

8897

2009-2010 Regular Sessions

I N A S S E M B L Y

June 12, 2009

Introduced by M. of A. PRETLOW -- (at request of the New York State Education Department) -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to the registration of entities providing certain professional services and the licensure of certain professionals; to amend chapter 420 of the laws of 2002, amending the education law relating to the profession of social work, in relation to the effect of such provisions on certain governmental entities and the effectiveness thereof; and to amend chapter 676 of the laws of 2002, amending the education law relating to mental health care practitioners, in relation to the effect of such provisions on certain governmental entities and the effectiveness thereof

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

1 Section 1. Legislative intent. The establishment of restricted prac-
2 tice for the professions of licensed master social work, licensed clin-
3 ical social work, licensed mental health counseling, licensed marriage
4 and family therapy, licensed creative arts therapy, licensed psychoanal-
5 ysis, and licensed psychology has advanced the goal of protecting the
6 public from unqualified practitioners, particularly those providing
7 psychotherapy and other services that are now restricted under the
8 education law. For decades, not-for-profit corporations, education
9 corporations, firms and business corporations employed individuals to
10 provide social work and mental health services. The licensing law did
11 not provide a general recognition of such providers that employ individ-
12 uals licensed in these professions but who are not authorized under
13 appropriate laws, such as the mental hygiene law and the public health
14 law. Therefore, enforcement of prohibitions in the education law could
15 result in the shuttering of long-standing providers and the loss of
16 services to individuals and families across New York state. This act
17 establishes an exemption from corporate practice prohibitions for enti-

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

LBD14336-03-9

1 ties that register with the education department by July 1, 2011 in
2 order to employ licensed professionals to provide services. In addition,
3 the commissioner of education is directed to convene a work group to
4 identify ways to ensure compliance with corporate practice prohibitions
5 to ensure the protection of the public and the integrity of the licensed
6 professions.

7 S 2. The education law is amended by adding a new section 6503-a to
8 read as follows:

9 S 6503-A. REGISTRATION OF ENTITIES PROVIDING CERTAIN PROFESSIONAL
10 SERVICES. 1. A. EXCEPT AS OTHERWISE PROVIDED IN THIS PARAGRAPH OR
11 SUBDIVISION TWO OF THIS SECTION, A NOT-FOR-PROFIT CORPORATION, EDUCATION
12 CORPORATION, FIRM, BUSINESS CORPORATION OR OTHER BUSINESS ENTITY MAY NOT
13 PROVIDE: (I) SERVICES UNDER ARTICLE ONE HUNDRED FIFTY-FOUR OR ONE
14 HUNDRED SIXTY-THREE OF THIS TITLE FOR WHICH LICENSURE WOULD BE REQUIRED;
15 OR (II) SERVICES CONSTITUTING THE PROVISION OF PSYCHOTHERAPY AS DEFINED
16 IN SUBDIVISION TWO OF SECTION EIGHTY-FOUR HUNDRED ONE OF THIS TITLE AND
17 AUTHORIZED AND PROVIDED UNDER ARTICLE ONE HUNDRED THIRTY-ONE, ONE
18 HUNDRED THIRTY-NINE OR ONE HUNDRED FIFTY-THREE OF THIS TITLE, DIRECTLY
19 THROUGH ITS EMPLOYEES OR INDIRECTLY BY CONTRACT WITH INDIVIDUALS OR
20 PROFESSIONAL BUSINESS ENTITIES DULY LICENSED, REGISTERED, OR AUTHORIZED
21 TO PROVIDE SUCH SERVICES, UNLESS SUCH ENTITY IS REGISTERED BY THE
22 DEPARTMENT PURSUANT TO THIS SECTION BY NO LATER THAN JULY FIRST, TWO
23 THOUSAND ELEVEN. ANY SUCH ENTITY PROVIDING SUCH SERVICES ON THE DATE
24 THIS SECTION TAKES EFFECT SHALL BE DEEMED REGISTERED PURSUANT TO THIS
25 SECTION UNTIL AN APPLICATION FOR REGISTRATION IS SUBMITTED IN A FORM
26 PRESCRIBED BY THE COMMISSIONER OR UNTIL ONE HUNDRED TWENTY DAYS AFTER
27 THE DEPARTMENT PRESCRIBES SUCH APPLICATION FORM, WHICHEVER IS EARLIER,
28 PROVIDED THAT UPON SUBMISSION OF SUCH APPLICATION SUCH REGISTRATION
29 SHALL CONTINUE IN EFFECT UNTIL SUCH TIME AS THE DEPARTMENT SHALL DENY
30 SUCH APPLICATION.

