

S. 5086

A. 7225

2013-2014 Regular Sessions

S E N A T E - A S S E M B L Y

May 8, 2013

IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

IN ASSEMBLY -- Introduced by M. of A. DenDEKKER -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to mandatory continuing education for licensed mental health counselors, marriage and family therapists, psychoanalysts and creative arts therapists

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The education law is amended by adding a new section 8412
2 to read as follows:
3 S 8412. MANDATORY CONTINUING EDUCATION. 1. (A) EACH LICENSED MENTAL
4 HEALTH COUNSELOR, MARRIAGE AND FAMILY THERAPIST, PSYCHOANALYST, AND
5 CREATIVE ARTS THERAPIST REQUIRED UNDER THIS ARTICLE TO REGISTER TRIENNI-
6 ALLY WITH THE DEPARTMENT TO PRACTICE IN THIS STATE, SHALL COMPLY WITH
7 THE PROVISIONS OF MANDATORY CONTINUING EDUCATION REQUIREMENTS PRESCRIBED
8 IN SUBDIVISION TWO OF THIS SECTION, EXCEPT AS SET FORTH IN PARAGRAPHS
9 (B) AND (C) OF THIS SUBDIVISION. LICENSED MENTAL HEALTH COUNSELORS,
10 MARRIAGE AND FAMILY THERAPISTS, PSYCHOANALYSTS, AND CREATIVE ARTS THERA-
11 PISTS WHO DO NOT SATISFY THE MANDATORY CONTINUING EDUCATION REQUIREMENTS
12 SHALL NOT PRACTICE UNTIL THEY HAVE MET SUCH REQUIREMENTS, AND THEY HAVE
13 BEEN ISSUED A REGISTRATION CERTIFICATE, EXCEPT THAT A LICENSED MENTAL
14 HEALTH COUNSELOR, MARRIAGE AND FAMILY THERAPIST, PSYCHOANALYST, AND
15 CREATIVE ARTS THERAPIST MAY PRACTICE WITHOUT HAVING MET SUCH REQUIRE-
16 MENTS IF HE OR SHE IS ISSUED A CONDITIONAL REGISTRATION CERTIFICATE
17 PURSUANT TO SUBDIVISION THREE OF THIS SECTION.
18 (B) EACH LICENSED MENTAL HEALTH COUNSELOR, MARRIAGE AND FAMILY THERA-
19 PIST, PSYCHOANALYST, AND CREATIVE ARTS THERAPIST SHALL BE EXEMPT FROM
20 THE MANDATORY CONTINUING EDUCATION REQUIREMENTS FOR THE TRIENNIAL REGIS-

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 TRATION PERIOD DURING WHICH THEY ARE FIRST LICENSED. IN ACCORDANCE WITH
2 THE INTENT OF THIS SECTION, ADJUSTMENT TO THE MANDATORY CONTINUING
3 EDUCATION REQUIREMENT MAY BE GRANTED BY THE DEPARTMENT FOR REASONS OF
4 HEALTH THAT ARE CERTIFIED BY AN APPROPRIATE HEALTH CARE PROFESSIONAL,
5 FOR EXTENDED ACTIVE DUTY WITH THE ARMED FORCES OF THE UNITED STATES, OR
6 FOR OTHER GOOD CAUSE ACCEPTABLE TO THE DEPARTMENT WHICH MAY PREVENT
7 COMPLIANCE.

8 (C) A LICENSED MENTAL HEALTH COUNSELOR, MARRIAGE AND FAMILY THERAPIST,
9 PSYCHOANALYST, AND CREATIVE ARTS THERAPIST NOT ENGAGED IN PRACTICE, AS
10 DETERMINED BY THE DEPARTMENT, SHALL BE EXEMPT FROM THE MANDATORY CONTIN-
11 UING EDUCATION REQUIREMENT UPON THE FILING OF A STATEMENT WITH THE
12 DEPARTMENT DECLARING SUCH STATUS. ANY LICENSEE WHO RETURNS TO THE PRAC-
13 TICE OF MENTAL HEALTH COUNSELING, MARRIAGE AND FAMILY THERAPY, PSYCHO-
14 ANALYSIS, AND CREATIVE ARTS THERAPY DURING THE TRIENNIAL REGISTRATION
15 PERIOD SHALL NOTIFY THE DEPARTMENT PRIOR TO REENTERING THE PROFESSION
16 AND SHALL MEET SUCH MANDATORY EDUCATION REQUIREMENTS AS SHALL BE
17 PRESCRIBED BY REGULATIONS OF THE COMMISSIONER.

