



National Association of Social Workers

50 Broadway • 10th Floor • New York NY • 10004 • Phone: (212) 668-0050 • Fax: (212) 668-0305
Website: www.naswnyc.org • E-Mail: naswnyc@naswnyc.org

Update: Licensing

From: Robert S. Schachter, DSW, LMSW
Executive Director

Date: October 7, 2008

Qualifying for the LCSW and the Issue of Settings

Facility-based Settings

Hundreds of LMSWs who want to obtain the LCSW will find some welcome news: the State Education Department is re-thinking its requirements based on settings. NASW-NYC received word through its lobbyist that the State Education Department (SED) is re-considering its requirement that programs have certificates of operation that authorize clinical practice. This reflects their interpretation of state law that they are legally required to verify that settings are appropriate for doing LCSW related work. For example, LMSWs who have worked in agencies or hospital social work departments may have been denied the LCSW as a result of a determination that the setting was not authorized for LCSW practice.

On the one hand, there is an acknowledgement that this requirement went into effect relatively recently and that LMSWs seeking the LCSW or their employers would not have known about the need to have their setting validated. How SED operationalizes this change in thinking is not yet clear, nor is it clear yet how LMSWs who may have been rejected for the LCSW will be treated. From what we have learned at this time, we expect that many, and possibly most, LMSWs who have already been rejected for the LCSW by virtue of their setting being disqualified will be able to have a reconsideration.

In addition, we understand that SED is considering future legislation that would exempt public and non-profit human service providers from needing to obtain certificates of operation that specifically reflect clinical practice in the future. This would be good news for the social work workforce and reflects NASW's position that settings should NOT necessarily be a factor in consideration for getting the LCSW. The legislature will not reconvene fully until January 2009. It could be some time before this goes into effect, assuming that it becomes law at all.

LMSWs in Private Practice

We also understand that SED is acknowledging that LMSWs should not be penalized for having gone into private practice while obtaining the experience under private supervision to qualify for the LCSW. The acknowledgement relates to information provided by SED before June, 2008 that indicated that this was a viable pathway toward the LCSW. Given that SED interprets the law to not allow private practice as a pathway, it still needs to be clarified how they will address this matter. It does appear that many LMSWs will be given what SED is referring to as “amnesty” from the requirements of the law and will be granted the LCSW.

A great deal still needs to be determined in regard to how SED will actually deal with the applications that it has denied in the past, as well as how LMSWs already on their way toward getting the LCSW but have not yet applied will be treated. For example, if you are an LMSW and are in the field one month or one year, under supervision and obtaining clinical experience, will this experience now count regardless of type of setting? We understand that SED is considering these issues with an eye toward inclusion.

As NASW-NYC learns more about these developments, members will be notified as quickly as possible. Stay tuned.

Members can contact the Chapter’s Licensing Specialist, Lu Lasson, LCSW, for assistance with their licensing questions. Please note that there is no further information available at this time about what was addressed above.