

ACT NOW: State Ed Waiver

To: HSC Board
HSC Members

I am writing to remind you that ALL ORGANIZATIONS must complete the State Education Department waiver for certain professional services by February 1, 2012. Please read the information below and ensure your organization has completed the waiver, if necessary, and see the attached fact sheet for more information.

Your programs may require you to provide certain professional services to your clients. If licensed professionals at your organization (whether on staff or as independent contractors) provide any of the following services, your organization must be in compliance with the New York State Education Law in order to continue to practice these professional services and contract with the City for these services:

- **Social Work**
- **Mental Health Professions, including: Creative Arts Therapists, Marriage and Family Therapists, Mental Health Counselors, and Psychoanalysts**
- **Psychology**

The New York State Education law prohibits the practice of the above-mentioned professions by corporate entities, including nonprofit organizations. Nonprofit service providers may provide these services only if waivers of these corporate practice prohibitions are requested from the [State Education Department](#) (SED) **by the deadline of February 1, 2012**, or if all of the programs in the organization providing these professional services qualify for an exemption under the law. Once granted, waivers are valid for three years and must be renewed for each entity and program that received a waiver. Please see the attached SED Compliance Fact Sheet for more information.

In an effort to help answer your specific questions more thoroughly, the City has scheduled information sessions in January 2012. The State Education Department will have representatives in attendance to help answer questions. If your organization has not yet filed a waiver and does provide these covered professional services to clients, please attend one of the sessions listed below to ensure your organization's ongoing compliance with the law, as it is a requirement of your organization's contract with the City of New York.

- Tuesday, January 17th, 11:00 am – 12:30 pm, hosted by the ACS Children's Center, Auditorium, 492 First Avenue, New York
This session will focus on single site/single service programs contracting with ACS, DYCD, and DFTA.
- Tuesday, January 17th, 3:00 pm – 4:30 pm hosted by DHMH, 42-09 28th Street, Long Island City, Queens
This session will focus on programs contracting with DHMH and DHS that have complex multi-program funding streams and are wholly or partially licensed by State agencies.
- Wednesday, January 18th, 1:00 pm – 2:00 pm, hosted at DOP at 33 Beaver Street, 18th floor, New York

This session will focus on correctional services and probation programs contracted through DOC and DOP. This session will also cover how to support a Moral Character Attestation form if there is a member of the board that discloses a former conviction.

If you believe all of your organization's programs and licensed professionals are covered under valid exemptions, please contact the SED to confirm before the deadline. Each program may have a different standing under the law, and an organization with an Executive Director who is an MSW may be required to file a waiver request.

For any additional assistance call 311 or call the Mayor's Office of Contract Services **Capacity Building and Oversight Unit at 212-788-0001** or email nfphep@cityhall.nyc.gov.

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