

# STATE OF NEW YORK

3482

2025-2026 Regular Sessions

## IN SENATE

January 27, 2025

Introduced by Sens. HELMING, BORRELLO, GALLIVAN, MARTINS, MATTERA, OBER-  
ACKER, ORTT, PALUMBO, ROLISON, TEDISCO, WALCZYK -- 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 Assem-  
bly, 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

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

LBD07399-01-5

1 the department determines, in its discretion, that the discipline should  
2 not be an impediment to the granting of a license, certificate, regis-  
3 tration or permit to practice mental health counseling; and

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

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

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

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

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

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

23 § 2. This act shall take effect immediately.