

# STATE OF NEW YORK

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7405--A

2021-2022 Regular Sessions

## IN ASSEMBLY

May 7, 2021

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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:

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

4 12. Notwithstanding any other provision of law to the contrary, nothing  
5 in this article shall be construed to prohibit or limit the activities or  
6 services provided under this article by any person who is employed or  
7 who commences employment in a program or service operated, regulated,  
8 funded, or approved by the department of mental hygiene, the office  
9 of children and family services, or a local governmental unit as that  
10 term is defined in section 41.03 of the mental hygiene law or a social  
11 services district as defined in section sixty-one of the social services  
12 law on or before ~~[one-year]~~ two years from the date that the  
13 regulations issued in accordance with section six of ~~[the]~~ part Y of  
14 chapter fifty-seven of the laws of two thousand eighteen ~~[which added~~  
15 ~~this subdivision]~~ appear in the state register or are adopted, whichever  
16 is later. Such prohibitions or limitations shall not apply to such  
17 employees for as long as they remain employed by such programs or  
18 services and whether they remain employed by the same or other employers  
19 providing such programs or services. Provided, however, that any person  
20 who commences employment in such program or service after such date and  
21 performs services that are restricted under this article shall be appropriately  
22 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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1 agency shall create and maintain a process to verify employment history  
2 of individuals exempt under this subdivision.

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

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

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

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

55 § 4. This act shall take effect immediately.