

STATE OF NEW YORK

6431

2021-2022 Regular Sessions

IN SENATE

April 28, 2021

Introduced by Sens. BROUK, HARCKHAM -- read twice and ordered printed,
and when printed to be committed to the Committee on Higher Education

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 Assem-
bly, 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, noth-
5 ing in this article shall be construed to prohibit or limit the activ-
6 ities or services provided under this article by any person who is
7 employed or who commences employment in a program or service operated,
8 regulated, funded, or approved by the department of mental hygiene, the
9 office of children and family services, or a local governmental unit as
10 that term is defined in section 41.03 of the mental hygiene law or a
11 social services district as defined in section sixty-one of the social
12 services 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 appro-
22 priately licensed or authorized under this article. Each state oversight
23 agency shall create and maintain a process to verify employment history
24 of individuals exempt under this subdivision.

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

LBD11068-01-1

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

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

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

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

53 § 4. This act shall take effect immediately.