

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

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2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. KELLNER, JAFFEE, BROOK-KRASNY, MARKEY, WEISENBERG, McDONOUGH, P. RIVERA -- read once and referred to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Higher Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

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. MANDATORY CONTINUING EDUCATION.

16 7559. SEPARABILITY.

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

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1 S 7550. INTRODUCTION. THIS ARTICLE APPLIES TO THE PROFESSION OF REHA-
2 BILITATION COUNSELING. THE GENERAL PROVISIONS FOR ALL PROFESSIONS
3 CONTAINED IN ARTICLE ONE HUNDRED THIRTY OF THIS TITLE SHALL APPLY TO
4 THIS ARTICLE.

5 S 7551. DEFINITION OF THE PRACTICE OF "REHABILITATION COUNSELING". THE
6 PRACTICE OF THE PROFESSION OF REHABILITATION COUNSELING IS DEFINED AS A
7 SYSTEMATIC PROCESS WHICH ASSISTS PERSONS WITH PHYSICAL, MENTAL, DEVELOP-
8 MENTAL, COGNITIVE, AND EMOTIONAL DISABILITIES TO ACHIEVE THEIR PERSONAL,
9 CAREER, AND INDEPENDENT LIVING GOALS IN THE MOST INTEGRATED SETTING
10 POSSIBLE THROUGH THE APPLICATION OF THE COUNSELING PROCESS. THE COUN-
11 SELING PROCESS INVOLVES COMMUNICATION, GOAL SETTING, AND BENEFICIAL
12 GROWTH OR CHANGE THROUGH SELF-ADVOCACY, PSYCHOLOGICAL, VOCATIONAL,
13 SOCIAL, AND BEHAVIORAL INTERVENTIONS. THE SPECIFIC TECHNIQUES AND MODAL-
14 ITIES UTILIZED WITHIN THIS REHABILITATION COUNSELING PROCESS MAY
15 INCLUDE, BUT ARE NOT LIMITED TO:

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

32 S 7552. PRACTICE OF REHABILITATION COUNSELING AND USE OF THE TITLES
33 "REHABILITATION COUNSELOR" AND "LICENSED REHABILITATION COUNSELOR". ONLY
34 A PERSON LICENSED OR EXEMPT UNDER THIS ARTICLE SHALL PRACTICE REHABILI-
35 TATION COUNSELING OR USE THE TITLE "REHABILITATION COUNSELOR". ONLY A
36 PERSON LICENSED UNDER THIS ARTICLE SHALL USE THE TITLE "LICENSED REHA-
37 BILITATION COUNSELOR" OR ANY OTHER DESIGNATION TENDING TO IMPLY THAT THE
38 PERSON IS LICENSED TO PRACTICE REHABILITATION COUNSELING.

39 S 7553. STATE BOARD FOR REHABILITATION COUNSELING. 1. A STATE BOARD
40 FOR REHABILITATION COUNSELING SHALL BE APPOINTED BY THE BOARD OF REGENTS
41 ON RECOMMENDATION OF THE COMMISSIONER FOR THE PURPOSE OF ASSISTING THE
42 BOARD OF REGENTS AND THE DEPARTMENT ON MATTERS OF LICENSING AND REGU-
43 LATION. THE BOARD SHALL BE COMPOSED OF AT LEAST THREE REHABILITATION
44 COUNSELORS LICENSED PURSUANT TO THIS ARTICLE AND AT LEAST ONE PUBLIC
45 REPRESENTATIVE WHO DOES NOT HOLD INTERESTS IN THE ORGANIZATION, FINANC-
46 ING, OR DELIVERY OF REHABILITATION COUNSELING SERVICES. MEMBERS OF THE
47 FIRST BOARD NEED NOT BE LICENSED PRIOR TO THEIR APPOINTMENT TO THE
48 BOARD. AN EXECUTIVE SECRETARY TO THE BOARD SHALL BE APPOINTED BY THE
49 BOARD OF REGENTS ON RECOMMENDATION OF THE COMMISSIONER.

