

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

3069--A

2013-2014 Regular Sessions

I N S E N A T E

January 29, 2013

Introduced by Sens. DeFRANCISCO, AVELLA, RANZENHOFER -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- committee discharged, bill amended, 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.

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

21 S 7551. DEFINITION OF THE PRACTICE OF "REHABILITATION COUNSELING". THE
22 PRACTICE OF THE PROFESSION OF REHABILITATION COUNSELING IS DEFINED AS A
23 SYSTEMATIC PROCESS WHICH ASSISTS PERSONS WITH PHYSICAL, MENTAL, DEVELOP-

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

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1 MENTAL, COGNITIVE, AND EMOTIONAL DISABILITIES TO ACHIEVE THEIR PERSONAL,
2 CAREER, AND INDEPENDENT LIVING GOALS IN THE MOST INTEGRATED SETTING
3 POSSIBLE THROUGH THE APPLICATION OF THE COUNSELING PROCESS. THE COUN-
4 SELING PROCESS INVOLVES COMMUNICATION, GOAL SETTING, AND BENEFICIAL
5 GROWTH OR CHANGE THROUGH SELF-ADVOCACY, PSYCHOLOGICAL, VOCATIONAL,
6 SOCIAL, AND BEHAVIORAL INTERVENTIONS. THE SPECIFIC TECHNIQUES AND MODAL-
7 ITIES UTILIZED WITHIN THIS REHABILITATION COUNSELING PROCESS MAY
8 INCLUDE, BUT ARE NOT LIMITED TO:

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

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

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

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

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

52 S 7554. REQUIREMENTS FOR A PROFESSIONAL LICENSE. TO QUALIFY FOR A
53 LICENSE AS A "LICENSED REHABILITATION COUNSELOR", AN APPLICANT SHALL
54 FULFILL THE FOLLOWING REQUIREMENTS:

- 55 1. APPLICATION: FILE AN APPLICATION WITH THE DEPARTMENT;

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

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

4. CHARACTER: BE OF GOOD MORAL CHARACTER AS DETERMINED BY THE DEPARTMENT; AND

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

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

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

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

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

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

2. THIS ARTICLE SHALL NOT BE CONSTRUED TO AFFECT OR PREVENT A REHABILITATION COUNSELING STUDENT FROM ENGAGING IN CLINICAL PRACTICE UNDER THE SUPERVISION OF A LICENSED OR CERTIFIED REHABILITATION COUNSELOR AS PART OF A PROGRAM CONDUCTED IN AN APPROVED AGENCY AFFILIATED WITH AN ACCREDITED SCHOOL OF REHABILITATION COUNSELING WHICH IS APPROVED BY THE DEPARTMENT.

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

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

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

S 7558. MANDATORY CONTINUING EDUCATION. 1. (A) EACH REHABILITATION COUNSELOR LICENSED PURSUANT TO THIS ARTICLE REQUIRED TO REGISTER TRIENNIALY WITH THE DEPARTMENT TO PRACTICE IN THE STATE SHALL COMPLY WITH THE PROVISIONS OF THE MANDATORY CONTINUING EDUCATION REQUIREMENTS PRESCRIBED IN SUBDIVISION TWO OF THIS SECTION EXCEPT AS SET FORTH IN PARAGRAPHS (B) AND (C) OF THIS SUBDIVISION. SUCH REHABILITATION COUNSELORS WHO DO NOT SATISFY THE MANDATORY CONTINUING EDUCATION REQUIREMENTS

1 SHALL NOT PRACTICE UNTIL THEY HAVE MET SUCH REQUIREMENTS, THEY HAVE PAID
2 ALL APPLICABLE FEES, AND THEY HAVE BEEN ISSUED A REGISTRATION OR CONDI-
3 TIONAL REGISTRATION CERTIFICATE.

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

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

20 2. DURING EACH TRIENNIAL REGISTRATION PERIOD AN APPLICANT FOR REGIS-
21 TRATION SHALL COMPLETE A MINIMUM OF TWENTY-FOUR HOURS OF ACCEPTABLE
22 CONTINUING EDUCATION, A MAXIMUM OF TWELVE HOURS OF WHICH MAY BE SELF-IN-
23 STRUCTIONAL COURSE WORK ACCEPTABLE TO THE DEPARTMENT. ANY REHABILITATION
24 COUNSELOR WHOSE FIRST REGISTRATION DATE FOLLOWING THE EFFECTIVE DATE OF
25 THIS SECTION OCCURS LESS THAN THREE YEARS FROM SUCH EFFECTIVE DATE, BUT
26 ON OR AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN, SHALL COMPLETE CONTINU-
27 ING EDUCATION HOURS ON A PRORATED BASIS AT THE RATE OF ONE HOUR PER
28 MONTH FOR THE PERIOD BEGINNING JANUARY FIRST, TWO THOUSAND SIXTEEN UP TO
29 THE FIRST REGISTRATION DATE THEREAFTER. A LICENSEE WHO HAS NOT SATISFIED
30 THE MANDATORY CONTINUING EDUCATION REQUIREMENTS SHALL NOT BE ISSUED A
31 TRIENNIAL REGISTRATION CERTIFICATE BY THE DEPARTMENT AND SHALL NOT PRAC-
32 TICE UNLESS AND UNTIL A CONDITIONAL REGISTRATION CERTIFICATE IS ISSUED,
33 AS PROVIDED FOR IN SUBDIVISION THREE OF THIS SECTION, OR UNTIL HE OR SHE
34 HAS OTHERWISE MET THE REQUIREMENTS OF THIS SECTION.

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

48 4. AS USED IN SUBDIVISION TWO OF THIS SECTION, "ACCEPTABLE CONTINUING
49 EDUCATION" SHALL MEAN COURSES OF LEARNING AND EDUCATIONAL ACTIVITIES
50 WHICH CONTRIBUTE TO PROFESSIONAL PRACTICE IN REHABILITATION COUNSELING
51 AND WHICH MEET THE STANDARDS PRESCRIBED BY REGULATIONS OF THE COMMIS-
52 SIONER. THE DEPARTMENT MAY, IN ITS DISCRETION AND AS NEEDED TO CONTRIB-
53 UTE TO THE HEALTH AND WELFARE OF THE PUBLIC, REQUIRE THE COMPLETION OF
54 CONTINUING EDUCATION COURSES IN SPECIFIC SUBJECTS.

1 5. REHABILITATION COUNSELORS SHALL MAINTAIN ADEQUATE DOCUMENTATION OF
2 COMPLETION OF ACCEPTABLE CONTINUING EDUCATION AND EDUCATIONAL ACTIVITIES
3 AND SHALL PROVIDE SUCH DOCUMENTATION AT THE REQUEST OF THE DEPARTMENT.

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

8 7. THE DEPARTMENT SHALL BE REQUIRED TO MAIL TO ALL LICENSED REHABILI-
9 TATION COUNSELORS, PRIOR TO THE FIRST DAY OF EACH TRIENNIAL REGISTRATION
10 PERIOD, INFORMATION SETTING FORTH THE REQUIREMENTS FOR SUCH TRIENNIAL
11 REGISTRATION.

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

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