

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:

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 § 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 § 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 adjunctive,
30 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 § 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 § 5. This act shall take effect immediately.