31 B. SUCH REGISTRATION SHALL PROVIDE THAT THE ENTITY'S PROVISION OF
32 SERVICES, DIRECTLY OR INDIRECTLY, SHALL BE RESTRICTED TO SERVICES
33 AUTHORIZED PURSUANT TO THIS SECTION, AND ANY OTHER SERVICES APPROPRIATE-
34 LY RELATED THERETO AS DETERMINED BY THE DEPARTMENT, AND SHALL ONLY BE
35 PROVIDED IF SUCH SERVICES ARE PROVIDED BY A PERSON APPROPRIATELY
36 LICENSED TO PROVIDE SUCH SERVICES PURSUANT TO ARTICLE ONE HUNDRED THIR-
37 TY-ONE, ONE HUNDRED THIRTY-NINE, ONE HUNDRED FIFTY-THREE, ONE HUNDRED
38 FIFTY-FOUR OR ONE HUNDRED SIXTY-THREE OF THIS TITLE OR A PERSON OTHER-
39 WISE AUTHORIZED TO PROVIDE SUCH SERVICES UNDER SUCH ARTICLES OR A
40 PROFESSIONAL BUSINESS ENTITY AUTHORIZED BY LAW TO PROVIDE SUCH SERVICES.

41 C. AN APPLICATION FOR REGISTRATION AS AN ENTITY PROVIDING PROFESSIONAL
42 SERVICES PURSUANT TO THIS SECTION SHALL BE ON A FORM PRESCRIBED BY THE
43 COMMISSIONER, WHICH FORM SHALL INCLUDE THE NAMES OF THE ENTITY AND THE
44 OWNERS, OPERATORS, DIRECTORS, SHAREHOLDERS AND OFFICERS OF SUCH ENTITY,
45 AND A LISTING OF ANY OTHER JURISDICTIONS WHERE THE ENTITY MAY PROVIDE
46 SERVICES AND ANY OTHER INFORMATION AS MAY BE REQUIRED BY THE DEPARTMENT.
47 SUCH APPLICATION SHALL INCLUDE AN ATTESTATION MADE BY AN OFFICER AUTHOR-
48 IZED BY THE ENTITY TO MAKE SUCH ATTESTATION THAT IDENTIFIES THE SCOPE OF
49 SERVICES TO BE PROVIDED, INCLUDES A LIST OF PROFESSIONS UNDER THIS TITLE
50 IN WHICH PROFESSIONAL SERVICES WILL BE PROVIDED BY SUCH ENTITY, AND
51 SHALL INCLUDE A STATEMENT THAT UNLESS OTHERWISE AUTHORIZED BY LAW, THE
52 ENTITY SHALL ONLY PROVIDE PROFESSIONAL SERVICES AUTHORIZED UNDER THIS
53 SECTION AND ANY SERVICE APPROPRIATELY RELATED THERETO AS DETERMINED BY
54 THE DEPARTMENT, AND THAT ONLY A LICENSED PROFESSIONAL, A PERSON OTHER-
55 WISE AUTHORIZED TO PROVIDE SUCH SERVICES, OR A PROFESSIONAL BUSINESS
56 ENTITY AUTHORIZED BY LAW TO PROVIDE SUCH SERVICES SHALL PROVIDE SUCH

1 PROFESSIONAL SERVICES AS AUTHORIZED UNDER THIS SECTION. SUCH STATEMENT
2 SHALL ALSO ATTEST TO THE ADEQUACY OF THE ENTITY'S FISCAL AND FINANCIAL
3 RESOURCES TO PROVIDE SUCH SERVICES.

4 D. EACH SHAREHOLDER, DIRECTOR, OFFICER, OWNER, MEMBER AND PARTNER OF
5 SUCH ENTITY SHALL PROVIDE AN ATTESTATION REGARDING HIS OR HER GOOD MORAL
6 CHARACTER AS REQUIRED PURSUANT TO PARAGRAPH F OF THIS SUBDIVISION, WHICH
7 SHALL INCLUDE A STATEMENT SETTING FORTH ANY CRIMINAL CONVICTIONS, PEND-
8 ING CRIMINAL CHARGES, DETERMINATIONS OF PROFESSIONAL MISCONDUCT, PENDING
9 CHARGES OF PROFESSIONAL MISCONDUCT, OR ANY LIMITATIONS ON PROFESSIONAL
10 PRACTICE. THE COMMISSIONER SHALL BE FURTHER AUTHORIZED TO PROMULGATE ANY
11 RULES OR REGULATIONS RELATING TO THE STANDARDS FOR SUCH REGISTRATION OF
12 ENTITIES. SUCH REGULATIONS SHALL INCLUDE STANDARDS RELATING TO THE ENTI-
13 TY'S ABILITY TO PROVIDE SERVICES, THE ENTITY'S MAINTENANCE OF PATIENT
14 AND BUSINESS RECORDS, THE ENTITY'S FISCAL POLICIES, AND SUCH OTHER STAN-
15 DARDS AS MAY BE PRESCRIBED BY THE COMMISSIONER.