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

1 3. THE MEMBERS OF THE BOARD SHALL RECEIVE NO COMPENSATION FOR THEIR
2 SERVICES BUT EACH MEMBER SHALL BE ENTITLED TO RECEIVE HIS OR HER ACTUAL
3 AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF HIS OR HER DUTIES.

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

7 1. APPLICATION: FILE AN APPLICATION WITH THE DEPARTMENT;

8 2. EXAMINATION: PASS THE EXAMINATION OF THE COMMISSION ON REHABILI-
9 TATION COUNSELING CERTIFICATION (CRCC); BE CERTIFIED BY THAT BODY AS A
10 CERTIFIED REHABILITATION COUNSELOR (CRC);

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

12 4. CHARACTER: BE OF GOOD MORAL CHARACTER AS DETERMINED BY THE DEPART-
13 MENT; AND

14 5. FEES: PAY A FEE OF TWO HUNDRED FIFTY DOLLARS TO THE DEPARTMENT FOR
15 ADMISSION TO LICENSURE AND FOR AN INITIAL LICENSE; AND A FEE OF ONE
16 HUNDRED SEVENTY DOLLARS FOR EACH TRIENNIAL REGISTRATION PERIOD.

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

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

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

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

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

34 2. THIS ARTICLE SHALL NOT BE CONSTRUED TO AFFECT OR PREVENT A REHABIL-
35 ITATION COUNSELING STUDENT FROM ENGAGING IN CLINICAL PRACTICE UNDER THE
36 SUPERVISION OF A LICENSED OR CERTIFIED REHABILITATION COUNSELOR AS PART
37 OF A PROGRAM CONDUCTED IN AN APPROVED AGENCY AFFILIATED WITH AN ACCRED-
38 ITED SCHOOL OF REHABILITATION COUNSELING WHICH IS APPROVED BY THE
39 DEPARTMENT.

40 S 7557. SPECIAL PROVISIONS. 1. ANY NONEXEMPT PERSON PRACTICING THE
41 PROFESSION TO BE LICENSED PURSUANT TO THIS ARTICLE SHALL APPLY FOR A
42 LICENSE FOR PRACTICE OF SUCH PROFESSION WITHIN ONE YEAR OF THE EFFECTIVE
43 DATE OF THIS ARTICLE. IF SUCH PERSON DOES NOT MEET THE REQUIREMENTS FOR
44 A LICENSE ESTABLISHED WITHIN THIS ARTICLE, THE DEPARTMENT SHALL LICENSE
45 WITHOUT EXAMINATION IF THE APPLICANT SUBMITS EVIDENCE SATISFACTORY TO
46 THE DEPARTMENT OF HAVING BEEN ENGAGED IN THE PRACTICE OF SUCH PROFESSION
47 FOR AT LEAST FIVE OF THE IMMEDIATELY PRECEDING EIGHT YEARS. SUCH
48 EXEMPTION SHALL BE IN EFFECT FOR ONLY ONE YEAR FOLLOWING THE EFFECTIVE
49 DATE OF THIS ARTICLE.

50 2. THE COMMISSIONER SHALL APPROVE ALL FEES AUTHORIZED PURSUANT TO THIS
51 ARTICLE. SUCH FEES SHALL BE SET IN AMOUNTS SUFFICIENT TO MEET THE
52 EXPENSES OF ADMINISTERING THE PROVISIONS OF THIS ARTICLE.

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

1 S 7558. MANDATORY CONTINUING EDUCATION. 1. (A) EACH REHABILITATION
2 COUNSELOR LICENSED PURSUANT TO THIS ARTICLE REQUIRED TO REGISTER TRIEN-
3 NNIALLY WITH THE DEPARTMENT TO PRACTICE IN THE STATE SHALL COMPLY WITH
4 THE PROVISIONS OF THE MANDATORY CONTINUING EDUCATION REQUIREMENTS
5 PRESCRIBED IN SUBDIVISION TWO OF THIS SECTION EXCEPT AS SET FORTH IN
6 PARAGRAPHS (B) AND (C) OF THIS SUBDIVISION. SUCH REHABILITATION COUNSE-
7 LORS WHO DO NOT SATISFY THE MANDATORY CONTINUING EDUCATION REQUIREMENTS
8 SHALL NOT PRACTICE UNTIL THEY HAVE MET SUCH REQUIREMENTS, THEY HAVE PAID
9 ALL APPLICABLE FEES, AND THEY HAVE BEEN ISSUED A REGISTRATION OR CONDI-
10 TIONAL REGISTRATION CERTIFICATE.

