

7484

I N S E N A T E

April 14, 2010

Introduced by Sen. HUNTLEY -- 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 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-
18 ties that register with the education department by July 1, 2012 in
19 order to employ licensed professionals to provide services. In addition,
20 the commissioner of education is directed to convene a work group to
21 identify ways to ensure compliance with corporate practice prohibitions

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

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1 to ensure the protection of the public and the integrity of the licensed
2 professions.

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

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

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

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

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

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

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

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

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

47 A. ANY APPROPRIATELY ORGANIZED PROFESSIONAL BUSINESS ENTITY ESTAB-
48 LISHED UNDER THE BUSINESS CORPORATION LAW, THE LIMITED LIABILITY COMPANY
49 LAW OR THE PARTNERSHIP LAW; OR

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

53 C. ANY ENTITY OPERATED UNDER AN OPERATING CERTIFICATE APPROPRIATELY
54 ISSUED UNDER ACCEPTABLE QUALIFYING PROCEDURES BY A NEW YORK STATE OR
55 FEDERAL AGENCY, POLITICAL SUBDIVISION, MUNICIPAL CORPORATION, OR LOCAL

GOVERNMENT AGENCY OR UNIT, IN ACCORDANCE WITH THE SCOPE OF THE AUTHORITY OF SUCH OPERATING CERTIFICATE; OR

D. A UNIVERSITY FACULTY PRACTICE CORPORATION DULY INCORPORATED PURSUANT TO THE NOT-FOR-PROFIT CORPORATION LAW; OR

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

F. AN INSTITUTION OF HIGHER EDUCATION PROVIDING COUNSELING ONLY TO THE STUDENTS, STAFF, OR FAMILY MEMBERS OF STUDENTS AND STAFF OF SUCH INSTITUTION; OR

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

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

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

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

H. AS PROHIBITING THE PROVISION OF PSYCHOTHERAPY AS DEFINED IN SUBDIVISION TWO OF SECTION EIGHTY-FOUR HUNDRED ONE OF THIS TITLE TO THE EXTENT PERMISSIBLE WITHIN THE SCOPE OF PRACTICE OF NURSING, BY ANY NOT-FOR-PROFIT CORPORATION, EDUCATION CORPORATION, FIRM, BUSINESS CORPORATION OR OTHER BUSINESS ENTITY PROVIDING SERVICES WITHIN THE STATE OF NEW YORK AND REGISTERED PURSUANT TO SECTION SIXTY-FIVE HUNDRED THREE-A OF THIS TITLE, PROVIDED THAT SUCH ENTITIES OFFERING SUCH PSYCHOTHERAPY SERVICES SHALL ONLY PROVIDE SUCH SERVICES THROUGH AN INDIVIDUAL APPROPRIATELY LICENSED OR OTHERWISE AUTHORIZED TO PROVIDE SUCH SERVICES OR A PROFESSIONAL BUSINESS ENTITY AUTHORIZED BY LAW TO PROVIDE SUCH SERVICES.

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

9. THE PROVISION OF PSYCHOTHERAPY AS DEFINED IN SUBDIVISION TWO OF SECTION EIGHTY-FOUR HUNDRED ONE OF THIS TITLE TO THE EXTENT PERMISSIBLE WITHIN THE SCOPE OF PRACTICE OF PSYCHOLOGY, BY ANY NOT-FOR-PROFIT CORPORATION, EDUCATION CORPORATION, FIRM, BUSINESS CORPORATION OR OTHER BUSINESS ENTITY PROVIDING SERVICES WITHIN THE STATE OF NEW YORK AND REGISTERED PURSUANT TO SECTION SIXTY-FIVE HUNDRED THREE-A OF THIS TITLE, PROVIDED THAT SUCH ENTITIES OFFERING PSYCHOLOGY SERVICES SHALL ONLY PROVIDE SUCH SERVICES THROUGH AN INDIVIDUAL APPROPRIATELY LICENSED OR OTHERWISE AUTHORIZED TO PROVIDE SUCH SERVICES OR A PROFESSIONAL BUSINESS ENTITY AUTHORIZED BY LAW TO PROVIDE SUCH SERVICES.

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

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

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

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

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

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

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

47 (c) Experience: have at least three years full-time supervised post-
48 graduate clinical social work experience in diagnosis, psychotherapy,
49 and assessment-based treatment plans, or its part-time equivalent,
50 obtained over a continuous period not to exceed six years, under the
51 supervision, satisfactory to the department, of a psychiatrist, a
52 licensed psychologist, or a licensed clinical social worker in a facili-
53 ty setting or other supervised settings approved by the department.
54 SATISFACTORY EXPERIENCE OBTAINED IN AN ENTITY REGISTERED WITH THE
55 DEPARTMENT PURSUANT TO SECTION SIXTY-FIVE HUNDRED THREE-A OF THIS TITLE
56 MAY BE ACCEPTED BY THE DEPARTMENT, NOTWITHSTANDING THAT SUCH EXPERIENCE

