STATE OF NEW YORK

7405--A

2021-2022 Regular Sessions

IN ASSEMBLY

May 7, 2021

Introduced by M. of A. BRONSON -- read once and referred to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to extending certain exemptions for persons employed as mental health practitioners, psychologists and social workers

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

Section 1. Subdivision 12 section 7605 of the education law, as added by section 2 of part Y of chapter 57 of the laws of 2018, is amended to read as follows:

12. Notwithstanding any other provision of law to the contrary, nothing in this article shall be construed to prohibit or limit the activities or services provided under this article by any person who is employed or who commences employment in a program or service operated, regulated, funded, or approved by the department of mental hygiene, the office of children and family services, or a local governmental unit as that term is defined in section 41.03 of the mental hygiene law or a social services district as defined in section sixty-one of the social services law on or before [~~one year~~] **two years** from the date that the regulations issued in accordance with section six of [~~the~~] **part Y of** chapter **fifty-seven** of the laws of two thousand eighteen [~~which added this subdivision~~] appear in the state register or are adopted, whichever is later. Such prohibitions or limitations shall not apply to such employees for as long as they remain employed by such programs or services and whether they remain employed by the same or other employers providing such programs or services. Provided, however, that any person who commences employment in such program or service after such date and performs services that are restricted under this article shall be appropriately licensed or authorized under this article. Each state oversight

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

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agency shall create and maintain a process to verify employment history of individuals exempt under this subdivision.

§ 2. Subdivision 8 of section 7706 of the education law, as added by section 4 of part Y of chapter 57 of the laws of 2018, is amended to read as follows:

8. Notwithstanding any other provision of law to the contrary, nothing in this article shall be construed to prohibit or limit the activities or services provided under this article by any person who is employed or who commences employment in a program or service operated, regulated, funded, or approved by the department of mental hygiene, the office of children and family services, the department of corrections and community supervision, the office of temporary and disability assistance, the state office for the aging and the department of health or a local governmental unit as that term is defined in section 41.03 of the mental hygiene law or a social services district as defined in section sixty-one of the social services law on or before [~~one year~~] **two years** from the date that the regulations issued in accordance with section six of [~~the~~] **part Y of** chapter **fifty-seven** of the laws of two thousand eighteen [~~which added this subdivision~~] appear in the state register or are adopted, whichever is later. Such prohibitions or limitations shall not apply to such employees for as long as they remain employed by such programs or services and whether they remain employed by the same or other employers providing such programs or services. Provided however, that any person who commences employment in such program or service after such date and performs services that are restricted under this article shall be appropriately licensed or authorized under this article. Each state oversight agency shall create and maintain a process to verify employment history of individuals exempt under this subdivision.

§ 3. Subdivision 9 of section 8410 of the education law, as added by section 5 of part Y of chapter 57 of the laws of 2018, is amended to read as follows:

9. Notwithstanding any other provision of law to the contrary, nothing in this article shall be construed to prohibit or limit the activities or services provided under this article by any person who is employed or who commences employment in a program or service operated, regulated, funded, or approved by the department of mental hygiene, the office of children and family services, the department of corrections and community supervision, the office of temporary and disability assistance, the state office for the aging and the department of health or a local governmental unit as that term is defined in section 41.03 of the mental hygiene law or a social services district as defined in section sixty-one of the social services law on or before [~~one year~~] **two years** from the date that the regulations issued in accordance with section six of [~~the~~] **part Y of** chapter **fifty-seven** of the laws of two thousand eighteen [~~which added this subdivision~~] appear in the state register or are adopted, whichever is later. Such prohibitions or limitations shall not apply to such employees for as long as they remain employed by such programs or services and whether they remain employed by the same or other employers providing such programs or services. Provided however, that any person who commences employment in such program or service after such date and performs services that are restricted under this article shall be appropriately licensed or authorized under this article. Each state oversight agency shall create and maintain a process to verify employment history of individuals exempt under this subdivision.

§ 4. This act shall take effect immediately.