11 (B) REHABILITATION COUNSELORS SHALL BE EXEMPT FROM THE MANDATORY
12 CONTINUING EDUCATION REQUIREMENT FOR THE TRIENNIAL REGISTRATION PERIOD
13 DURING WHICH THEY ARE FIRST LICENSED. IN ACCORDANCE WITH THE INTENT OF
14 THIS SECTION, ADJUSTMENT TO THE MANDATORY CONTINUING EDUCATION REQUIRE-
15 MENT MAY BE GRANTED BY THE DEPARTMENT FOR REASONS OF HEALTH CERTIFIED BY
16 AN APPROPRIATE HEALTH CARE PROFESSIONAL, FOR EXTENDED ACTIVE DUTY WITH
17 THE ARMED FORCES OF THE UNITED STATES, OR FOR OTHER GOOD CAUSE ACCEPTA-
18 BLE TO THE DEPARTMENT WHICH MAY PREVENT COMPLIANCE.

19 (C) A LICENSED REHABILITATION COUNSELOR NOT ENGAGED IN PRACTICE, AS
20 DETERMINED BY THE DEPARTMENT, SHALL BE EXEMPT FROM THE MANDATORY CONTIN-
21 UING EDUCATION REQUIREMENT UPON THE FILING OF A STATEMENT WITH THE
22 DEPARTMENT DECLARING SUCH STATUS. ANY LICENSEE WHO RETURNS TO THE PRAC-
23 TICE OF REHABILITATION COUNSELOR DURING THE TRIENNIAL REGISTRATION PERI-
24 OD SHALL NOTIFY THE DEPARTMENT PRIOR TO REENTERING THE PROFESSION AND
25 SHALL MEET SUCH MANDATORY EDUCATION REQUIREMENTS AS SHALL BE PRESCRIBED
26 BY REGULATIONS OF THE COMMISSIONER.

27 2. DURING EACH TRIENNIAL REGISTRATION PERIOD AN APPLICANT FOR REGIS-
28 TRATION SHALL COMPLETE A MINIMUM OF TWENTY-FOUR HOURS OF ACCEPTABLE
29 CONTINUING EDUCATION, A MAXIMUM OF TWELVE HOURS OF WHICH MAY BE SELF-IN-
30 STRUCTIONAL COURSE WORK ACCEPTABLE TO THE DEPARTMENT. ANY REHABILITATION
31 COUNSELOR WHOSE FIRST REGISTRATION DATE FOLLOWING THE EFFECTIVE DATE OF
32 THIS SECTION OCCURS LESS THAN THREE YEARS FROM SUCH EFFECTIVE DATE, BUT
33 ON OR AFTER JANUARY FIRST, TWO THOUSAND FOURTEEN, SHALL COMPLETE CONTIN-
34 UING EDUCATION HOURS ON A PRORATED BASIS AT THE RATE OF ONE HOUR PER
35 MONTH FOR THE PERIOD BEGINNING JANUARY FIRST, TWO THOUSAND FOURTEEN UP
36 TO THE FIRST REGISTRATION DATE THEREAFTER. A LICENSEE WHO HAS NOT SATIS-
37 FIED THE MANDATORY CONTINUING EDUCATION REQUIREMENTS SHALL NOT BE ISSUED
38 A TRIENNIAL REGISTRATION CERTIFICATE BY THE DEPARTMENT AND SHALL NOT
39 PRACTICE UNLESS AND UNTIL A CONDITIONAL REGISTRATION CERTIFICATE IS
40 ISSUED, AS PROVIDED FOR IN SUBDIVISION THREE OF THIS SECTION, OR UNTIL
41 HE OR SHE HAS OTHERWISE MET THE REQUIREMENTS OF THIS SECTION.

