STATE OF NEW YORK

3766

2017-2018 Regular Sessions

IN SENATE

January 26, 2017

Introduced by Sen. ROBACH -- 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 clarifying the authorization to practice for mental health practitioners

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 1 of section 8402 of the education law, as added by chapter 676 of the laws of 2002, is amended to read as follows:

1. Definition of the practice of mental health counseling. The practice of the profession of mental health counseling is defined as:

(a) the evaluation, assessment, **diagnosis,** amelioration, treatment, modification, or adjustment to a disability, problem, or disorder of behavior, character, development, emotion, personality or relationships by the use of verbal or behavioral methods with individuals, couples, families or groups in private practice, group, or organized settings; [~~and~~]

(b) the use of assessment instruments and mental health counseling and psychotherapy to identify, evaluate**, diagnose** and treat dysfunctions and disorders for purposes of providing appropriate mental health counseling services**; and**

(c) diagnosis in the context of licensed mental health counseling practice is the process of distinguishing between similar mental, emotional, behavioral, developmental, and addictive disorders, impairments and disabilities within a psychosocial framework on the basis of their similar and unique characteristics consistent with accepted classification systems.

§ 2. Subdivision 1 of section 8403 of the education law, as added by chapter 676 of the laws of 2002, is amended to read as follows:

1. Definition of the practice of marriage and family therapy. The 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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(a) the assessment, diagnosis and treatment of nervous and mental disorders, whether affective, cognitive or behavioral, which results in dysfunctional interpersonal family relationships including, but not limited to familial relationships, marital/couple relationships, parent-child relationships, pre-marital and other personal relationships;

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

(c) the use of mental health counseling and psychotherapeutic techniques to treat mental, emotional and behavioral disorders and ailments within the context of marital, relational and family systems to prevent and ameliorate dysfunction; [and]

(d) the use of assessment instruments and mental health counseling and psychotherapy to identify [and], evaluate, diagnose and treat dysfunctions and disorders for purposes of providing appropriate marriage and family therapy services; and

(e) diagnosis in the context of licensed marriage and family therapy practice is the process of distinguishing between similar mental, emotional, behavioral, developmental, and addictive disorders, impairments and disabilities within a psychosocial framework on the basis of their similar and unique characteristics consistent with accepted classification systems.

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

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

(a) the assessment, evaluation, diagnosis and the therapeutic intervention and treatment, which may be either primary, parallel or adjunctive, of mental, emotional, developmental and behavioral disorders through the use of the arts as approved by the department; [and]

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

(c) diagnosis in the context of licensed creative arts therapy practice is the process of distinguishing between similar mental, emotional, behavioral, developmental, and addictive disorders, impairments and disabilities within a psychosocial framework on the basis of their similar and unique characteristics consistent with accepted classification systems.

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

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

(a) the observation, description, evaluation, [and] interpretation, diagnosis and treatment of dynamic unconscious mental processes that contribute to the formation of personality and behavior in order to identify and resolve unconscious psychic problems which affect interpersonal relationships and emotional development, to facilitate changes in personality and behavior through the use of verbal and nonverbal cognitive and emotional communication, and to develop adaptive functioning; [and]

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

disorders for purposes of providing appropriate psychoanalytic services; and

(c) diagnosis in the context of licensed psychoanalysis practice is the process of distinguishing between similar mental, emotional, behavioral, developmental, and addictive disorders, impairments and disabilities within a psychosocial framework on the basis of their similar and unique characteristics consistent with accepted classification systems.

§ 5. This act shall take effect immediately.