16 E. THE REGISTERED ENTITY SHALL DISPLAY AT EACH SITE WHERE PROFESSIONAL
17 SERVICES ARE PROVIDED TO THE PUBLIC A CERTIFICATE OF REGISTRATION WHICH
18 IS ISSUED BY THE DEPARTMENT PURSUANT TO THIS SECTION AND WHICH CONTAINS
19 THE NAME OF THE REGISTERED ENTITY AND ADDRESS OF THE SITE. THE FEE FOR
20 AN INITIAL REGISTRATION OF AN ENTITY PURSUANT TO THIS SECTION SHALL BE
21 FOUR HUNDRED DOLLARS, WHICH SHALL INCLUDE THE FEE FOR ISSUANCE OF ONE
22 CERTIFICATE OF REGISTRATION. REGISTERED ENTITIES SHALL OBTAIN FROM THE
23 DEPARTMENT ADDITIONAL REGISTRATION CERTIFICATES FOR EACH SITE AT WHICH
24 PROFESSIONAL SERVICES ARE PROVIDED TO THE PUBLIC, AND THE FEE FOR EACH
25 SUCH ADDITIONAL CERTIFICATE SHALL BE TWENTY DOLLARS. EACH ENTITY SHALL
26 BE REQUIRED TO RE-REGISTER EVERY THREE YEARS, AND THE FEE FOR SUCH
27 TRIENNIAL REGISTRATION SHALL BE ONE HUNDRED FIFTY DOLLARS. IF ANY INFOR-
28 MATION SUPPLIED TO THE DEPARTMENT REGARDING THE REGISTERED ENTITY SHALL
29 CHANGE, THE REGISTRANT SHALL BE REQUIRED TO PROVIDE SUCH UPDATED INFOR-
30 MATION TO THE DEPARTMENT WITHIN SIXTY DAYS.

31 F. ENTITIES REGISTERED PURSUANT TO THIS SECTION SHALL BE UNDER THE
32 SUPERVISION OF THE REGENTS AND SHALL BE SUBJECT TO DISCIPLINARY
33 PROCEEDINGS AND PENALTIES. THE REGISTRATIONS OF SUCH ENTITIES SHALL BE
34 SUBJECT TO SUSPENSION, REVOCATION OR ANNULMENT FOR CAUSE IN THE SAME
35 MANNER AND TO THE SAME EXTENT AS INDIVIDUALS AND PROFESSIONAL BUSINESS
36 ENTITIES WITH RESPECT TO THEIR LICENSES, CERTIFICATES, AND REGISTRA-
37 TIONS, AS APPLICABLE, AS PROVIDED IN THIS TITLE RELATING TO THE APPLICA-
38 BLE PROFESSION. ALL OFFICERS, DIRECTORS, AND OWNERS OF SUCH REGISTERED
39 ENTITIES SHALL BE OF GOOD MORAL CHARACTER. REGISTERED ENTITIES AND THEIR
40 OFFICERS, DIRECTORS, AND OWNERS SHALL BE ENTITLED TO THE SAME DUE PROC-
41 ESS PROCEDURES AS ARE PROVIDED TO SUCH INDIVIDUALS AND PROFESSIONAL
42 BUSINESS ENTITIES. NO REGISTRATION ISSUED UNDER THIS SECTION SHALL BE
43 TRANSFERABLE OR ASSIGNABLE, AS SUCH TERMS ARE DEFINED IN THE REGULATIONS
44 OF THE COMMISSIONER, WITHOUT THE APPROVAL OF THE COMMISSIONER.

45 G. A REGISTERED ENTITY SHALL NOT PRACTICE ANY PROFESSION LICENSED
46 PURSUANT TO THIS TITLE OR HOLD ITSELF OUT TO THE PUBLIC AS AUTHORIZED TO
47 PROVIDE PROFESSIONAL SERVICES PURSUANT TO THIS TITLE EXCEPT AS SPECIF-
48 ICALLY AUTHORIZED BY THIS SECTION OR AS OTHERWISE AUTHORIZED BY LAW.

49 2. NO REGISTRATION PURSUANT TO THIS SECTION SHALL BE REQUIRED OF:

50 A. ANY APPROPRIATELY ORGANIZED PROFESSIONAL BUSINESS ENTITY ESTAB-
51 LISHED UNDER THE BUSINESS CORPORATION LAW, THE LIMITED LIABILITY COMPANY
52 LAW OR THE PARTNERSHIP LAW; OR

53 B. ANY ENTITY OPERATED BY A NEW YORK STATE OR FEDERAL AGENCY, POLI-
54 TICAL SUBDIVISION, MUNICIPAL CORPORATION OR LOCAL GOVERNMENT AGENCY OR
55 UNIT PURSUANT TO AUTHORITY GRANTED BY LAW; OR

1 C. ANY ENTITY OPERATED UNDER AN OPERATING CERTIFICATE APPROPRIATELY
2 ISSUED UNDER ACCEPTABLE QUALIFYING PROCEDURES BY A NEW YORK STATE OR
3 FEDERAL AGENCY, POLITICAL SUBDIVISION, MUNICIPAL CORPORATION, OR LOCAL
4 GOVERNMENT AGENCY OR UNIT, IN ACCORDANCE WITH THE SCOPE OF THE AUTHORITY
5 OF SUCH OPERATING CERTIFICATE; OR

