S T A T E O F N E W Y O R K

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I N S E N A T E

March 19, 2009

Introduced by Sens. MORAHAN, LARKIN, PADAVAN, VOLKER -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to requiring licensing of rehabilitation counselors

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

Section 1. The education law is amended by adding a new article 152 to read as follows:

ARTICLE 152

REHABILITATION COUNSELING

SECTION 7550. INTRODUCTION.
7551. DEFINITION OF THE PRACTICE OF "REHABILITATION COUNSELING".
7552. PRACTICE OF REHABILITATION COUNSELING AND USE OF THE TITLES "REHABILITATION COUNSELOR" AND "LICENSED REHABILITATION COUNSELOR".
7553. STATE BOARD FOR REHABILITATION COUNSELING.
7554. REQUIREMENTS FOR A PROFESSIONAL LICENSE.
7555. LIMITED PERMITS.
7556. EXEMPT PERSONS.
7557. SPECIAL PROVISIONS.
7558. SEPARABILITY.

S 7550. INTRODUCTION. THIS ARTICLE APPLIES TO THE PROFESSION OF REHABILITATION COUNSELING. THE GENERAL PROVISIONS FOR ALL PROFESSIONS CONTAINED IN ARTICLE ONE HUNDRED THIRTY OF THIS TITLE SHALL APPLY TO THIS ARTICLE.

S 7551. DEFINITION OF THE PRACTICE OF "REHABILITATION COUNSELING". THE PRACTICE OF THE PROFESSION OF REHABILITATION COUNSELING IS DEFINED AS A SYSTEMATIC PROCESS WHICH ASSISTS PERSONS WITH PHYSICAL, MENTAL, DEVELOPMENTAL, COGNITIVE, AND EMOTIONAL DISABILITIES TO ACHIEVE THEIR PERSONAL, CAREER, AND INDEPENDENT LIVING GOALS IN THE MOST INTEGRATED SETTING

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

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POSSIBLE THROUGH THE APPLICATION OF THE COUNSELING PROCESS. THE COUNSELING PROCESS INVOLVES COMMUNICATION, GOAL SETTING, AND BENEFICIAL GROWTH OR CHANGE THROUGH SELF-ADVOCACY, PSYCHOLOGICAL, VOCATIONAL, SOCIAL, AND BEHAVIORAL INTERVENTIONS. THE SPECIFIC TECHNIQUES AND MODALITIES UTILIZED WITHIN THIS REHABILITATION COUNSELING PROCESS MAY INCLUDE, BUT ARE NOT LIMITED TO:

1. ASSESSMENT AND APPRAISAL;
2. DIAGNOSIS AND TREATMENT PLANNING;
3. CAREER (VOCATIONAL) COUNSELING;
4. INDIVIDUAL AND GROUP COUNSELING TREATMENT INTERVENTIONS FOCUSED ON FACILITATING ADJUSTMENTS TO THE MEDICAL AND PSYCHOSOCIAL IMPACT OF DISABILITY;
5. CASE MANAGEMENT, REFERRAL, AND SERVICE COORDINATION;
6. PROGRAM EVALUATION AND RESEARCH;
7. INTERVENTIONS TO REMOVE ENVIRONMENTAL, EMPLOYMENT, AND ATTITUDINAL BARRIERS;
8. CONSULTATION SERVICES AMONG MULTIPLE PARTIES AND REGULATORY SYSTEMS;
9. JOB ANALYSIS, JOB DEVELOPMENT, AND PLACEMENT SERVICES, INCLUDING ASSISTANCE WITH EMPLOYMENT AND JOB ACCOMMODATIONS;
10. THE PROVISION OF CONSULTATION ABOUT AND ACCESS TO REHABILITATION TECHNOLOGY.

S 7552. PRACTICE OF REHABILITATION COUNSELING AND USE OF THE TITLES "REHABILITATION COUNSELOR" AND "LICENSED REHABILITATION COUNSELOR". ONLY A PERSON LICENSED OR EXEMPT UNDER THIS ARTICLE SHALL PRACTICE REHABILITATION COUNSELING OR USE THE TITLE "REHABILITATION COUNSELOR". ONLY A PERSON LICENSED UNDER THIS ARTICLE SHALL USE THE TITLE "LICENSED REHABILITATION COUNSELOR" OR ANY OTHER DESIGNATION TENDING TO IMPLY THAT THE PERSON IS LICENSED TO PRACTICE REHABILITATION COUNSELING.

