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

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:

Section 1. Legislative intent. The establishment of restricted practice for the professions of licensed master social work, licensed clinical social work, licensed mental health counseling, licensed marriage and family therapy, licensed creative arts therapy, licensed psychoanalysis, and licensed psychology has advanced the goal of protecting the public from unqualified practitioners, particularly those providing psychotherapy and other services that are now restricted under the education law. For decades, not-for-profit corporations, education corporations, firms and business corporations employed individuals to provide social work and mental health services. The licensing law did not provide a general recognition of such providers that employ individuals licensed in these professions but who are not authorized under appropriate laws, such as the mental hygiene law and the public health law. Therefore, enforcement of prohibitions in the education law could result in the shuttering of long-standing providers and the loss of services to individuals and families across New York state. This act establishes an exemption from corporate practice prohibitions for entities that register with the education department by July 1, 2012 in order to employ licensed professionals to provide services. In addition, the commissioner of education is directed to convene a work group to 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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to ensure the protection of the public and the integrity of the licensed professions.

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

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

B. SUCH REGISTRATION SHALL PROVIDE THAT THE ENTITY'S PROVISION OF SERVICES, DIRECTLY OR INDIRECTLY, SHALL BE RESTRICTED TO SERVICES AUTHORIZED PURSUANT TO THIS SECTION, AND ANY OTHER SERVICES APPROPRIATELY RELATED THERETO AS DETERMINED BY THE DEPARTMENT, AND SHALL ONLY BE PROVIDED IF SUCH SERVICES ARE PROVIDED BY A PERSON APPROPRIATELY LICENSED TO PROVIDE SUCH SERVICES PURSUANT TO 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 OR A PERSON OTHERWISE AUTHORIZED TO PROVIDE SUCH SERVICES UNDER SUCH ARTICLES OR A PROFESSIONAL BUSINESS ENTITY AUTHORIZED BY LAW TO PROVIDE SUCH SERVICES.

C. AN APPLICATION FOR REGISTRATION AS AN ENTITY PROVIDING PROFESSIONAL SERVICES PURSUANT TO THIS SECTION SHALL BE ON A FORM PRESCRIBED BY THE COMMISSIONER, WHICH FORM SHALL INCLUDE THE NAMES OF THE ENTITY AND THE OWNERS, OPERATORS, DIRECTORS, SHAREHOLDERS AND OFFICERS OF SUCH ENTITY, AND A LISTING OF ANY OTHER JURISDICTIONS WHERE THE ENTITY MAY PROVIDE SERVICES AND ANY OTHER INFORMATION AS MAY BE REQUIRED BY THE DEPARTMENT. SUCH APPLICATION SHALL INCLUDE AN ATTESTATION MADE BY AN OFFICER AUTHORIZED BY THE ENTITY TO MAKE SUCH ATTESTATION THAT IDENTIFIES THE SCOPE OF SERVICES TO BE PROVIDED, INCLUDES A LIST OF PROFESSIONS UNDER THIS TITLE IN WHICH PROFESSIONAL SERVICES WILL BE PROVIDED BY SUCH ENTITY, AND SHALL INCLUDE A STATEMENT THAT UNLESS OTHERWISE AUTHORIZED BY LAW, THE ENTITY SHALL ONLY PROVIDE PROFESSIONAL SERVICES AUTHORIZED UNDER THIS SECTION AND ANY SERVICE APPROPRIATELY RELATED THERETO AS DETERMINED BY THE DEPARTMENT, AND THAT ONLY A LICENSED PROFESSIONAL, A PERSON OTHERWISE AUTHORIZED TO PROVIDE SUCH SERVICES, OR A PROFESSIONAL BUSINESS ENTITY AUTHORIZED BY LAW TO PROVIDE SUCH SERVICES SHALL PROVIDE SUCH PROFESSIONAL SERVICES AS AUTHORIZED UNDER THIS SECTION. SUCH STATEMENT SHALL ALSO ATTEST TO THE ADEQUACY OF THE ENTITY'S FISCAL AND FINANCIAL RESOURCES TO PROVIDE SUCH SERVICES.

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

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

F. ENTITIES REGISTERED PURSUANT TO THIS SECTION SHALL BE UNDER THE SUPERVISION OF THE REGENTS AND SHALL BE SUBJECT TO DISCIPLINARY PROCEEDINGS AND PENALTIES. THE REGISTRATIONS OF SUCH ENTITIES SHALL BE SUBJECT TO SUSPENSION, REVOCATION OR ANNULMENT FOR CAUSE IN THE SAME MANNER AND TO THE SAME EXTENT AS INDIVIDUALS AND PROFESSIONAL BUSINESS ENTITIES WITH RESPECT TO THEIR LICENSES, CERTIFICATES, AND REGISTRATIONS, AS APPLICABLE, AS PROVIDED IN THIS TITLE RELATING TO THE APPLICABLE PROFESSION. ALL OFFICERS, DIRECTORS, AND OWNERS OF SUCH REGISTERED ENTITIES SHALL BE OF GOOD MORAL CHARACTER. REGISTERED ENTITIES AND THEIR OFFICERS, DIRECTORS, AND OWNERS SHALL BE ENTITLED TO THE SAME DUE PROCESS PROCEDURES AS ARE PROVIDED TO SUCH INDIVIDUALS AND PROFESSIONAL BUSINESS ENTITIES. NO REGISTRATION ISSUED UNDER THIS SECTION SHALL BE TRANSFERABLE OR ASSIGNABLE, AS SUCH TERMS ARE DEFINED IN THE REGULATIONS OF THE COMMISSIONER, WITHOUT THE APPROVAL OF THE COMMISSIONER.

