

STATE OF NEW YORK

8464

2023-2024 Regular Sessions

IN ASSEMBLY

December 29, 2023

Introduced by M. of A. GUNTHER -- read once and referred to the Committee on Mental Health

AN ACT to amend the mental hygiene law, in relation to qualified mental health associates

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

1 Section 1. Section 7.07 of the mental hygiene law is amended by adding
2 a new subdivision (i) to read as follows:

3 (i) The office of mental health shall foster programs for the training
4 and development of persons capable of providing coaching and support to
5 individuals under treatment plans developed by licensed mental health
6 practitioners, including but not limited to a process of issuing, either
7 directly or through contract, credentials for qualified mental health
8 associates in accordance with the following:

9 (1) The office shall establish minimum qualifications for associates
10 in all phases of delivery of services to persons who are under a treat-
11 ment plan developed by a practitioner licensed under the education law
12 that shall include, but not be limited to, completion of approved cours-
13 es of study or equivalent on-the-job experience in assisting licensed
14 mental health practitioners through coaching and supporting individuals
15 under treatment plans. Such approved courses of study or equivalent
16 on-the-job experience shall include: providing trauma-informed,
17 patient-centered care; referring individuals to appropriate treatments
18 for co-occurring disorders; and sensitivity training. Such courses shall
19 be updated as needed to reflect evolving best practices in harm
20 reduction, treatment and long-term recovery. For the purposes of this
21 paragraph, sensitivity training shall mean a form of training with the
22 goal of making people more aware of their own prejudices and more sensi-
23 tive to others.

24 (i) The office shall establish procedures for issuing, directly or
25 through contract, credentials to associates who meet minimum qualifica-

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

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1 tions, including the establishment of appropriate fees, and shall
2 further establish procedures to suspend, revoke, or annul such creden-
3 tials for good cause. Such procedures shall be promulgated by the
4 commissioner by rule or regulation.

5 (ii) The commissioner shall establish a credentialing board which
6 shall provide advice concerning the credentialing process.

7 (2) The establishment of minimum qualifications for associates in all
8 phases of delivery of services to those who are under a treatment plan
9 developed by a practitioner licensed under the education law that shall
10 include, but not be limited to, completion of approved courses of study
11 or equivalent on-the-job experience in assisting licensed mental health
12 practitioners through coaching and supporting individuals under treat-
13 ment plans, and issue credentials to associates who meet minimum quali-
14 fications and suspend, revoke, or annul such credentials for good cause
15 in accordance with procedures promulgated by the commissioner by rule or
16 regulation.

17 (3) For the purpose of this title, the term "qualified mental health
18 associate" or "QMHA" means an official designation identifying an indi-
19 vidual as one who holds a currently registered and valid credential
20 issued by the office of mental health pursuant to this section which
21 documents an individual's qualifications to assist licensed mental
22 health practitioners through coaching and supporting individuals under
23 treatment plans.

24 (i) No person shall use the title qualified mental health associate or
25 QMHA unless authorized pursuant to this title.

26 (ii) Failure to comply with the requirements of this subdivision shall
27 constitute a violation as defined in the penal law.

28 § 2. This act shall take effect immediately.