18 2. DURING EACH TRIENNIAL REGISTRATION PERIOD AN APPLICANT FOR REGIS-
19 TRATION AS A LICENSED MENTAL HEALTH COUNSELOR, MARRIAGE AND FAMILY THER-
20 APIST, PSYCHOANALYST, AND CREATIVE ARTS THERAPIST SHALL COMPLETE A MINI-
21 MUM OF THIRTY-SIX HOURS OF ACCEPTABLE FORMAL CONTINUING EDUCATION, A
22 MAXIMUM OF TWELVE HOURS OF WHICH MAY BE SELF-INSTRUCTIONAL COURSE WORK
23 ACCEPTABLE TO THE DEPARTMENT. ANY LICENSED MENTAL HEALTH COUNSELOR,
24 MARRIAGE AND FAMILY THERAPIST, PSYCHOANALYST, AND CREATIVE ARTS THERA-
25 PIST WHOSE FIRST REGISTRATION DATE FOLLOWING THE EFFECTIVE DATE OF THIS
26 SECTION OCCURS LESS THAN THREE YEARS FROM SUCH EFFECTIVE DATE, BUT ON OR
27 AFTER JANUARY FIRST, TWO THOUSAND SEVENTEEN, SHALL COMPLETE CONTINUING
28 EDUCATION HOURS ON A PRORATED BASIS AT THE RATE OF ONE HOUR PER MONTH
29 FOR THE PERIOD BEGINNING JANUARY FIRST, TWO THOUSAND SEVENTEEN UP TO THE
30 FIRST REGISTRATION DATE THEREAFTER. A LICENSEE WHO HAS NOT SATISFIED THE
31 MANDATORY CONTINUING EDUCATION REQUIREMENT SHALL NOT BE ISSUED A TRIEN-
32 NIAL REGISTRATION CERTIFICATE BY THE DEPARTMENT AND SHALL NOT PRACTICE
33 UNLESS AND UNTIL A CONDITIONAL REGISTRATION CERTIFICATE IS ISSUED AS
34 PROVIDED FOR IN SUBDIVISION THREE OF THIS SECTION. CONTINUING EDUCATION
35 HOURS TAKEN DURING ONE TRIENNIUM MAY NOT BE TRANSFERRED TO THE SUBSE-
36 QUENT TRIENNIUM.

37 3. (A) THE DEPARTMENT, IN ITS DISCRETION, MAY ISSUE A CONDITIONAL
38 REGISTRATION TO A LICENSEE WHO FAILS TO MEET THE CONTINUING EDUCATION
39 REQUIREMENTS ESTABLISHED IN SUBDIVISION TWO OF THIS SECTION BUT WHO
40 AGREES TO MAKE UP ANY DEFICIENCIES AND COMPLETE ANY ADDITIONAL EDUCATION
41 WHICH THE DEPARTMENT MAY REQUIRE. THE FEE FOR SUCH A CONDITIONAL REGIS-
42 TRATION SHALL BE THE SAME AS, AND IN ADDITION TO, THE FEE FOR THE TRIEN-
43 NIAL REGISTRATION. THE DURATION OF SUCH CONDITIONAL REGISTRATION SHALL
44 BE DETERMINED BY THE DEPARTMENT BUT SHALL NOT EXCEED ONE YEAR. ANY
45 LICENSEE WHO IS NOTIFIED OF THE DENIAL OF REGISTRATION FOR FAILURE TO
46 SUBMIT EVIDENCE, SATISFACTORY TO THE DEPARTMENT, OF REQUIRED CONTINUING
47 EDUCATION AND WHO PRACTICES WITHOUT SUCH REGISTRATION MAY BE SUBJECT TO
48 DISCIPLINARY PROCEEDINGS PURSUANT TO SECTION SIXTY-FIVE HUNDRED TEN OF
49 THIS TITLE.