S 7553. STATE BOARD FOR REHABILITATION COUNSELING. 1. A STATE BOARD FOR REHABILITATION COUNSELING SHALL BE APPOINTED BY THE BOARD OF REGENTS ON RECOMMENDATION OF THE COMMISSIONER FOR THE PURPOSE OF ASSISTING THE BOARD OF REGENTS AND THE DEPARTMENT ON MATTERS OF LICENSING AND REGULATION. THE BOARD SHALL BE COMPOSED OF AT LEAST THREE REHABILITATION COUNSELORS LICENSED PURSUANT TO THIS ARTICLE AND AT LEAST ONE PUBLIC REPRESENTATIVE WHO DOES NOT HOLD INTERESTS IN THE ORGANIZATION, FINANCING, OR DELIVERY OF REHABILITATION COUNSELING SERVICES. MEMBERS OF THE FIRST BOARD NEED NOT BE LICENSED PRIOR TO THEIR APPOINTMENT TO THE BOARD. AN EXECUTIVE SECRETARY TO THE BOARD SHALL BE APPOINTED BY THE BOARD OF REGENTS ON RECOMMENDATION OF THE COMMISSIONER.

2. THE TERMS OF OFFICE OF THE MEMBERS OF THE BOARD SHALL BE FIVE YEARS; PROVIDED, HOWEVER, THAT OF THE MEMBERS FIRST APPOINTED, ONE SHALL BE APPOINTED FOR THREE YEARS, ONE SHALL BE APPOINTED FOR FOUR YEARS, AND TWO SHALL BE APPOINTED FOR FIVE YEARS. ANY VACANCY ON THE BOARD SHALL BE FILLED BY APPOINTMENT FOR THE REMAINDER OF SUCH MEMBER'S TERM IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION.

S 7554. REQUIREMENTS FOR A PROFESSIONAL LICENSE. TO QUALIFY FOR A LICENSE AS A "LICENSED REHABILITATION COUNSELOR", AN APPLICANT SHALL FULFILL THE FOLLOWING REQUIREMENTS:

1. APPLICATION: FILE AN APPLICATION WITH THE DEPARTMENT;
2. EDUCATION: HAVE RECEIVED AN EDUCATION, INCLUDING A MASTER'S OR HIGHER DEGREE IN REHABILITATION COUNSELING FROM AN ACCREDITED PROGRAM REGISTERED BY THE DEPARTMENT OR DETERMINED BY THE DEPARTMENT TO BE THE SUBSTANTIAL EQUIVALENT THEREOF, IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS. THE GRADUATE COURSEWORK SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING AREAS:

(A) THEORIES AND TECHNIQUES OF COUNSELING,
(B) ASSESSMENT,
(C) OCCUPATIONAL INFORMATION,
(D) JOB PLACEMENT,
(E) MEDICAL ASPECTS OF DISABILITY,
(F) PSYCHOSOCIAL ASPECTS OF DISABILITY,
(G) COMMUNITY RESOURCES,
(H) DELIVERY OF REHABILITATION SERVICES,
(I) COMPLETION OF A MINIMUM ONE HUNDRED HOURS OF SUPERVISED PRACTICUM AND ONE YEAR (SIX HUNDRED HOURS) SUPERVISED INTERNSHIP IN REHABILITATION COUNSELING;

3. EXPERIENCE: THE COMPLETION OF AT LEAST SEVEN HUNDRED CLIENT CONTACT HOURS OF SUPERVISED CLINICAL EXPERIENCE, BY PERSONS HOLDING A DEGREE FROM A MASTER'S OR DOCTORAL PROGRAM, OR THE SUBSTANTIAL EQUIVALENT, IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS, OR THE COMPLETION OF AT LEAST SEVEN HUNDRED CLIENT HOURS OF SUPERVISED POST-MASTER'S CLINICAL EXPERIENCE IN REHABILITATION COUNSELING SATISFACTORY TO THE DEPARTMENT, IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;

4. EXAMINATION: PASS AN EXAMINATION SATISFACTORY TO THE BOARD AND IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;

5. AGE: BE AT LEAST TWENTY-ONE YEARS OF AGE;

6. CHARACTER: BE OF GOOD MORAL CHARACTER AS DETERMINED BY THE DEPARTMENT; AND

7. FEES: PAY A FEE OF TWO HUNDRED FIFTY DOLLARS TO THE DEPARTMENT FOR ADMISSION TO A DEPARTMENT-CONDUCTED EXAMINATION AND FOR AN INITIAL LICENSE; A FEE OF EIGHTY-FIVE DOLLARS FOR EACH REEXAMINATION; A FEE OF ONE HUNDRED SEVENTY-FIVE DOLLARS FOR AN INITIAL LICENSE FOR PERSONS NOT REQUIRING ADMISSION TO A DEPARTMENT-CONDUCTED EXAMINATION, AND A FEE OF ONE HUNDRED SEVENTY DOLLARS FOR EACH TRIENNIAL REGISTRATION PERIOD.

S 7555. LIMITED PERMITS. THE FOLLOWING REQUIREMENTS FOR A LIMITED PERMIT SHALL APPLY TO THE PROFESSION LICENSED PURSUANT TO THIS ARTICLE:

1. THE DEPARTMENT MAY ISSUE A LIMITED PERMIT TO AN APPLICANT WHOSE QUALIFICATIONS HAVE BEEN APPROVED FOR ADMISSION TO THE EXAMINATION IN ACCORDANCE WITH REGULATIONS PROMULGATED THEREFOR.