6 D. A UNIVERSITY FACULTY PRACTICE CORPORATION DULY INCORPORATED PURSU-
7 ANT TO THE NOT-FOR-PROFIT CORPORATION LAW; OR

8 E. AN INSTITUTION OF HIGHER EDUCATION AUTHORIZED TO PROVIDE A PROGRAM
9 LEADING TO LICENSURE IN A PROFESSION DEFINED UNDER ARTICLE ONE HUNDRED
10 THIRTY-ONE, ONE HUNDRED THIRTY-NINE, ONE HUNDRED FIFTY-THREE, ONE
11 HUNDRED FIFTY-FOUR OR ONE HUNDRED SIXTY-THREE OF THIS TITLE, TO THE
12 EXTENT THAT THE SCOPE OF SUCH SERVICES ARE LIMITED TO THE SERVICES
13 AUTHORIZED TO BE PROVIDED WITHIN THE REGISTERED PROGRAM; OR

14 F. AN INSTITUTION OF HIGHER EDUCATION PROVIDING COUNSELING ONLY TO THE
15 STUDENTS, STAFF, OR FAMILY MEMBERS OF STUDENTS AND STAFF OF SUCH INSTI-
16 TUTION; OR

17 G. ANY OTHER ENTITY EXEMPT FROM REGISTRATION AS MAY BE DEFINED IN THE
18 REGULATIONS OF THE COMMISSIONER, PROVIDED THAT SUCH ENTITY IS OTHERWISE
19 AUTHORIZED TO PROVIDE SUCH SERVICES PURSUANT TO LAW AND ONLY TO THE
20 EXTENT SUCH SERVICES ARE AUTHORIZED UNDER ANY CERTIFICATES OF INCORPO-
21 RATION OR SUCH OTHER ORGANIZING DOCUMENTS AS MAY BE APPLICABLE.

22 S 3. Section 6527 of the education law is amended by adding a new
23 subdivision 8 to read as follows:

24 8. NOTHING IN THIS ARTICLE SHALL PROHIBIT THE PROVISION OF PSYCHOTHER-
25 APY AS DEFINED IN SUBDIVISION TWO OF SECTION EIGHTY-FOUR HUNDRED ONE OF
26 THIS TITLE TO THE EXTENT PERMISSIBLE WITHIN THE SCOPE OF PRACTICE OF
27 MEDICINE, BY ANY NOT-FOR-PROFIT CORPORATION, EDUCATION CORPORATION,
28 FIRM, BUSINESS CORPORATION OR OTHER BUSINESS ENTITY PROVIDING SERVICES
29 WITHIN THE STATE OF NEW YORK AND REGISTERED PURSUANT TO SECTION
30 SIXTY-FIVE HUNDRED THREE-A OF THIS TITLE, PROVIDED THAT SUCH ENTITIES
31 OFFERING SUCH PSYCHOTHERAPY SERVICES SHALL ONLY PROVIDE SUCH SERVICES
32 THROUGH AN INDIVIDUAL APPROPRIATELY LICENSED OR OTHERWISE AUTHORIZED TO
33 PROVIDE SUCH SERVICES OR A PROFESSIONAL BUSINESS ENTITY AUTHORIZED BY
34 LAW TO PROVIDE SUCH SERVICES.

35 S 4. Subdivision 1 of section 6908 of the education law is amended by
36 adding a new paragraph h to read as follows:

37 H. AS PROHIBITING THE PROVISION OF PSYCHOTHERAPY AS DEFINED IN SUBDI-
38 VISION TWO OF SECTION EIGHTY-FOUR HUNDRED ONE OF THIS TITLE TO THE
39 EXTENT PERMISSIBLE WITHIN THE SCOPE OF PRACTICE OF NURSING, BY ANY NOT-
40 FOR-PROFIT CORPORATION, EDUCATION CORPORATION, FIRM, BUSINESS CORPO-
41 RATION OR OTHER BUSINESS ENTITY PROVIDING SERVICES WITHIN THE STATE OF
42 NEW YORK AND REGISTERED PURSUANT TO SECTION SIXTY-FIVE HUNDRED THREE-A
43 OF THIS TITLE, PROVIDED THAT SUCH ENTITIES OFFERING SUCH PSYCHOTHERAPY
44 SERVICES SHALL ONLY PROVIDE SUCH SERVICES THROUGH AN INDIVIDUAL APPRO-
45 PRIATELY LICENSED OR OTHERWISE AUTHORIZED TO PROVIDE SUCH SERVICES OR A
46 PROFESSIONAL BUSINESS ENTITY AUTHORIZED BY LAW TO PROVIDE SUCH SERVICES.