42 3. THE DEPARTMENT, IN ITS DISCRETION, MAY ISSUE A CONDITIONAL REGIS-
43 TRATION TO A LICENSEE WHO FAILS TO MEET THE CONTINUING EDUCATION
44 REQUIREMENTS ESTABLISHED IN SUBDIVISION TWO OF THIS SECTION BUT WHO
45 AGREES TO MAKE UP ANY DEFICIENCIES AND COMPLETE ANY ADDITIONAL EDUCA-
46 TION WHICH THE DEPARTMENT MAY REQUIRE. THE FEE FOR SUCH A CONDITIONAL
47 REGISTRATION SHALL BE THE SAME AS, AND IN ADDITION TO, THE FEE FOR THE
48 TRIENNIAL REGISTRATION. THE DURATION OF SUCH CONDITIONAL REGISTRATION
49 SHALL BE DETERMINED BY THE DEPARTMENT BUT SHALL NOT EXCEED ONE YEAR. ANY
50 LICENSEE WHO IS NOTIFIED OF THE DENIAL OF REGISTRATION FOR FAILURE TO
51 SUBMIT EVIDENCE, SATISFACTORY TO THE DEPARTMENT, OF REQUIRED
52 CONTINUING EDUCATION AND WHO PRACTICES REHABILITATION COUNSELING WITHOUT
53 SUCH REGISTRATION, MAY BE SUBJECT TO DISCIPLINARY PROCEEDINGS PURSUANT
54 TO SECTION SIXTY-FIVE HUNDRED TEN OF THIS TITLE.

55 4. AS USED IN SUBDIVISION TWO OF THIS SECTION, "ACCEPTABLE CONTINUING
56 EDUCATION" SHALL MEAN COURSES OF LEARNING AND EDUCATIONAL ACTIVITIES

1 WHICH CONTRIBUTE TO PROFESSIONAL PRACTICE IN REHABILITATION COUNSELING
2 AND WHICH MEET THE STANDARDS PRESCRIBED BY REGULATIONS OF THE COMMIS-
3 SIONER. THE DEPARTMENT MAY, IN ITS DISCRETION AND AS NEEDED TO CONTRIB-
4 UTE TO THE HEALTH AND WELFARE OF THE PUBLIC, REQUIRE THE COMPLETION OF
5 CONTINUING EDUCATION COURSES IN SPECIFIC SUBJECTS.

6 5. REHABILITATION COUNSELORS SHALL MAINTAIN ADEQUATE DOCUMENTATION OF
7 COMPLETION OF ACCEPTABLE CONTINUING EDUCATION AND EDUCATIONAL ACTIVITIES
8 AND SHALL PROVIDE SUCH DOCUMENTATION AT THE REQUEST OF THE DEPARTMENT.

9 6. THE MANDATORY CONTINUING EDUCATION FEE SHALL BE FORTY-FIVE DOLLARS,
10 SHALL BE PAYABLE ON OR BEFORE THE FIRST DAY OF EACH TRIENNIAL REGISTRA-
11 TION PERIOD, AND SHALL BE PAID IN ADDITION TO THE TRIENNIAL REGISTRATION
12 FEE REQUIRED BY SECTION SEVENTY-FIVE HUNDRED FIFTY-FOUR OF THIS ARTICLE.

13 7. THE DEPARTMENT SHALL BE REQUIRED TO MAIL TO ALL LICENSED REHABILI-
14 TATION COUNSELORS, PRIOR TO THE FIRST DAY OF EACH TRIENNIAL REGISTRATION
15 PERIOD, INFORMATION SETTING FORTH THE REQUIREMENTS FOR SUCH TRIENNIAL
16 REGISTRATION.

17 S 7559. SEPARABILITY. IF ANY SECTION OF THIS ARTICLE, OR PART THEREOF,
18 SHALL BE ADJUDGED BY ANY COURT OF COMPETENT JURISDICTION TO BE INVALID,
19 SUCH JUDGMENT SHALL NOT AFFECT, IMPAIR OR INVALIDATE THE REMAINDER OF
20 ANY OTHER SECTION OR PART THEREOF.

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