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

1. Subdivision 2 of section 365-a of the social services law is amended by adding a new paragraph (gg) to read as follows:

   (gg) care and services provided by mental health practitioners licensed pursuant to article one hundred sixty-three of the education law acting within their scope of practice, where such services would otherwise be covered under this title. Nothing in this paragraph shall be construed to modify or expand the scope of practice of a mental health counselor, marriage and family therapist, creative arts therapist or psychoanalyst licensed pursuant to article one hundred sixty-three of the education law.

2. This act shall take effect on the ninetieth day after it shall have become a law.