STATE OF NEW YORK

5774

2023-2024 Regular Sessions

IN SENATE

March 15, 2023

Introduced by Sen. 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 the delivery of services that are clinical in nature

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

Section 1. Clause 14 of subparagraph (ii) of paragraph (c) of subdivision 10 of section 7605 of the education law, as amended by section 2 of part Y of chapter 57 of the laws of 2018, is amended to read as follows:

(14) directly delivering services outlined in the service plan that are not clinical in nature but have been tailored to an individual based on any diagnoses such individual may have received from a licensed professional**, provided, however, such services that are clinical in nature may be delivered by persons serving in programs under the jurisdiction of the department of mental hygiene, while under a level of supervision by a licensed professional as determined by the appropriate mental hygiene commissioner**; and

§ 2. Clause 14 of subparagraph (ii) of paragraph (c) of subdivision 7 of section 7706 of the education law, as amended by section 4 of part Y of chapter 57 of the laws of 2018, is amended to read as follows:

(14) directly delivering services outlined in the service plan that are not clinical in nature but have been tailored to an individual based on any diagnoses such individual may have received from a licensed professional**, provided, however, such services that are clinical in nature may be delivered by persons serving in programs under the jurisdiction of the department of mental hygiene, while under a level of supervision by a licensed professional as determined by the appropriate mental hygiene commissioner**; and

§ 3. Clause 14 of subparagraph (ii) of paragraph (c) of subdivision 8 of section 8410 of the education law, as amended by section 5 of part Y of chapter 57 of the laws of 2018, is amended to read as follows:

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

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(14) directly delivering services outlined in the service plan that are not clinical in nature but have been tailored to an individual based on any diagnoses such individual may have received from a licensed professional**, provided, however, such services that are clinical in nature may be delivered by persons serving in programs under the jurisdiction of the department of mental hygiene, while under a level of supervision by a licensed professional as determined by the appropriate mental hygiene commissioner**; and

§ 4. This act shall take effect June 24, 2023.