

4917

2013-2014 Regular Sessions

I N S E N A T E

May 1, 2013

Introduced by Sens. HOYLMAN, GIANARIS, MONTGOMERY, PERALTA -- 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 prohibiting mental health professionals from engaging in sexual orientation change efforts with a patient under the age of eighteen years

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 section 6509-d
2 to read as follows:

3 S 6509-D. ADDITIONAL DEFINITION OF PROFESSIONAL MISCONDUCT; MENTAL
4 HEALTH PROFESSIONALS. 1. DEFINITIONS. FOR THE PURPOSES OF THIS SECTION:

5 A. "MENTAL HEALTH PROFESSIONAL" MEANS A PERSON SUBJECT TO THE
6 PROVISIONS OF ARTICLE ONE HUNDRED THIRTY-ONE OF THIS TITLE IF HE OR SHE
7 SPECIALIZES IN THE PRACTICE OF PSYCHIATRY, OR ARTICLE ONE HUNDRED
8 FIFTY-THREE, ONE HUNDRED FIFTY-FOUR OR ONE HUNDRED SIXTY-THREE OF THIS
9 TITLE; OR ANY OTHER PERSON DESIGNATED AS A MENTAL HEALTH PROFESSIONAL
10 PURSUANT TO LAW, RULE OR REGULATION.

11 B. "SEXUAL ORIENTATION CHANGE EFFORTS" (I) MEANS ANY PRACTICE BY A
12 MENTAL HEALTH PROFESSIONAL THAT SEEKS TO CHANGE AN INDIVIDUAL'S SEXUAL
13 ORIENTATION; AND (II) SHALL NOT INCLUDE PSYCHOTHERAPIES THAT: (A)
14 PROVIDE ACCEPTANCE, SUPPORT AND UNDERSTANDING OF PATIENTS OR THE FACILI-
15 TATION OF PATIENTS' COPING AND SOCIAL SUPPORT, INCLUDING SEXUAL ORIENTA-
16 TION-NEUTRAL INTERVENTIONS TO PREVENT OR ADDRESS UNLAWFUL CONDUCT OR
17 UNSAFE SEXUAL PRACTICES; AND (B) DO NOT SEEK TO CHANGE SEXUAL ORIEN-
18 TATION.

19 2. PROHIBITION. THE LICENSE, REGISTRATION OR CERTIFICATE, ISSUED
20 PURSUANT TO THIS TITLE, OF A MENTAL HEALTH PROFESSIONAL SHALL BE
21 REVOKED, SUSPENDED OR ANNULLED, OR SUCH PROFESSIONAL MAY BE SUBJECT TO
22 ANY OTHER PENALTY PROVIDED IN SECTION SIXTY-FIVE HUNDRED ELEVEN OF THIS
23 SUBARTICLE IN ACCORDANCE WITH THE PROVISIONS AND PROCEDURES OF THIS

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

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1 ARTICLE, IF SUCH MENTAL HEALTH PROFESSIONAL ENGAGES IN SEXUAL ORIEN-
2 TATION CHANGE EFFORTS UPON ANY PATIENT UNDER THE AGE OF EIGHTEEN YEARS.
3 S 2. This act shall take effect on the first of January next succeed-
4 ing the date on which it shall have become a law.