G. A REGISTERED ENTITY SHALL NOT PRACTICE ANY PROFESSION LICENSED PURSUANT TO THIS TITLE OR HOLD ITSELF OUT TO THE PUBLIC AS AUTHORIZED TO PROVIDE PROFESSIONAL SERVICES PURSUANT TO THIS TITLE EXCEPT AS SPECIFICALLY AUTHORIZED BY THIS SECTION OR AS OTHERWISE AUTHORIZED BY LAW.

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

A. ANY APPROPRIATELY ORGANIZED PROFESSIONAL BUSINESS ENTITY ESTABLISHED UNDER THE BUSINESS CORPORATION LAW, THE LIMITED LIABILITY COMPANY LAW OR THE PARTNERSHIP LAW; OR

B. ANY ENTITY OPERATED BY A NEW YORK STATE OR FEDERAL AGENCY, POLITICAL SUBDIVISION, MUNICIPAL CORPORATION OR LOCAL GOVERNMENT AGENCY OR UNIT PURSUANT TO AUTHORITY GRANTED BY LAW; OR

C. ANY ENTITY OPERATED UNDER AN OPERATING CERTIFICATE APPROPRIATELY ISSUED UNDER ACCEPTABLE QUALIFYING PROCEDURES BY A NEW YORK STATE OR 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.

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

6. PROHIBIT THE PRACTICE OF LICENSED MASTER SOCIAL WORK OR LICENSED CLINICAL SOCIAL WORK, TO THE EXTENT PERMISSIBLE WITHIN THE SCOPE OF PRACTICE OF SUCH PROFESSIONS, 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 LICENSED MASTER SOCIAL WORK OR LICENSED CLINICAL SOCIAL WORK 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 7. Section 8410 of the education law is amended by adding a new subdivision 7 to read as follows:

7. PROHIBIT THE PRACTICE OF MENTAL HEALTH COUNSELING, MARRIAGE AND FAMILY THERAPY, CREATIVE ARTS THERAPY OR PSYCHOANALYSIS, TO THE EXTENT PERMISSIBLE WITHIN THE SCOPE OF PRACTICE OF SUCH PROFESSIONS, 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 MENTAL HEALTH COUNSELING, MARRIAGE AND FAMILY THERAPY, CREATIVE ARTS THERAPY OR PSYCHOANALYSIS 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 8. Subdivision 3 of section 7603 of the education law, as added by chapter 987 of the laws of 1971, is amended to read as follows:

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

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

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

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

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

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

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

(c) Experience: The completion of at least one thousand five 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 one thousand five hundred client hours of supervised post-master's clinical experience in marriage and family therapy satisfactory to the department in accordance with the commissioner's regulations. SATISFACTORY EXPERIENCE OBTAINED IN AN ENTITY REGISTERED WITH THE DEPARTMENT PURSUANT TO SECTION SIXTY-FIVE HUNDRED THREE-A OF THIS TITLE MAY BE ACCEPTED BY THE DEPARTMENT, NOTWITHSTANDING THAT SUCH EXPERIENCE MAY HAVE BEEN OBTAINED PRIOR TO THE EFFECTIVE DATE OF SUCH SECTION SIXTY-FIVE HUNDRED THREE-A AND/OR PRIOR TO THE REGISTRATION OF THE SETTING. THE DEPARTMENT MAY, FOR GOOD CAUSE SHOWN, ACCEPT SATISFACTORY EXPERIENCE THAT WAS OBTAINED IN A SETTING THAT WOULD HAVE BEEN ELIGIBLE FOR REGISTRATION BUT WHICH HAS NOT REGISTERED WITH THE DEPARTMENT OR EXPERIENCE THAT WAS OBTAINED IN GOOD FAITH BY THE APPLICANT UNDER THE BELIEF THAT APPROPRIATE AUTHORIZATION HAD BEEN OBTAINED FOR THE EXPERIENCE, PROVIDED THAT SUCH EXPERIENCE MEETS ALL OTHER REQUIREMENTS FOR ACCEPTABLE EXPERIENCE;

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

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

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

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

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

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

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

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

S 17-a. [Nothing] A. IN RELATION TO ACTIVITIES AND SERVICES PROVIDED UNDER ARTICLE 153 OF THE EDUCATION LAW, NOTHING in this act shall prohibit or limit [the] SUCH activities or services on the part of any person in the employ of a program or service operated, regulated, funded, or approved by the department of mental hygiene or the office of children and family services, or a local governmental unit as that term is defined in article 41 of the mental hygiene law or a social services district as defined in section 61 of the social services law[, provided, however, this section shall not authorize the use of any title authorized pursuant to article 153 or 163 of the education law, except as otherwise provided by such articles, except that this section shall be deemed repealed on June 1, 2010]. IN RELATION TO ACTIVITIES AND SERVICES PROVIDED UNDER ARTICLE 163 OF THE EDUCATION LAW, NOTHING IN THIS ACT SHALL PROHIBIT OR LIMIT SUCH ACTIVITIES OR SERVICES ON THE PART OF ANY PERSON IN THE EMPLOY OF A PROGRAM OR SERVICE OPERATED, REGULATED, FUNDED, OR APPROVED BY A NEW YORK STATE OR FEDERAL AGENCY, POLITICAL SUBDIVISION, MUNICIPAL CORPORATION OR LOCAL GOVERNMENT AGENCY OR UNIT PURSUANT TO AUTHORITY GRANTED BY LAW. THIS SECTION SHALL NOT AUTHORIZE THE USE OF ANY TITLE AUTHORIZED PURSUANT TO ARTICLE 153 OR 163 OF THE EDUCATION LAW BY ANY SUCH EMPLOYED PERSON, EXCEPT AS OTHERWISE PROVIDED BY SUCH ARTICLES RESPECTIVELY.

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

S 16. This act shall take effect immediately.