

# STATE OF NEW YORK

9321

2025-2026 Regular Sessions

## IN ASSEMBLY

December 10, 2025

Introduced by M. of A. BERGER -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to supervision by certain marriage and family therapists and mental health counselors

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

1 Section 1. Paragraph (c) of subdivision 3 of section 8402 of the  
2 education law, as amended by chapter 130 of the laws of 2010, is amended  
3 to read as follows:

4 (c) Experience: An applicant shall complete a minimum of three thou-  
5 sand hours of post-master's supervised experience relevant to the prac-  
6 tice of mental health counseling satisfactory to the board and in  
7 accordance with the commissioner's regulations. A licensed and regis-  
8 tered marriage and family therapist may provide post-master's super-  
9 vision if the licensed marriage and family therapist, at minimum, meets  
10 the following requirements (i) is licensed and registered for at least  
11 three years, (ii) has been awarded the diagnostic privilege set forth in  
12 section eighty-four hundred one-a of this article, and (iii) has  
13 completed a total of three semester hours or thirty-six hours of contin-  
14 uing education in clinical counseling supervision and professional  
15 orientation and ethics in mental health counseling as determined by the  
16 department. Satisfactory experience obtained in an entity operating  
17 under a waiver issued by the department pursuant to section sixty-five  
18 hundred three-a of this title may be accepted by the department,  
19 notwithstanding that such experience may have been obtained prior to the  
20 effective date of such section sixty-five hundred three-a and/or prior  
21 to the entity having obtained a waiver. The department may, for good  
22 cause shown, accept satisfactory experience that was obtained in a  
23 setting that would have been eligible for a waiver but which has not  
24 obtained a waiver from the department or experience that was obtained in  
25 good faith by the applicant under the belief that appropriate authori-

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

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1 zation had been obtained for the experience, provided that such experi-  
2 ence meets all other requirements for acceptable experience;

3 § 2. Paragraph (c) of subdivision 3 of section 8403 of the education  
4 law, as amended by chapter 130 of the laws of 2010, is amended to read  
5 as follows:

6 (c) Experience: The completion of at least one thousand five hundred  
7 client contact hours of supervised clinical experience, by persons hold-  
8 ing a degree from a master's or doctoral program, or the substantial  
9 equivalent, in accordance with the commissioner's regulations or the  
10 completion of at least one thousand five hundred client hours of super-  
11 vised post-master's clinical experience in marriage and family therapy  
12 satisfactory to the department in accordance with the commissioner's  
13 regulations. A licensed and registered mental health counselor may  
14 provide supervision if the licensed mental health counselor, at minimum,  
15 meets the following requirements (i) is licensed and registered for at  
16 least three years, (ii) has been awarded the diagnostic privilege set  
17 forth in section eighty-four hundred one-a of this article, and (iii)  
18 has completed a total of three semester hours or thirty-six hours of  
19 continuing education in clinical counseling supervision and professional  
20 orientation and ethics in marriage and family therapy as determined by  
21 the department. Satisfactory experience obtained in an entity operating  
22 under a waiver issued by the department pursuant to section sixty-five  
23 hundred three-a of this title may be accepted by the department,  
24 notwithstanding that such experience may have been obtained prior to the  
25 effective date of such section sixty-five hundred three-a and/or prior  
26 to the entity having obtained a waiver. The department may, for good  
27 cause shown, accept satisfactory experience that was obtained in a  
28 setting that would have been eligible for a waiver but which has not  
29 obtained a waiver from the department or experience that was obtained in  
30 good faith by the applicant under the belief that appropriate authori-  
31 zation had been obtained for the experience, provided that such experi-  
32 ence meets all other requirements for acceptable experience;

33 § 3. This act shall take effect on the one hundred twentieth day after  
34 it shall have become a law.