2. LIMITED PERMITS SHALL BE FOR ONE YEAR AND MAY BE RENEWED, AT THE DISCRETION OF THE DEPARTMENT, FOR ONE ADDITIONAL YEAR.

3. THE FEE FOR EACH LIMITED PERMIT AND FOR EACH RENEWAL THEREOF SHALL BE SEVENTY DOLLARS.

S 7556. EXEMPT PERSONS. 1. THIS ARTICLE SHALL NOT BE CONSTRUED TO AFFECT OR PREVENT QUALIFIED PHYSICIANS, NURSES, PHYSICAL OR OCCUPATIONAL THERAPISTS, PSYCHOLOGISTS, COUNSELORS, CREATIVE ARTS THERAPISTS, PSYCHOANALYSTS, SOCIAL WORKERS OR MEMBERS OF THE CLERGY FROM PERFORMING THE WORK OF A REHABILITATION COUNSELOR WHERE INCIDENT TO THE PRACTICE OF THEIR PROFESSIONS, PROVIDED THEY DO NOT HOLD THEMSELVES OUT TO THE PUBLIC BY ANY TITLE AS BEING ENGAGED IN THE PRACTICE OF REHABILITATION COUNSELING.

2. THIS ARTICLE SHALL NOT BE CONSTRUED TO AFFECT OR PREVENT A REHABILITATION COUNSELING STUDENT FROM ENGAGING IN CLINICAL PRACTICE UNDER THE SUPERVISION OF A LICENSED OR CERTIFIED REHABILITATION COUNSELOR AS PART OF A PROGRAM CONDUCTED IN AN APPROVED AGENCY AFFILIATED WITH AN ACCREDITED SCHOOL OF REHABILITATION COUNSELING WHICH IS APPROVED BY THE DEPARTMENT.

S 7557. SPECIAL PROVISIONS. 1. ANY NONEXEMPT PERSON PRACTICING THE PROFESSION TO BE LICENSED PURSUANT TO THIS ARTICLE SHALL APPLY FOR A LICENSE FOR PRACTICE OF SUCH PROFESSION WITHIN ONE YEAR OF THE EFFECTIVE DATE OF SUCH PROFESSION.

(A) IF SUCH PERSON DOES NOT MEET THE REQUIREMENTS FOR A LICENSE ESTABLISHED WITHIN THIS ARTICLE, SUCH PERSON MAY MEET ALTERNATIVE CRITERIA DETERMINED BY THE DEPARTMENT TO BE THE SUBSTANTIAL EQUIVALENT OF SUCH CRITERIA.

(B) IF SUCH PERSON DOES NOT MEET THE REQUIREMENTS FOR A LICENSE ESTABLISHED WITHIN THIS ARTICLE, BUT HAS BEEN CERTIFIED OR REGISTERED BY A NATIONAL CERTIFYING OR REGISTERING BODY HAVING CERTIFICATION OR REGISTRATION STANDARDS ACCEPTABLE TO THE COMMISSIONER, THE DEPARTMENT SHALL LICENSE WITHOUT EXAMINATION.

(C) IF SUCH PERSON DOES NOT MEET THE REQUIREMENTS FOR A LICENSE ESTABLISHED WITHIN THIS ARTICLE, THE DEPARTMENT SHALL LICENSE WITHOUT EXAMINATION IF THE APPLICANT SUBMITS EVIDENCE SATISFACTORY TO THE DEPARTMENT OF HAVING BEEN ENGAGED IN THE PRACTICE OF SUCH PROFESSION FOR AT LEAST FIVE OF THE IMMEDIATELY PRECEDING EIGHT YEARS.

2. THE COMMISSIONER SHALL ESTABLISH BY RULES AND REGULATIONS ALL FEES AUTHORIZED PURSUANT TO THIS ARTICLE. SUCH FEES SHALL BE SET IN AMOUNTS SUFFICIENT TO MEET THE EXPENSES OF ADMINISTERING THE PROVISIONS OF THIS ARTICLE.

3. THE DEPARTMENT SHALL PROMULGATE ANY RULES AND REGULATIONS NECESSARY TO ESTABLISH PROFESSIONAL STANDARDS OF REHABILITATION COUNSELORS AND ANY OTHER RULES AND REGULATIONS NECESSARY TO ADMINISTER THE PROVISIONS OF THIS ARTICLE.

S 7558. SEPARABILITY. IF ANY SECTION OF THIS ARTICLE, OR PART THEREOF, SHALL BE ADJUDGED BY ANY COURT OF COMPETENT JURISDICTION TO BE INVALID, SUCH JUDGMENT SHALL NOT AFFECT, IMPAIR OR INVALIDATE THE REMAINDER OF ANY OTHER SECTION OR PART THEREOF.

S 2. This act shall take effect on the five hundred forty-fifth day after it shall have become a law; provided, however, that any rules and regulations necessary to implement the provisions of this act on its effective date are authorized and directed to be promulgated, amended and repealed on or before such date.