47 S 5. Section 7605 of the education law is amended by adding a new
48 subdivision 9 to read as follows:

49 9. THE PROVISION OF PSYCHOTHERAPY AS DEFINED IN SUBDIVISION TWO OF
50 SECTION EIGHTY-FOUR HUNDRED ONE OF THIS TITLE TO THE EXTENT PERMISSIBLE
51 WITHIN THE SCOPE OF PRACTICE OF PSYCHOLOGY, BY ANY NOT-FOR-PROFIT CORPO-
52 RATION, EDUCATION CORPORATION, FIRM, BUSINESS CORPORATION OR OTHER BUSI-
53 NESS ENTITY PROVIDING SERVICES WITHIN THE STATE OF NEW YORK AND REGIS-
54 TERED PURSUANT TO SECTION SIXTY-FIVE HUNDRED THREE-A OF THIS TITLE,
55 PROVIDED THAT SUCH ENTITIES OFFERING PSYCHOLOGY SERVICES SHALL ONLY
56 PROVIDE SUCH SERVICES THROUGH AN INDIVIDUAL APPROPRIATELY LICENSED OR

1 OTHERWISE AUTHORIZED TO PROVIDE SUCH SERVICES OR A PROFESSIONAL BUSINESS
2 ENTITY AUTHORIZED BY LAW TO PROVIDE SUCH SERVICES.

3 S 6. Section 7706 of the education law is amended by adding a new
4 subdivision 6 to read as follows:

5 6. PROHIBIT THE PRACTICE OF LICENSED MASTER SOCIAL WORK OR LICENSED
6 CLINICAL SOCIAL WORK, TO THE EXTENT PERMISSIBLE WITHIN THE SCOPE OF
7 PRACTICE OF SUCH PROFESSIONS, BY ANY NOT-FOR-PROFIT CORPORATION, EDUCA-
8 TION CORPORATION, FIRM, BUSINESS CORPORATION OR OTHER BUSINESS ENTITY
9 PROVIDING SERVICES WITHIN THE STATE OF NEW YORK AND REGISTERED PURSUANT
10 TO SECTION SIXTY-FIVE HUNDRED THREE-A OF THIS TITLE, PROVIDED THAT SUCH
11 ENTITIES OFFERING LICENSED MASTER SOCIAL WORK OR LICENSED CLINICAL
12 SOCIAL WORK SERVICES SHALL ONLY PROVIDE SUCH SERVICES THROUGH AN INDIV-
13 VIDUAL APPROPRIATELY LICENSED OR OTHERWISE AUTHORIZED TO PROVIDE SUCH
14 SERVICES OR A PROFESSIONAL BUSINESS ENTITY AUTHORIZED BY LAW TO PROVIDE
15 SUCH SERVICES.

16 S 7. Section 8410 of the education law is amended by adding a new
17 subdivision 7 to read as follows:

18 7. PROHIBIT THE PRACTICE OF MENTAL HEALTH COUNSELING, MARRIAGE AND
19 FAMILY THERAPY, CREATIVE ARTS THERAPY OR PSYCHOANALYSIS, TO THE EXTENT
20 PERMISSIBLE WITHIN THE SCOPE OF PRACTICE OF SUCH PROFESSIONS, BY ANY
21 NOT-FOR-PROFIT CORPORATION, EDUCATION CORPORATION, FIRM, BUSINESS CORPO-
22 RATION OR OTHER BUSINESS ENTITY PROVIDING SERVICES WITHIN THE STATE OF
23 NEW YORK AND REGISTERED PURSUANT TO SECTION SIXTY-FIVE HUNDRED THREE-A
24 OF THIS TITLE, PROVIDED THAT SUCH ENTITIES OFFERING MENTAL HEALTH COUN-
25 SELING, MARRIAGE AND FAMILY THERAPY, CREATIVE ARTS THERAPY OR PSYCHO-
26 ANALYSIS SERVICES SHALL ONLY PROVIDE SUCH SERVICES THROUGH AN INDIVIDUAL
27 APPROPRIATELY LICENSED OR OTHERWISE AUTHORIZED TO PROVIDE SUCH SERVICES
28 OR A PROFESSIONAL BUSINESS ENTITY AUTHORIZED BY LAW TO PROVIDE SUCH
29 SERVICES.

30 S 8. Subdivision 3 of section 7603 of the education law, as added by
31 chapter 987 of the laws of 1971, is amended to read as follows:

32 (3) Experience: have two years of supervised employment or engagement
33 in appropriate psychology activities satisfactory to the board and in
34 accordance with the commissioner's regulations. SATISFACTORY EXPERIENCE
35 OBTAINED IN AN ENTITY REGISTERED WITH THE DEPARTMENT PURSUANT TO SECTION
36 SIXTY-FIVE HUNDRED THREE-A OF THIS TITLE MAY BE ACCEPTED BY THE DEPART-
37 MENT, NOTWITHSTANDING THAT SUCH EXPERIENCE MAY HAVE BEEN OBTAINED PRIOR
38 TO THE EFFECTIVE DATE OF SUCH SECTION SIXTY-FIVE HUNDRED THREE-A AND/OR
39 PRIOR TO THE REGISTRATION OF THE SETTING. THE DEPARTMENT MAY, FOR GOOD
40 CAUSE SHOWN, ACCEPT SATISFACTORY EXPERIENCE THAT WAS OBTAINED IN A
41 SETTING THAT WOULD HAVE BEEN ELIGIBLE FOR REGISTRATION BUT WHICH HAS NOT
42 REGISTERED WITH THE DEPARTMENT OR EXPERIENCE THAT WAS OBTAINED IN GOOD
43 FAITH BY THE APPLICANT UNDER THE BELIEF THAT APPROPRIATE AUTHORIZATION
44 HAD BEEN OBTAINED FOR THE EXPERIENCE, PROVIDED THAT SUCH EXPERIENCE
45 MEETS ALL OTHER REQUIREMENTS FOR ACCEPTABLE EXPERIENCE;

