscal Hearings.

## **THE CHALLENGE**

There are critical workforce shortages in the mental health professions across New York State. For decades, the dramatic shortage of licensed mental health practitioners has been artificially filled by an exemption to the scope of practice for certain practitioners licensed under Article 163 of the Education Law [Licensed Mental Health Counselors, Licensed Marriage and Family Therapists, Licensed Psychoanalysts, and Licensed Creative Arts Therapists].

The exemption allows anyone employed in programs and services regulated, operated, funded or approved by OCFS, OPWDD, OASAS, and OMH to provide mental health and diagnostic services. The exemption was created in the original statute (2002) and was extended on three separate occasions. In 2018, the enacted budget included language to permanently sunset the exemption in June 2021.

When the exemption sunsets, the shortage of diagnostic professionals will become apparent. We are already hearing that internship sites are being closed because once the exemption expires agencies will no longer be able to utilize students in the same capacity as during the exemption.

The Legislature must act to address a crisis that will ensue in June. The solution is a modernization to the scope of practice and standardization of the Master level educational, clinical training and licensing standards for licensed mental health counselors, licensed marriage and family therapists and licensed psychoanalyst. There are currently over 10,000 of these capable, trained and licensed practitioners working up to their full scope of training in New York State. Each year approximately 800 additional people are licensed as LMHCs.

## **STANDARDIZATION OF MASTERS LEVEL MENTAL HEALTH PROFESSIONALS**

Currently licensed clinical social workers (LCSW), psychologists and psychiatrists (MDs) are the mental health professionals authorized to diagnose.

While LCSWs, LMHCs, LMFTs and LPs all have master's degrees in their field of mental health services, there are some differences in their requirements for licensure. Most notably is the requirement in law of LCSWs to obtain 12 credit hours of clinical instruction defined in regulations as;

- i. diagnosis and assessment in clinical social work practice;
- ii. clinical social work treatment; and
- iii. clinical social work practice with general and special populations.

While the masters' degree for the preparation of LMHCs includes such content as: clinical instruction, counseling theory and the practice and psychopathology; and the assessment and appraisal of individuals, couples and families and groups; NYMHCA recommends adding language to ensure that 12 credit hours are in clinical instruction.

Each of the mental health professions are required to obtain experience before they are granted a license. LCSWs are required in law to have experience "three years full-time supervised post-graduate clinical social work experience in diagnosis, psychotherapy, and assessment-based treatment plans." In regulations, this is defined as 2,000 as direct client contact hours in these activities.

Licensed mental health counselors are required to have a "minimum of three thousand hours of post-master's supervised experience relevant to the practice of mental health counseling". However, regulations require that only half – or 1,500 hours- are attributed to direct client content. NYMHCA recommends that this be increased to mirror the LCSW's requirements.

Education and experience are the two areas in the statutes where there are differences in the preparation of these professionals. By changing the statutes of LMHCs and others to mirror that of the LCSW, NYS is ensuring quality in diagnosing professionals.

#### **MODERNIZATION OF SCOPE OF PRACTICE**

Licensed clinical social workers are authorized to diagnose. Licensed masters social workers may diagnose only when supervised by a licensed clinical social worker, psychologists, or psychiatrist. [Section 74.6 c(2) of Commissioner's Regulations]

Licensed clinical social workers' scope of practice states:

"...a. The practice of clinical social work encompasses the scope of practice of licensed master social work and, in addition, includes the diagnosis of mental, emotional, behavioral, addictive and developmental disorders and disabilities and of the psychosocial aspects of illness, injury, disability and impairment undertaken within a psychosocial framework;..."

"b. Diagnosis in the context of licensed clinical social work practice is the process of distinguishing, beyond general social work assessment, between similar mental, emotional, behavioral, developmental and addictive disorders, impairments and disabilities within a psychosocial framework on the basis of their similar and unique characteristics consistent with accepted classification systems." [§7701 of the Education law]

NYMHCA recommends that in response to standardizing the requirements for licensure the Legislature amends the scope of practice of LMHCs, LMFTs and LPs to include similar language. By authorizing our professions to diagnose we will be increasing the pool of qualified mental health professionals and helping agencies and mental health clinics meet the increasing need for mental health services.

#### **CONCLUSION**

Thank you for the opportunity to share with you our concerns and policy recommendations.

**Background:**

New York Mental Health Counselors Association is a statewide trade association representing licensed mental health counselors (LMHC) and students of the profession. More information about NYMHCA may be found [here](#).

The scope of practice and standards for preparation of LMHCs may be found in [Article 163](#) of the Education Law.

There are currently 7,987 LMHCs in NYS. The following is a breakdown of LMHCs by county. More licensure statistics may be found [here](#). Over 800 individuals per year become licensed in the profession.

**Mental Health Counselor**

<b>County</b>	<b>Number</b>	<b>County</b>	<b>Number</b>	<b>County</b>	<b>Number</b>
Albany	196	Jefferson	59	Saratoga	177
Allegany	37	Kings	808	Schenectady	95
Bronx	236	Lewis	6	Schoharie	12
Broome	22	Livingston	27	Schuyler	5
Cattaraugus	41	Madison	24	Seneca	9
Cayuga	30	Monroe	485	Steuben	32
Chautauqua	62	Montgomery	15	St. Lawrence	57
Chemung	18	Nassau	660	Suffolk	617
Chenango	5	New York	708	Sullivan	22
Clinton	63	Niagara	109	Tioga	12
Columbia	23	Oneida	48	Tompkins	37
Cortland	12	Onondaga	223	Ulster	107
Delaware	9	Ontario	58	Warren	40
Dutchess	150	Orange	143	Washington	15
Erie	620	Orleans	8	Wayne	39
Essex	21	Oswego	68	Westchester	443
Franklin	30	Otsego	17	Wyoming	11
Fulton	10	Putnam	49	Yates	5
Genesee	19	Queens	669	<b>NYS TOTAL</b>	<b>7,987</b>

Greene	13	Rensselaer	99	<b>OTHER US</b>	<b>873</b>
Hamilton	1	Richmond	195	<b>NON-US</b>	<b>14</b>
Herkimer	6	Rockland	150	<b>TOTAL</b>	<b>8,874</b>

The following colleges and universities offer one or more [licensure granting program](#) approved by the New York State Education Department:

Adelphi University

Alfred University

Canisius College

Cazenovia College

College of New Rochelle

College of Saint Rose

Columbia University

CUNY Baruch

CUNY Brooklyn

CUNY City College

CUNY Staten Island

CUNY Hunter College

CUNY John Jay

CUNY Queens

Fordham University

Hofstra University

Iona College

LIU Brooklyn

LIU CW Post

LIU Purchase

Medaille College

Manhattan College

Marist College

Mercy College

Molloy College

New York University

Niagara University

NY Institute of Technology

Nyack College

PACE University

Russell Sage College

St Bonaventure

St John Fischer

St John's University

SUNY Albany

SUNY Brockport

SUNY Buffalo

SUNY New Paltz

SUNY Old Westbury

SUNY Oswego

SUNY Oswego-Metro

SUNY Plattsburgh

Syracuse University

Touro College

Univ of Rochester

Yeshiva University