

# STATE OF NEW YORK

4188

2019-2020 Regular Sessions

## IN ASSEMBLY

February 1, 2019

Introduced by M. of A. DenDEKKER, CUSICK, RODRIGUEZ, THIELE, McDONOUGH, DiPIETRO, ABBATE, SANTABARBARA, COLTON, HEVESI, ORTIZ, BLANKENBUSH, RAI, SIMON, PHEFFER AMATO, DICKENS -- Multi-Sponsored by -- M. of A. BARCLAY, BUCHWALD, GALEF, HAWLEY -- read once and referred 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:

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

LBD07796-01-9

1 1. Definition of the practice of marriage and family therapy. The  
2 practice of the profession of marriage and family therapy is defined as:

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

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

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

16 (d) the use of assessment instruments and mental health counseling and  
17 psychotherapy to identify ~~and~~, evaluate, diagnose and treat dysfunc-  
18 tions and disorders for purposes of providing appropriate marriage and  
19 family therapy services; ~~and~~

20 (e) diagnosis in the context of licensed marriage and family therapy  
21 practice is the process of distinguishing between similar mental,  
22 emotional, behavioral, developmental, and addictive disorders, impair-  
23 ments and disabilities within a psychosocial framework on the basis of  
24 their similar and unique characteristics consistent with accepted clas-  
25 sification systems.

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

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

30 (a) the assessment, evaluation, diagnosis and the therapeutic inter-  
31 vention and treatment, which may be either primary, parallel or adjunct-  
32 tive, of mental, emotional, developmental and behavioral disorders  
33 through the use of the arts as approved by the department; ~~and~~

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

38 (c) diagnosis in the context of licensed creative arts therapy prac-  
39 tice is the process of distinguishing between similar mental, emotional,  
40 behavioral, developmental, and addictive disorders, impairments and  
41 disabilities within a psychosocial framework on the basis of their simi-  
42 lar and unique characteristics consistent with accepted classification  
43 systems.

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

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

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

1 (b) the use of assessment instruments and mental health counseling and  
2 psychotherapy to identify, evaluate, diagnose and treat dysfunctions and  
3 disorders for purposes of providing appropriate psychoanalytic services;  
4 and  
5 (c) diagnosis in the context of licensed psychoanalysis practice is  
6 the process of distinguishing between similar mental, emotional, behav-  
7 ioral, developmental, and addictive disorders, impairments and disabili-  
8 ties within a psychosocial framework on the basis of their similar and  
9 unique characteristics consistent with accepted classification systems.  
10 § 5. This act shall take effect immediately.