STATE OF NEW YORK

5545--A

2025-2026 Regular Sessions

IN ASSEMBLY

February 14, 2025

Introduced by M. of A. SIMON, SANTABARBARA, DE LOS SANTOS -- read once and referred to the Committee on Mental Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

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

(i) The office either directly or through contract, shall develop training, approved educational courses, and a process for issuing the title for a qualified mental health associate once it has been determined that an individual has met the minimum qualifications for such title.

(1) A qualified mental health associate must meet the following minimum qualifications:

(i) A high school diploma;

(ii)(A) An Associate or Bachelor's degree in a behavioral sciences field; or

(B) A combination of at least three years relevant work, education, training or experience; and

(iii) (A) Demonstrate the competency necessary to work in facility settings or other supervised settings approved by the office under supervision in accordance with regulations established under this subdivision;

(B) promote recovery and communicate effectively to service recipients and professionals to effectively create, develop or implement a service plan or recovery plan that is not a behavioral health diagnosis or treatment plan; and

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

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(C) understand terminology for mental health assessment and treatment and perform such assessments and assist with the development of or implementation of treatment plans as a member of a multi-disciplinary team, in accordance with section eighty-four hundred ten of the education law.

(2) The office in consultation with the department of education shall establish procedures for the establishment of appropriate fees, and when appropriate make a referral to the department of education for the purpose of issuing penalties, or suspend, revoke, or annul an individual's title of a qualified mental health associate for cause any misconduct, other prohibited acts, or for the unauthorized use of the title qualified mental health associate. The commissioner shall also develop procedures for remedial action which may be used at the discretion of the commissioner.

(3) The commissioner shall establish a board which shall provide advice concerning the process under this subdivision. The commissioner appointments shall be representative of the diverse mental health field, including but not limited to:

(i) consumers of mental health services or persons with lived experience;

(ii) individuals who represent underserved populations, including urban and rural areas of the state;

(iii) paraprofessionals and other credentialed and licensed mental health professionals employed by a mental health program certified, licensed, or approved by the office; and

(iv) a representative of the department of education.

(4) The commissioner in conjunction with the commissioner of education shall promulgate rules and regulations for the purpose of effectuating the provisions under this subdivision.

(5) Nothing in this section shall be interpreted to allow a qualified mental health associate to act in a manner that would require a license, registration, or certification pursuant to title eight of the education law.

§ 2. Section 7.03 of the mental hygiene law is amended by adding a new subdivision 2-a to read as follows:

2-a. "Qualified mental health associate" or "QMHA" means an official designation identifying an individual as one who holds a registered and valid credential issued by the office pursuant to section 7.07 of this article which documents an individual's minimum qualifications to provide services and supports to individuals with a mental illness. Nothing in this subdivision shall be interpreted to allow a qualified mental health associate to act in a manner that would require a license, registration, or certification pursuant to title eight of the education law.

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