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

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

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

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

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

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

53 (c) Experience: Have completed at least fifteen hundred hours of post-
54 master's supervised experience in one or more creative arts therapies
55 satisfactory to the department and in accordance with the commissioner's
56 regulations. SATISFACTORY EXPERIENCE OBTAINED IN AN ENTITY REGISTERED

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

12 S 13. Paragraph (c) of subdivision 3 of section 8405 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: Have completed a minimum of fifteen hundred hours of
16 supervised clinical practice satisfactory to the department and in
17 accordance with the commissioner's regulations. SATISFACTORY EXPERIENCE
18 OBTAINED IN AN ENTITY REGISTERED WITH THE DEPARTMENT PURSUANT TO SECTION
19 SIXTY-FIVE HUNDRED THREE-A OF THIS TITLE MAY BE ACCEPTED BY THE DEPART-
20 MENT, NOTWITHSTANDING THAT SUCH EXPERIENCE MAY HAVE BEEN OBTAINED PRIOR
21 TO THE EFFECTIVE DATE OF SUCH SECTION SIXTY-FIVE HUNDRED THREE-A AND/OR
22 PRIOR TO THE REGISTRATION OF THE SETTING. THE DEPARTMENT MAY, FOR GOOD
23 CAUSE SHOWN, ACCEPT SATISFACTORY EXPERIENCE THAT WAS OBTAINED IN A
24 SETTING THAT WOULD HAVE BEEN ELIGIBLE FOR REGISTRATION BUT WHICH HAS NOT
25 REGISTERED WITH THE DEPARTMENT OR EXPERIENCE THAT WAS OBTAINED IN GOOD
26 FAITH BY THE APPLICANT UNDER THE BELIEF THAT APPROPRIATE AUTHORIZATION
27 HAD BEEN OBTAINED FOR THE EXPERIENCE, PROVIDED THAT SUCH EXPERIENCE
28 MEETS ALL OTHER REQUIREMENTS FOR ACCEPTABLE EXPERIENCE;

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

33 S 9. Nothing in this act shall prohibit or limit the activities or
34 services on the part of any person in the employ of a program or service
35 operated, regulated, funded, or approved by [the department of mental
36 hygiene or the office of children and family services, or a local
37 governmental unit as that term is defined in article 41 of the mental
38 hygiene law or a social services district as defined in section 61 of
39 the social services law] A NEW YORK STATE OR FEDERAL AGENCY, POLITICAL
40 SUBDIVISION, MUNICIPAL CORPORATION OR LOCAL GOVERNMENT AGENCY OR UNIT
41 PURSUANT TO AUTHORITY GRANTED BY LAW, provided, however, this section
42 shall not authorize the use of any title authorized pursuant to article
43 154 of the education law, except that this section shall be deemed
44 repealed [on June 1, 2010] JULY 1, 2012, PROVIDED THAT THE COMMISSIONER
45 OF EDUCATION SHALL CONVENE A WORKGROUP OF STATE AGENCIES, NOT-FOR-PROFIT
46 PROVIDERS, PROFESSIONAL ASSOCIATIONS AND CONSUMERS, AND OTHER KEY STAKE-
47 HOLDERS TO RECOMMEND BY JANUARY 1, 2012 ANY AMENDMENTS TO LAW, RULE OR
48 REGULATION NECESSARY TO FULLY IMPLEMENT THE REQUIREMENTS FOR LICENSURE
49 BY JULY 1, 2012 AND WHETHER TO EXTEND BEYOND JULY 1, 2012 THE AUTHORITY
50 OF THE EDUCATION DEPARTMENT TO REGISTER ENTITIES IN ACCORDANCE WITH
51 SECTION 6503-A OF THE EDUCATION LAW.

52 S 15. Section 17-a of chapter 676 of the laws of 2002 amending the
53 education law relating to the practice of psychology, as amended by
54 section 2 of part II of chapter 57 of the laws of 2009, is amended to
55 read as follows:

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

22 B. THIS SECTION SHALL BE DEEMED REPEALED JULY 1, 2012. THE COMMISSION-
23 ER OF EDUCATION SHALL CONVENE A WORKGROUP OF STATE AGENCIES,
24 NOT-FOR-PROFIT PROVIDERS, PROFESSIONAL ASSOCIATIONS AND CONSUMERS, AND
25 OTHER KEY STAKEHOLDERS TO RECOMMEND BY JANUARY 1, 2012 ANY AMENDMENTS TO
26 LAW, RULE OR REGULATION NECESSARY TO FULLY IMPLEMENT THE REQUIREMENTS
27 FOR LICENSURE OR REGISTRATION BY JULY 1, 2012 AND WHETHER TO EXTEND
28 BEYOND JULY 1, 2012 THE AUTHORITY OF THE EDUCATION DEPARTMENT TO REGIS-
29 TER ENTITIES IN ACCORDANCE WITH SECTION 6503-A OF THE EDUCATION LAW.

30 S 16. This act shall take effect immediately.