46 S 9. Paragraph (c) of subdivision 2 of section 7704 of the education
47 law, as amended by chapter 230 of the laws of 2004, is amended to read
48 as follows:

49 (c) Experience: have at least three years full-time supervised post-
50 graduate clinical social work experience in diagnosis, psychotherapy,
51 and assessment-based treatment plans, or its part-time equivalent,
52 obtained over a continuous period not to exceed six years, under the
53 supervision, satisfactory to the department, of a psychiatrist, a
54 licensed psychologist, or a licensed clinical social worker in a facili-
55 ty setting or other supervised settings approved by the department.
56 SATISFACTORY EXPERIENCE OBTAINED IN AN ENTITY REGISTERED WITH THE

1 DEPARTMENT PURSUANT TO SECTION SIXTY-FIVE HUNDRED THREE-A OF THIS TITLE
2 MAY BE ACCEPTED BY THE DEPARTMENT, NOTWITHSTANDING THAT SUCH EXPERIENCE
3 MAY HAVE BEEN OBTAINED PRIOR TO THE EFFECTIVE DATE OF SUCH SECTION
4 SIXTY-FIVE HUNDRED THREE-A AND/OR PRIOR TO THE REGISTRATION OF THE
5 SETTING. THE DEPARTMENT MAY, FOR GOOD CAUSE SHOWN, ACCEPT SATISFACTORY
6 EXPERIENCE THAT WAS OBTAINED IN A SETTING THAT WOULD HAVE BEEN ELIGIBLE
7 FOR REGISTRATION BUT WHICH HAS NOT REGISTERED WITH THE DEPARTMENT OR
8 EXPERIENCE THAT WAS OBTAINED IN GOOD FAITH BY THE APPLICANT UNDER THE
9 BELIEF THAT APPROPRIATE AUTHORIZATION HAD BEEN OBTAINED FOR THE EXPERI-
10 ENCE, PROVIDED THAT SUCH EXPERIENCE MEETS ALL OTHER REQUIREMENTS FOR
11 ACCEPTABLE EXPERIENCE;

12 S 10. Paragraph (c) of subdivision 3 of section 8402 of the education
13 law, as added by chapter 676 of the laws of 2002, is amended to read as
14 follows:

15 (c) Experience: An applicant shall complete a minimum of three thou-
16 sand hours of post-master's supervised experience relevant to the prac-
17 tice of mental health counseling satisfactory to the board and in
18 accordance with the commissioner's regulations. SATISFACTORY EXPERIENCE
19 OBTAINED IN AN ENTITY REGISTERED WITH THE DEPARTMENT PURSUANT TO SECTION
20 SIXTY-FIVE HUNDRED THREE-A OF THIS TITLE MAY BE ACCEPTED BY THE DEPART-
21 MENT, NOTWITHSTANDING THAT SUCH EXPERIENCE MAY HAVE BEEN OBTAINED PRIOR
22 TO THE EFFECTIVE DATE OF SUCH SECTION SIXTY-FIVE HUNDRED THREE-A AND/OR
23 PRIOR TO THE REGISTRATION OF THE SETTING. THE DEPARTMENT MAY, FOR GOOD
24 CAUSE SHOWN, ACCEPT SATISFACTORY EXPERIENCE THAT WAS OBTAINED IN A
25 SETTING THAT WOULD HAVE BEEN ELIGIBLE FOR REGISTRATION BUT WHICH HAS NOT
26 REGISTERED WITH THE DEPARTMENT OR EXPERIENCE THAT WAS OBTAINED IN GOOD
27 FAITH BY THE APPLICANT UNDER THE BELIEF THAT APPROPRIATE AUTHORIZATION
28 HAD BEEN OBTAINED FOR THE EXPERIENCE, PROVIDED THAT SUCH EXPERIENCE
29 MEETS ALL OTHER REQUIREMENTS FOR ACCEPTABLE EXPERIENCE;

30 S 11. Paragraph (c) of subdivision 3 of section 8403 of the education
31 law, as added by chapter 676 of the laws of 2002, is amended to read as
32 follows:

