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## **NON-PROFITS UNITE TO FIGHT LAW THAT MAKES IT A FELONY TO EMPLOY LICENSED SOCIAL WORKERS**

*Scores of organizations band together to call for Governor  
and Legislature to provide exemption from law*

New York, New York – A consortium of over 90 non-profit social service organizations from across New York State announced today that they had joined together to fight for the right to employ licensed social workers and other mental health professionals without fear of criminal prosecution. According to the State Education Department (SED), any non-profit that employs a licensed social worker is committing a felony unless they received a waiver from SED. Unfortunately, many organizations have not received such waivers and many others cannot apply because SED requires them to attest to facts that are not true in order to obtain a waiver.

SED asserts that a provision of the Education Law, which makes it a felony for any unlicensed person to “hold himself out as being able to practice any profession,” prohibits non-profits from employing licensed professionals like social workers. The non-profits vehemently contest that interpretation, and assert that they are simply holding themselves out as employing licensed professionals, not as practicing the profession themselves.

“No civilized society makes it a felony for non-profits to hire licensed social workers to care for the needy,” said David Nocenti, Executive Director of Union Settlement Association, the largest social service provider in East Harlem. “Unless this law is changed, it will continue to have an adverse impact on residents throughout New York State, particularly in poor and underserved communities that rely upon social service organizations to provide crucial assistance to the needy.”

"A contorted interpretation of the law should not place non-profits seeking to offer quality services to vulnerable New Yorkers in this kind of legal jeopardy” said Shelly Nortz, Deputy Executive Director for Policy with Coalition for the Homeless. “Nor should the job security of licensees be placed at risk by a state agency that plays no part in administering or financing human services."

A broad consortium of non-profits from across the State has united to challenge the prohibition against the employment of licensed social workers. In a letter to Governor Andrew Cuomo, Speaker Sheldon Silver, Majority Leader Dean Skelos and SED Chancellor Merryl Tisch, they ask that social workers be given the same exemption that pharmacists, optometrists and others already enjoy. As stated in the letter:

“[The current law] imposes tremendous harm not just on the agencies themselves, but also on the many licensed social workers whose jobs are at risk, or whose employment prospects are now severely curtailed . . . . Most importantly, the current system will have a tremendous adverse impact on poor and underserved communities throughout New York State, many of which rely upon local social service organizations to provide crucial assistance to needy residents.”

“The social work licensing law is a real-life example of the law of unintended consequences,” said Michael Stoller, Executive Director of the Human Services Council. “Should the State Legislature not make these needed changes, the entire system of human services could be severely disrupted with adverse impacts to providing agencies, their direct care workforce, and, most importantly, the vulnerable clients we serve.”

“The social work licensing law, as interpreted by the State Education Department, has the potential to cripple many of the social service agencies that FPWA works with, disrupting vital services to those in need across the city and placing significant burdens on already struggling non-profit agencies,” said Fatima Goldman, Executive Director/CEO of the Federation of Protestant Welfare Agencies. “This law should be overturned immediately to avoid severe consequences, which were never intended when the law was enacted.”

The State Legislature has granted many exemptions from this law in the past, including allowing both non-profits and other corporate entities to employ pharmacists, optometrists, massage therapists and others, but not social workers. In 2010 the State Legislature passed a law allowing any non-profit that applied to SED for a waiver prior to February 1, 2012 to employ licensed social workers and other mental health professionals, but that deadline has now passed without many non-profits applying. Moreover some non-profits that employ licensed accountants, nurses or other professionals felt they could not apply for the waiver because SED requires them to certify that they are not employing any licensed professionals other than social workers. All of these entities now could face felony charges.

“We are asking the Governor and the Legislature to take action to do exactly what they say they want to do: end useless government mandates which protect no one, cause a great deal of meaningless paperwork, waste money, and expose hundreds of nonprofit agencies to legal liability for doing work that in many instances their government licenses and contracts require them to do” said Jim Purcell, CEO of the Council of Family and Child Caring Agencies.

A copy of the letter is attached.

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