50 (B) FOR PURPOSES OF THIS SECTION "ACCEPTABLE FORMAL EDUCATION" SHALL
51 MEAN FORMAL COURSES OF LEARNING WHICH CONTRIBUTE TO PROFESSIONAL PRAC-
52 TICE IN MENTAL HEALTH COUNSELING, MARRIAGE AND FAMILY THERAPY, PSYCHO-
53 ANALYSIS, OR CREATIVE ARTS THERAPIES AND WHICH MEET THE STANDARDS
54 PRESCRIBED BY REGULATIONS OF THE COMMISSIONER. SUCH FORMAL COURSES OF
55 LEARNING SHALL INCLUDE, BUT NOT BE LIMITED TO, COLLEGIATE LEVEL CREDIT
56 AND NON-CREDIT COURSES, PROFESSIONAL DEVELOPMENT PROGRAMS AND TECHNICAL

1 SESSIONS OFFERED BY NATIONAL, STATE AND LOCAL PROFESSIONAL ASSOCIATIONS
2 AND OTHER ORGANIZATIONS ACCEPTABLE TO THE DEPARTMENT, AND ANY OTHER
3 ORGANIZED EDUCATIONAL AND TECHNICAL PROGRAMS ACCEPTABLE TO THE DEPART-
4 MENT. CONTINUING EDUCATION COURSES MUST BE TAKEN FROM A PROVIDER WHO
5 HAS BEEN APPROVED BY THE DEPARTMENT, BASED UPON AN APPLICATION AND FEE,
6 PURSUANT TO THE REGULATIONS OF THE COMMISSIONER. THE DEPARTMENT MAY, IN
7 ITS DISCRETION AND AS NEEDED TO CONTRIBUTE TO THE HEALTH AND WELFARE OF
8 THE PUBLIC, REQUIRE THE COMPLETION OF CONTINUING EDUCATION COURSES IN
9 SPECIFIC SUBJECTS TO FULFILL THIS MANDATORY CONTINUING EDUCATION
10 REQUIREMENT. LICENSED MENTAL HEALTH COUNSELORS, MARRIAGE AND FAMILY
11 THERAPISTS, PSYCHOANALYSTS, AND CREATIVE ARTS THERAPISTS SHALL MAINTAIN
12 ADEQUATE DOCUMENTATION OF COMPLETION OF ACCEPTABLE FORMAL CONTINUING
13 EDUCATION AND SHALL PROVIDE SUCH DOCUMENTATION AT THE REQUEST OF THE
14 DEPARTMENT. FAILURE TO PROVIDE SUCH DOCUMENTATION UPON THE REQUEST OF
15 THE DEPARTMENT SHALL BE AN ACT OF MISCONDUCT SUBJECT TO DISCIPLINARY
16 PROCEEDINGS PURSUANT TO SECTION SIXTY-FIVE HUNDRED TEN OF THIS TITLE.
17 (C) THE MANDATORY CONTINUING EDUCATION FEE SHALL BE DETERMINED BY THE
18 DEPARTMENT. SUCH FEE SHALL BE PAYABLE ON OR BEFORE THE FIRST DAY OF
19 EACH TRIENNIAL REGISTRATION PERIOD, AND SHALL BE PAID IN ADDITION TO THE
20 TRIENNIAL REGISTRATION FEES REQUIRED BY PARAGRAPH (G) OF SUBDIVISION
21 THREE OF SECTION EIGHTY-FOUR HUNDRED TWO OF THIS ARTICLE AND PARAGRAPH
22 (G) OF SUBDIVISION THREE OF SECTION EIGHTY-FOUR HUNDRED FIVE OF THIS
23 ARTICLE.
24 S 2. This act shall take effect January 1, 2017.