

STATE OF NEW YORK

8150

IN SENATE

January 10, 2024

Introduced by Sen. HELMING -- 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 licensure for the practice of mental health counseling

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

1 Section 1. Section 8402 of the education law is amended by adding a
2 new subdivision 4 to read as follows:

3 4. (a) Notwithstanding any existing provisions to the contrary, the
4 department shall issue a license, certificate, registration or permit to
5 an applicant to allow practice of mental health counseling if such
6 applicant, upon submitting such application to the department:

7 (i) holds a current license, certificate, registration or permit from
8 another state, territory or country, and the department determines such
9 state's, territory's or country's requirements are substantially equiv-
10 alent to or exceed the requirements established in New York state;

11 (ii) demonstrates competency in the profession or occupation through
12 methods determined by the department and the board, including but not
13 limited to having completed continuing education or having worked in the
14 profession or occupation for at least two of the five years preceding
15 the date upon which such application was submitted;

16 (iii) has not committed any act that constitutes grounds for refusal,
17 suspension or revocation of a license, certificate, registration or
18 permit to practice such profession or occupation, unless the department
19 determines, in its discretion, that the act should not be an impediment
20 to the granting of a license, certificate, registration or permit to
21 practice mental health counseling;

22 (iv) is in good standing and has not been disciplined by the jurisdic-
23 tion that issued the license, certificate, registration or permit unless
24 the department determines, in its discretion, that the discipline should
25 not be an impediment to the granting of a license, certificate, regis-
26 tration or permit to practice mental health counseling; and

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

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1 (v) pays any fees that the department establishes as required to the
2 granting of a license, certificate, registration or permit to practice
3 mental health counseling.

4 (b) The department, in its discretion, may issue a provisional
5 endorsement license, certificate, registration or permit to an applicant
6 for licensure to practice mental health counseling while such applicant
7 is satisfying remaining requirements for such licensure. A holder of a
8 provisional endorsement license issued under this paragraph may practice
9 mental health counseling until the occurrence of any of the following:

10 (i) A denial by the department of a license, certificate, registration
11 or permit.

12 (ii) The expiration of the provisional endorsement license as estab-
13 lished by the board by regulation.

14 (iii) The holder of the provisional endorsement license fails to
15 comply with the terms of the provisional license.

16 (c) Nothing in this section is intended to supersede or replace exist-
17 ing statutory provisions relating to licensure by endorsement or licen-
18 sure by reciprocity applicable to the department or board through their
19 respective enabling statutes.

20 § 2. This act shall take effect immediately.