STATE OF NEW YORK

3594

2021-2022 Regular Sessions

IN ASSEMBLY

January 28, 2021

Introduced by M. of A. RODRIGUEZ, RA, PERRY, WALKER -- Multi-Sponsored by -- M. of A. COOK -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to permitting entities to employ certain licensed professionals and to repeal certain provisions of such law relating thereto

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

Section 1. Section 6503-a of the education law is REPEALED and a new section 6503-a is added to read as follows:

§ 6503-a. Exemption for entities providing certain professional services. 1. Notwithstanding any laws to the contrary, an entity may employ or contract with a licensed professional to provide: (i) services under article one hundred fifty-four or one hundred sixty-three of this title for which licensure would be required; or (ii) services constituting the provision of psychotherapy as defined in subdivision two of section eighty-four hundred one of this title and authorized and provided under article one hundred thirty-one, one hundred thirty-nine, or one hundred fifty-three of this title.

2. Such services may be provided either directly through the entity's employees or indirectly by contract with individuals or professional entities duly licensed, registered, or authorized to provide such services.

§ 2. Subdivision 8 of section 6527 of the education law, as added by chapter 130 of the laws of 2010, is amended to read as follows:

8. Nothing in this article shall prohibit the provision of psychotherapy as defined in subdivision two of section eighty-four hundred one of this title to the extent permissible within the scope of practice of medicine, by any not-for-profit corporation or education corporation providing services within the state of New York [~~and operating under a waiver pursuant to section sixty-five hundred three-a of this title~~],

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

LBD03024-01-1

provided that such entities offering such psychotherapy services shall only provide such services through an individual appropriately licensed or otherwise authorized to provide such services or a professional entity authorized by law to provide such services.

§ 3. Paragraph h of subdivision 1 of section 6908 of the education law, as added by chapter 130 of the laws of 2010, is amended to read as follows:

h. As prohibiting the provision of psychotherapy as defined in subdivision two of section eighty-four hundred one of this title to the extent permissible within the scope of practice of nursing as defined in this title, by any not-for-profit corporation or education corporation providing services within the state [~~and operating under a waiver pursuant to section sixty-five hundred three-a of this title,~~] provided that such entities offering such psychotherapy services shall only provide such services through an individual appropriately licensed or otherwise authorized to provide such services or a professional entity authorized by law to provide such services.

§ 4. Subdivision 3 of section 7603 of the education law, as amended by chapter 130 of the laws of 2010, is amended to read as follows:

(3) Experience: have two years of supervised employment or engagement in appropriate psychology activities satisfactory to the board and in accordance with the commissioner's regulations[~~. Satisfactory experience obtained in an entity operating pursuant to a waiver issued by the department pursuant to section sixty-five hundred three-a of this title may be accepted by the department, notwithstanding that such experience may have been obtained prior to the effective date of such section sixty-five hundred three-a and/or prior to the entity having obtained a waiver. The department may, for good cause shown, accept satisfactory experience that was obtained in a setting that would have been eligible for a waiver but which has not obtained a waiver with the department or experience that was obtained in good faith by the applicant under the belief that appropriate authorization had been obtained for the experience, provided that such experience meets all other requirements for acceptable experience~~];

§ 5. Subdivision 9 of section 7605 of the education law, as added by chapter 130 of the laws of 2010, is amended to read as follows:

9. The provision of psychotherapy as defined in subdivision two of section eighty-four hundred one of this title to the extent permissible within the scope of practice of psychology, by any not-for-profit corporation or education corporation providing services within the state of New York [~~and operating under a waiver pursuant to section sixty-five hundred three-a of this title,~~] provided that such entities offering psychology services shall only provide such services through an individual appropriately licensed or otherwise authorized to provide such services or a professional entity authorized by law to provide such services.

§ 6. Paragraph (c) of subdivision 2 of section 7704 of the education law, as amended by chapter 130 of the laws of 2010, is amended to read as follows:

(c) Experience: have at least three years full-time supervised post-graduate clinical social work experience in diagnosis, psychotherapy, and assessment-based treatment plans, or its part-time equivalent, obtained over a continuous period not to exceed six years, under the supervision, satisfactory to the department, of a psychiatrist, a licensed psychologist, or a licensed clinical social worker in a facility setting or other supervised settings approved by the department[~~.~~

~~Satisfactory experience obtained in an entity operating under a waiver issued by the department pursuant to section sixty-five hundred three-a of this title may be accepted by the department, notwithstanding that such experience may have been obtained prior to the effective date of such section sixty-five hundred three-a and/or prior to the entity having obtained a waiver. The department may, for good cause shown, accept satisfactory experience that was obtained in a setting that would have been eligible for a waiver but which has not obtained a waiver from the department or experience that was obtained in good faith by the applicant under the belief that appropriate authorization had been obtained for the experience, provided that such experience meets all other requirements for acceptable experience~~];

§ 7. Subdivision 6 of section 7706 of the education law, as added by chapter 130 of the laws of 2010, is amended to read as follows:

6. Prohibit the practice of licensed master social work or licensed clinical social work, to the extent permissible within the scope of practice of such professions, by any not-for-profit corporation or education corporation providing services within the state of New York [~~and operating under a waiver pursuant to section sixty-five hundred three-a of this title,~~] provided that such entities offering licensed master social work or licensed clinical social work services shall only provide such services through an individual appropriately licensed or otherwise authorized to provide such services or a professional entity authorized by law to provide such services.