33 (c) Experience: The completion of at least one thousand five hundred
34 client contact hours of supervised clinical experience, by persons hold-
35 ing a degree from a master's or doctoral program, or the substantial
36 equivalent, in accordance with the commissioner's regulations or the
37 completion of at least one thousand five hundred client hours of super-
38 vised post-master's clinical experience in marriage and family therapy
39 satisfactory to the department in accordance with the commissioner's
40 regulations. SATISFACTORY EXPERIENCE OBTAINED IN AN ENTITY REGISTERED
41 WITH THE DEPARTMENT PURSUANT TO SECTION SIXTY-FIVE HUNDRED THREE-A OF
42 THIS TITLE MAY BE ACCEPTED BY THE DEPARTMENT, NOTWITHSTANDING THAT SUCH
43 EXPERIENCE MAY HAVE BEEN OBTAINED PRIOR TO THE EFFECTIVE DATE OF SUCH
44 SECTION SIXTY-FIVE HUNDRED THREE-A AND/OR PRIOR TO THE REGISTRATION OF
45 THE SETTING. THE DEPARTMENT MAY, FOR GOOD CAUSE SHOWN, ACCEPT SATISFAC-
46 TORY EXPERIENCE THAT WAS OBTAINED IN A SETTING THAT WOULD HAVE BEEN
47 ELIGIBLE FOR REGISTRATION BUT WHICH HAS NOT REGISTERED WITH THE DEPART-
48 MENT OR EXPERIENCE THAT WAS OBTAINED IN GOOD FAITH BY THE APPLICANT
49 UNDER THE BELIEF THAT APPROPRIATE AUTHORIZATION HAD BEEN OBTAINED FOR
50 THE EXPERIENCE, PROVIDED THAT SUCH EXPERIENCE MEETS ALL OTHER REQUIRE-
51 MENTS FOR ACCEPTABLE EXPERIENCE;

52 S 12. Paragraph (c) of subdivision 3 of section 8404 of the education
53 law, as added by chapter 676 of the laws of 2002, is amended to read as
54 follows:

55 (c) Experience: Have completed at least fifteen hundred hours of post-
56 master's supervised experience in one or more creative arts therapies

1 satisfactory to the department and in accordance with the commissioner's
2 regulations. SATISFACTORY EXPERIENCE OBTAINED IN AN ENTITY REGISTERED
3 WITH THE DEPARTMENT PURSUANT TO SECTION SIXTY-FIVE HUNDRED THREE-A OF
4 THIS TITLE MAY BE ACCEPTED BY THE DEPARTMENT, NOTWITHSTANDING THAT SUCH
5 EXPERIENCE MAY HAVE BEEN OBTAINED PRIOR TO THE EFFECTIVE DATE OF SUCH
6 SECTION SIXTY-FIVE HUNDRED THREE-A AND/OR PRIOR TO THE REGISTRATION OF
7 THE SETTING. THE DEPARTMENT MAY, FOR GOOD CAUSE SHOWN, ACCEPT SATISFAC-
8 TORY EXPERIENCE THAT WAS OBTAINED IN A SETTING THAT WOULD HAVE BEEN
9 ELIGIBLE FOR REGISTRATION BUT WHICH HAS NOT REGISTERED WITH THE DEPART-
10 MENT OR EXPERIENCE THAT WAS OBTAINED IN GOOD FAITH BY THE APPLICANT
11 UNDER THE BELIEF THAT APPROPRIATE AUTHORIZATION HAD BEEN OBTAINED FOR
12 THE EXPERIENCE, PROVIDED THAT SUCH EXPERIENCE MEETS ALL OTHER REQUIRE-
13 MENTS FOR ACCEPTABLE EXPERIENCE;

14 S 13. Paragraph (c) of subdivision 3 of section 8405 of the education
15 law, as added by chapter 676 of the laws of 2002, is amended to read as
16 follows:

17 (c) Experience: Have completed a minimum of fifteen hundred hours of
18 supervised clinical practice satisfactory to the department and in
19 accordance with the commissioner's regulations. SATISFACTORY EXPERIENCE
20 OBTAINED IN AN ENTITY REGISTERED WITH THE DEPARTMENT PURSUANT TO SECTION
21 SIXTY-FIVE HUNDRED THREE-A OF THIS TITLE MAY BE ACCEPTED BY THE DEPART-
22 MENT, NOTWITHSTANDING THAT SUCH EXPERIENCE MAY HAVE BEEN OBTAINED PRIOR
23 TO THE EFFECTIVE DATE OF SUCH SECTION SIXTY-FIVE HUNDRED THREE-A AND/OR
24 PRIOR TO THE REGISTRATION OF THE SETTING. THE DEPARTMENT MAY, FOR GOOD
25 CAUSE SHOWN, ACCEPT SATISFACTORY EXPERIENCE THAT WAS OBTAINED IN A
26 SETTING THAT WOULD HAVE BEEN ELIGIBLE FOR REGISTRATION BUT WHICH HAS NOT
27 REGISTERED WITH THE DEPARTMENT OR EXPERIENCE THAT WAS OBTAINED IN GOOD
28 FAITH BY THE APPLICANT UNDER THE BELIEF THAT APPROPRIATE AUTHORIZATION
29 HAD BEEN OBTAINED FOR THE EXPERIENCE, PROVIDED THAT SUCH EXPERIENCE
30 MEETS ALL OTHER REQUIREMENTS FOR ACCEPTABLE EXPERIENCE;

