

7608

2013-2014 Regular Sessions

I N A S S E M B L Y

May 28, 2013

Introduced by M. of A. DenDEKKER -- read once and referred to the  
Committee on Higher Education

AN ACT to amend the education law, in relation to clarifying the author-  
ization to practice for mental health practitioners

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 1 of section 8402 of the education law, as  
2 added by chapter 676 of the laws of 2002, is amended to read as follows:  
3 1. Definition of the practice of mental health counseling. The prac-  
4 tice of the profession of mental health counseling is defined as:  
5 (a) the evaluation, assessment, DIAGNOSIS, amelioration, treatment,  
6 modification, or adjustment to a disability, problem, or disorder of  
7 behavior, character, development, emotion, personality or relationships  
8 by the use of verbal or behavioral methods with individuals, couples,  
9 families or groups in private practice, group, or organized settings;  
10 [and]  
11 (b) the use of assessment instruments and mental health counseling and  
12 psychotherapy to identify, evaluate, DIAGNOSE and treat dysfunctions and  
13 disorders for purposes of providing appropriate mental health counseling  
14 services; AND  
15 (C) DIAGNOSIS IN THE CONTEXT OF LICENSED MENTAL HEALTH COUNSELING  
16 PRACTICE IS THE PROCESS OF DISTINGUISHING BETWEEN SIMILAR MENTAL,  
17 EMOTIONAL, BEHAVIORAL, DEVELOPMENTAL, AND ADDICTIVE DISORDERS, IMPAIR-  
18 MENTS AND DISABILITIES WITHIN A PSYCHOSOCIAL FRAMEWORK ON THE BASIS OF  
19 THEIR SIMILAR AND UNIQUE CHARACTERISTICS CONSISTENT WITH ACCEPTED CLAS-  
20 SIFICATION SYSTEMS.  
21 S 2. Subdivision 1 of section 8403 of the education law, as added by  
22 chapter 676 of the laws of 2002, is amended to read as follows:  
23 1. Definition of the practice of marriage and family therapy. The  
24 practice of the profession of marriage and family therapy is defined as:

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

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1 (a) the assessment, DIAGNOSIS and treatment of nervous and mental  
2 disorders, whether affective, cognitive or behavioral, which results in  
3 dysfunctional interpersonal family relationships including, but not  
4 limited to familial relationships, marital/couple relationships,  
5 parent-child relationships, pre-marital and other personal relation-  
6 ships;

7 (b) the use of mental health counseling, psychotherapy and therapeutic  
8 techniques to evaluate and treat marital, relational, and family  
9 systems, and individuals in relationship to these systems;

10 (c) the use of mental health counseling and psychotherapeutic tech-  
11 niques to treat mental, emotional and behavioral disorders and ailments  
12 within the context of marital, relational and family systems to prevent  
13 and ameliorate dysfunction; [and]

14 (d) the use of assessment instruments and mental health counseling and  
15 psychotherapy to identify [and], evaluate, DIAGNOSE AND TREAT dysfunc-  
16 tions and disorders for purposes of providing appropriate marriage and  
17 family therapy services; AND

18 (E) DIAGNOSIS IN THE CONTEXT OF LICENSED MARRIAGE AND FAMILY THERAPY  
19 PRACTICE IS THE PROCESS OF DISTINGUISHING BETWEEN SIMILAR MENTAL,  
20 EMOTIONAL, BEHAVIORAL, DEVELOPMENTAL, AND ADDICTIVE DISORDERS, IMPAIR-  
21 MENTS AND DISABILITIES WITHIN A PSYCHOSOCIAL FRAMEWORK ON THE BASIS OF  
22 THEIR SIMILAR AND UNIQUE CHARACTERISTICS CONSISTENT WITH ACCEPTED CLAS-  
23 SIFICATION SYSTEMS.

24 S 3. Subdivision 1 of section 8404 of the education law, as added by  
25 chapter 676 of the laws of 2002, is amended to read as follows:

26 1. Definition of the practice of creative arts therapy. The practice  
27 of the profession of creative arts therapy is defined as:

28 (a) the assessment, evaluation, DIAGNOSIS and the therapeutic inter-  
29 vention and treatment, which may be either primary, parallel or adjunc-  
30 tive, of mental, emotional, developmental and behavioral disorders  
31 through the use of the arts as approved by the department; [and]

32 (b) the use of assessment instruments and mental health counseling and  
33 psychotherapy to identify, evaluate, DIAGNOSE and treat dysfunctions and  
34 disorders for purposes of providing appropriate creative arts therapy  
35 services; AND

36 (C) DIAGNOSIS IN THE CONTEXT OF LICENSED CREATIVE ARTS THERAPY PRAC-  
37 TICE IS THE PROCESS OF DISTINGUISHING BETWEEN SIMILAR MENTAL, EMOTIONAL,  
38 BEHAVIORAL, DEVELOPMENTAL, AND ADDICTIVE DISORDERS, IMPAIRMENTS AND  
39 DISABILITIES WITHIN A PSYCHOSOCIAL FRAMEWORK ON THE BASIS OF THEIR SIMI-  
40 LAR AND UNIQUE CHARACTERISTICS CONSISTENT WITH ACCEPTED CLASSIFICATION  
41 SYSTEMS.

42 S 4. Subdivision 1 of section 8405 of the education law, as added by  
43 chapter 676 of the laws of 2002, is amended to read as follows:

44 1. Definition of the practice of psychoanalysis. The practice of the  
45 profession of psychoanalysis is defined as:

46 (a) the observation, description, evaluation, [and] interpretation,  
47 DIAGNOSIS AND TREATMENT of dynamic unconscious mental processes that  
48 contribute to the formation of personality and behavior in order to  
49 identify and resolve unconscious psychic problems which affect interper-  
50 sonal relationships and emotional development, to facilitate changes in  
51 personality and behavior through the use of verbal and nonverbal cogni-  
52 tive and emotional communication, and to develop adaptive functioning;  
53 [and]

54 (b) the use of assessment instruments and mental health counseling and  
55 psychotherapy to identify, evaluate, DIAGNOSE and treat dysfunctions and

1 disorders for purposes of providing appropriate psychoanalytic services;  
2 AND

3 (C) DIAGNOSIS IN THE CONTEXT OF LICENSED PSYCHOANALYSIS PRACTICE IS  
4 THE PROCESS OF DISTINGUISHING BETWEEN SIMILAR MENTAL, EMOTIONAL, BEHAV-  
5 IORAL, DEVELOPMENTAL, AND ADDICTIVE DISORDERS, IMPAIRMENTS AND DISABILI-  
6 TIES WITHIN A PSYCHOSOCIAL FRAMEWORK ON THE BASIS OF THEIR SIMILAR AND  
7 UNIQUE CHARACTERISTICS CONSISTENT WITH ACCEPTED CLASSIFICATION SYSTEMS.

8 S 5. This act shall take effect immediately.