§ 8. Paragraph (c) of subdivision 3 of section 8402 of the education law, as amended by chapter 130 of the laws of 2010, is amended to read as follows:

(c) Experience: An applicant shall complete a minimum of three thousand hours of post-master's supervised experience relevant to the practice of mental health counseling satisfactory to the board and in accordance with the commissioner's regulations[~~. Satisfactory experience obtained in an entity operating under a waiver issued by the department pursuant to section sixty-five hundred three-a of this title may be accepted by the department, notwithstanding that such experience may have been obtained prior to the effective date of such section sixty-five hundred three-a and/or prior to the entity having obtained a waiver. The department may, for good cause shown, accept satisfactory experience that was obtained in a setting that would have been eligible for a waiver but which has not obtained a waiver from the department or experience that was obtained in good faith by the applicant under the belief that appropriate authorization had been obtained for the experience, provided that such experience meets all other requirements for acceptable experience~~];

§ 9. Paragraph (c) of subdivision 3 of section 8403 of the education law, as amended by chapter 130 of the laws of 2010, is amended to read as follows:

(c) Experience: The completion of at least one thousand five hundred client contact hours of supervised clinical experience, by persons holding a degree from a master's or doctoral program, or the substantial equivalent, in accordance with the commissioner's regulations or the completion of at least one thousand five hundred client hours of supervised post-master's clinical experience in marriage and family therapy satisfactory to the department in accordance with the commissioner's regulations[~~. Satisfactory experience obtained in an entity operating under a waiver issued by the department pursuant to section sixty-five hundred three-a of this title may be accepted by the department,~~

~~notwithstanding that such experience may have been obtained prior to the effective date of such section sixty-five hundred three-a and/or prior to the entity having obtained a waiver. The department may, for good cause shown, accept satisfactory experience that was obtained in a setting that would have been eligible for a waiver but which has not obtained a waiver from the department or experience that was obtained in good faith by the applicant under the belief that appropriate authorization had been obtained for the experience, provided that such experience meets all other requirements for acceptable experience~~];

§ 10. Paragraph (c) of subdivision 3 of section 8404 of the education law, as amended by chapter 130 of the laws of 2010, is amended to read as follows:

(c) Experience: Have completed at least fifteen hundred hours of post-master's supervised experience in one or more creative arts therapies satisfactory to the department and in accordance with the commissioner's regulations[~~. Satisfactory experience obtained in an entity operating under a waiver issued by the department pursuant to section sixty-five hundred three-a of this title may be accepted by the department, notwithstanding that such experience may have been obtained prior to the effective date of such section sixty-five hundred three-a and/or prior to the entity having obtained a waiver. The department may, for good cause shown, accept satisfactory experience that was obtained in a setting that would have been eligible for a waiver but which has not obtained a waiver from the department or experience that was obtained in good faith by the applicant under the belief that appropriate authorization had been obtained for the experience, provided that such experience meets all other requirements for acceptable experience~~];

§ 11. Paragraph (c) of subdivision 3 of section 8405 of the education law, as amended by chapter 130 of the laws of 2010, is amended to read as follows:

(c) Experience: Have completed a minimum of fifteen hundred hours of supervised clinical practice satisfactory to the department and in accordance with the commissioner's regulations[~~. Satisfactory experience obtained in an entity operating under a waiver issued by the department pursuant to section sixty-five hundred three-a of this title may be accepted by the department, notwithstanding that such experience may have been obtained prior to the effective date of such section sixty-five hundred three-a and/or prior to the entity having obtained a waiver. The department may, for good cause shown, accept satisfactory experience that was obtained in a setting that would have been eligible for a waiver but which has not obtained a waiver from the department or experience that was obtained in good faith by the applicant under the belief that appropriate authorization had been obtained for the experience, provided that such experience meets all other requirements for acceptable experience~~];

§ 12. Subdivision 7 of section 8410 of the education law, as added by chapter 130 of the laws of 2010, is amended to read as follows:

7. Prohibit the practice of mental health counseling, marriage and family therapy, creative arts therapy or psychoanalysis, to the extent permissible within the scope of practice of such professions, by any not-for-profit corporation or education corporation providing services within the state of New York [~~and operating under a waiver pursuant to section sixty-five hundred three-a of this title,~~] provided that such entities offering mental health counseling, marriage and family therapy, creative arts therapy or psychoanalysis services shall only provide such services through an individual appropriately licensed or otherwise

authorized to provide such services or a professional entity authorized by law to provide such services.

§ 13. This act shall take effect immediately.