31 S 14. Section 9 of chapter 420 of the laws of 2002 amending the educa-
32 tion law relating to the profession of social work, as amended by
33 section 1 of part II of chapter 57 of the laws of 2009, is amended to
34 read as follows:

35 S 9. Nothing in this act shall prohibit or limit the activities or
36 services on the part of any person in the employ of a program or service
37 operated, regulated, funded, or approved by [the department of mental
38 hygiene or the office of children and family services, or a local
39 governmental unit as that term is defined in article 41 of the mental
40 hygiene law or a social services district as defined in section 61 of
41 the social services law] A NEW YORK STATE OR FEDERAL AGENCY, POLITICAL
42 SUBDIVISION, MUNICIPAL CORPORATION OR LOCAL GOVERNMENT AGENCY OR UNIT
43 PURSUANT TO AUTHORITY GRANTED BY LAW, provided, however, this section
44 shall not authorize the use of any title authorized pursuant to article
45 154 of the education law, except that this section shall be deemed
46 repealed [on June 1, 2010] JULY 1, 2011, PROVIDED THAT THE COMMISSIONER
47 OF EDUCATION SHALL CONVENE A WORKGROUP OF STATE AGENCIES, NOT-FOR-PROFIT
48 PROVIDERS, PROFESSIONAL ASSOCIATIONS AND CONSUMERS, AND OTHER KEY STAKE-
49 HOLDERS TO RECOMMEND BY JANUARY 1, 2011 ANY AMENDMENTS TO LAW, RULE OR
50 REGULATION NECESSARY TO FULLY IMPLEMENT THE REQUIREMENTS FOR LICENSURE
51 BY JULY 1, 2011 AND WHETHER TO EXTEND BEYOND JULY 1, 2011 THE AUTHORITY
52 OF THE EDUCATION DEPARTMENT TO REGISTER ENTITIES IN ACCORDANCE WITH
53 SECTION 6503-A OF THE EDUCATION LAW.

54 S 15. Section 17-a of chapter 676 of the laws of 2002 amending the
55 education law relating to the practice of psychology, as amended by

1 section 2 of part II of chapter 57 of the laws of 2009, is amended to
2 read as follows:

3 S 17-a. [Nothing] A. IN RELATION TO ACTIVITIES AND SERVICES PROVIDED
4 UNDER ARTICLE 153 OF THE EDUCATION LAW, NOTHING in this act shall
5 prohibit or limit [the] SUCH activities or services on the part of any
6 person in the employ of a program or service operated, regulated, fund-
7 ed, or approved by the department of mental hygiene or the office of
8 children and family services, or a local governmental unit as that term
9 is defined in article 41 of the mental hygiene law or a social services
10 district as defined in section 61 of the social services law[, provided,
11 however, this section shall not authorize the use of any title author-
12 ized pursuant to article 153 or 163 of the education law, except as
13 otherwise provided by such articles, except that this section shall be
14 deemed repealed on June 1, 2010]. IN RELATION TO ACTIVITIES AND SERVICES
15 PROVIDED UNDER ARTICLE 163 OF THE EDUCATION LAW, NOTHING IN THIS ACT
16 SHALL PROHIBIT OR LIMIT SUCH ACTIVITIES OR SERVICES ON THE PART OF ANY
17 PERSON IN THE EMPLOY OF A PROGRAM OR SERVICE OPERATED, REGULATED, FUND-
18 ED, OR APPROVED BY A NEW YORK STATE OR FEDERAL AGENCY, POLITICAL SUBDI-
19 VISION, MUNICIPAL CORPORATION OR LOCAL GOVERNMENT AGENCY OR UNIT PURSU-
20 ANT TO AUTHORITY GRANTED BY LAW. THIS SECTION SHALL NOT AUTHORIZE THE
21 USE OF ANY TITLE AUTHORIZED PURSUANT TO ARTICLE 153 OR 163 OF THE EDUCA-
22 TION LAW BY ANY SUCH EMPLOYED PERSON, EXCEPT AS OTHERWISE PROVIDED BY
23 SUCH ARTICLES RESPECTIVELY.

24 B. THIS SECTION SHALL BE DEEMED REPEALED JULY 1, 2011. THE COMMISSION-
25 ER OF EDUCATION SHALL CONVENE A WORKGROUP OF STATE AGENCIES,
26 NOT-FOR-PROFIT PROVIDERS, PROFESSIONAL ASSOCIATIONS AND CONSUMERS, AND
27 OTHER KEY STAKEHOLDERS TO RECOMMEND BY JANUARY 1, 2011 ANY AMENDMENTS TO
28 LAW, RULE OR REGULATION NECESSARY TO FULLY IMPLEMENT THE REQUIREMENTS
29 FOR LICENSURE OR REGISTRATION BY JULY 1, 2011 AND WHETHER TO EXTEND
30 BEYOND JULY 1, 2011 THE AUTHORITY OF THE EDUCATION DEPARTMENT TO REGIS-
31 TER ENTITIES IN ACCORDANCE WITH SECTION 6503-A OF THE EDUCATION LAW.

32 S 16. This act shall take effect immediately.