

3476

2009-2010 Regular Sessions

I N S E N A T E

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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:

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

3 ARTICLE 152

4 REHABILITATION COUNSELING

5 SECTION 7550. INTRODUCTION.

6 7551. DEFINITION OF THE PRACTICE OF "REHABILITATION COUNSELING".

7 7552. PRACTICE OF REHABILITATION COUNSELING AND USE OF THE
8 TITLES "REHABILITATION COUNSELOR" AND "LICENSED REHABIL-
9 ITATION COUNSELOR".

10 7553. STATE BOARD FOR REHABILITATION COUNSELING.

11 7554. REQUIREMENTS FOR A PROFESSIONAL LICENSE.

12 7555. LIMITED PERMITS.

13 7556. EXEMPT PERSONS.

14 7557. SPECIAL PROVISIONS.

15 7558. SEPARABILITY.

16 S 7550. INTRODUCTION. THIS ARTICLE APPLIES TO THE PROFESSION OF REHA-
17 BILITATION COUNSELING. THE GENERAL PROVISIONS FOR ALL PROFESSIONS
18 CONTAINED IN ARTICLE ONE HUNDRED THIRTY OF THIS TITLE SHALL APPLY TO
19 THIS ARTICLE.

20 S 7551. DEFINITION OF THE PRACTICE OF "REHABILITATION COUNSELING". THE
21 PRACTICE OF THE PROFESSION OF REHABILITATION COUNSELING IS DEFINED AS A
22 SYSTEMATIC PROCESS WHICH ASSISTS PERSONS WITH PHYSICAL, MENTAL, DEVELOP-
23 MENTAL, COGNITIVE, AND EMOTIONAL DISABILITIES TO ACHIEVE THEIR PERSONAL,
24 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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1 POSSIBLE THROUGH THE APPLICATION OF THE COUNSELING PROCESS. THE COUN-
2 SELING PROCESS INVOLVES COMMUNICATION, GOAL SETTING, AND BENEFICIAL
3 GROWTH OR CHANGE THROUGH SELF-ADVOCACY, PSYCHOLOGICAL, VOCATIONAL,
4 SOCIAL, AND BEHAVIORAL INTERVENTIONS. THE SPECIFIC TECHNIQUES AND MODAL-
5 ITIES UTILIZED WITHIN THIS REHABILITATION COUNSELING PROCESS MAY
6 INCLUDE, BUT ARE NOT LIMITED TO:

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

23 S 7552. PRACTICE OF REHABILITATION COUNSELING AND USE OF THE TITLES
24 "REHABILITATION COUNSELOR" AND "LICENSED REHABILITATION COUNSELOR". ONLY
25 A PERSON LICENSED OR EXEMPT UNDER THIS ARTICLE SHALL PRACTICE REHABILI-
26 TATION COUNSELING OR USE THE TITLE "REHABILITATION COUNSELOR". ONLY A
27 PERSON LICENSED UNDER THIS ARTICLE SHALL USE THE TITLE "LICENSED REHA-
28 BILITATION COUNSELOR" OR ANY OTHER DESIGNATION TENDING TO IMPLY THAT THE
29 PERSON IS LICENSED TO PRACTICE REHABILITATION COUNSELING.

30 S 7553. STATE BOARD FOR REHABILITATION COUNSELING. 1. A STATE BOARD
31 FOR REHABILITATION COUNSELING SHALL BE APPOINTED BY THE BOARD OF REGENTS
32 ON RECOMMENDATION OF THE COMMISSIONER FOR THE PURPOSE OF ASSISTING THE
33 BOARD OF REGENTS AND THE DEPARTMENT ON MATTERS OF LICENSING AND REGU-
34 LATION. THE BOARD SHALL BE COMPOSED OF AT LEAST THREE REHABILITATION
35 COUNSELORS LICENSED PURSUANT TO THIS ARTICLE AND AT LEAST ONE PUBLIC
36 REPRESENTATIVE WHO DOES NOT HOLD INTERESTS IN THE ORGANIZATION, FINANC-
37 ING, OR DELIVERY OF REHABILITATION COUNSELING SERVICES. MEMBERS OF THE
38 FIRST BOARD NEED NOT BE LICENSED PRIOR TO THEIR APPOINTMENT TO THE
39 BOARD. AN EXECUTIVE SECRETARY TO THE BOARD SHALL BE APPOINTED BY THE
40 BOARD OF REGENTS ON RECOMMENDATION OF THE COMMISSIONER.

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

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

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

1 (A) THEORIES AND TECHNIQUES OF COUNSELING,
2 (B) ASSESSMENT,
3 (C) OCCUPATIONAL INFORMATION,
4 (D) JOB PLACEMENT,
5 (E) MEDICAL ASPECTS OF DISABILITY,
6 (F) PSYCHOSOCIAL ASPECTS OF DISABILITY,
7 (G) COMMUNITY RESOURCES,
8 (H) DELIVERY OF REHABILITATION SERVICES,
9 (I) COMPLETION OF A MINIMUM ONE HUNDRED HOURS OF SUPERVISED PRACTICUM
10 AND ONE YEAR (SIX HUNDRED HOURS) SUPERVISED INTERNSHIP IN REHABILITATION
11 COUNSELING;

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

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

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

22 6. CHARACTER: BE OF GOOD MORAL CHARACTER AS DETERMINED BY THE DEPART-
23 MENT; AND

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

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

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

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

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

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

47 2. THIS ARTICLE SHALL NOT BE CONSTRUED TO AFFECT OR PREVENT A REHABIL-
48 ITATION COUNSELING STUDENT FROM ENGAGING IN CLINICAL PRACTICE UNDER THE
49 SUPERVISION OF A LICENSED OR CERTIFIED REHABILITATION COUNSELOR AS PART
50 OF A PROGRAM CONDUCTED IN AN APPROVED AGENCY AFFILIATED WITH AN ACCRED-
51 ITED SCHOOL OF REHABILITATION COUNSELING WHICH IS APPROVED BY THE
52 DEPARTMENT.

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

1 (A) IF SUCH PERSON DOES NOT MEET THE REQUIREMENTS FOR A LICENSE ESTAB-
2 LISHED WITHIN THIS ARTICLE, SUCH PERSON MAY MEET ALTERNATIVE CRITERIA
3 DETERMINED BY THE DEPARTMENT TO BE THE SUBSTANTIAL EQUIVALENT OF SUCH
4 CRITERIA.

5 (B) IF SUCH PERSON DOES NOT MEET THE REQUIREMENTS FOR A LICENSE ESTAB-
6 LISHED WITHIN THIS ARTICLE, BUT HAS BEEN CERTIFIED OR REGISTERED BY A
7 NATIONAL CERTIFYING OR REGISTERING BODY HAVING CERTIFICATION OR REGIS-
8 TRATION STANDARDS ACCEPTABLE TO THE COMMISSIONER, THE DEPARTMENT SHALL
9 LICENSE WITHOUT EXAMINATION.

10 (C) IF SUCH PERSON DOES NOT MEET THE REQUIREMENTS FOR A LICENSE ESTAB-
11 LISHED WITHIN THIS ARTICLE, THE DEPARTMENT SHALL LICENSE WITHOUT EXAM-
12 INATION IF THE APPLICANT SUBMITS EVIDENCE SATISFACTORY TO THE DEPARTMENT
13 OF HAVING BEEN ENGAGED IN THE PRACTICE OF SUCH PROFESSION FOR AT LEAST
14 FIVE OF THE IMMEDIATELY PRECEDING EIGHT YEARS.

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

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

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

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