

STATE OF NEW YORK

1725

2025-2026 Regular Sessions

IN SENATE

January 13, 2025

Introduced by Sen. BROUK -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the civil practice law and rules, in relation to extending confidentiality privileges to certain communications to or from a licensed mental health counselor

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

1 Section 1. The civil practice law and rules is amended by adding a new
2 section 4508-a to read as follows:

3 § 4508-a. Licensed mental health counselor. (a) Confidential informa-
4 tion privileged. A person licensed as a licensed mental health counselor
5 under the provisions of article one hundred sixty-three of the education
6 law shall not be required to disclose a communication made by a client,
7 or such licensed mental health counselor's advice given thereon, in the
8 course of such licensed mental health counselor's professional employ-
9 ment, nor shall any clerk, stenographer or other person working for the
10 same employer as such licensed mental health counselor or for such
11 licensed mental health counselor be allowed to disclose any such commu-
12 nication or advice given thereon; except

13 1. that such licensed mental health counselor may disclose such infor-
14 mation as the client may authorize;

15 2. that such licensed mental health counselor shall not be required to
16 treat as confidential a communication by a client which reveals the
17 contemplation of a crime or harmful act;

18 3. where the client is a child under the age of sixteen and the infor-
19 mation acquired by such licensed mental health counselor indicates that
20 the client has been the victim or subject of a crime, the licensed
21 mental health counselor may be required to testify fully in relation
22 thereto upon any examination, trial or other proceeding in which the
23 commission of such crime is a subject of inquiry;

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

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1 4. where the client waives the privilege by bringing charges against
2 such licensed mental health counselor and such charges involve confiden-
3 tial communications between the client and the licensed mental health
4 counselor.

5 (b) Limitations on waiver. A client who, for the purpose of obtaining
6 insurance benefits, authorizes the disclosure of any such privileged
7 communication to any person shall not be deemed to have waived the priv-
8 ilege created by this section. For purposes of this subdivision:

9 1. "person" shall mean any individual, insurer or agent thereof, peer
10 review committee, public or private corporation, political subdivision,
11 government agency, department or bureau of the state, municipality,
12 industry, co-partnership, association, firm, trust, estate or any other
13 legal entity whatsoever; and

14 2. "insurance benefits" shall include payments under a self-insured
15 plan.

16 § 2. This act shall take effect immediately.