

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 INDI-  
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.