

STATE OF NEW YORK

8081

2025-2026 Regular Sessions

IN SENATE

May 15, 2025

Introduced by Sen. BROUK -- 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 requirements for certain mental health practitioners to be issued privilege to diagnose and develop assessment-based treatment plans

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

1 Section 1. Paragraphs (d) and (e) of subdivision 1 of section 8401-a
2 of the education law, as added by chapter 230 of the laws of 2022, are
3 amended to read as follows:

4 (d) Experience: [~~(i)~~] Have completed at least two thousand hours of
5 supervised, direct client contact that shall include, but not be limited
6 to, diagnosis, psychotherapy and the development of assessment-based
7 treatment plans, as defined in section eighty-four hundred one of this
8 article, satisfactory to the department.

9 [~~(ii) Subparagraph (i) of this paragraph shall not apply to a mental
10 health counselor, marriage and family therapist, or psychoanalyst who
11 was licensed prior to June twenty-fourth, two thousand twenty-four, and
12 who provides attestation, on a form prescribed by the department, from a
13 supervisor in a facility setting or other supervised setting approved by
14 the department under supervision in accordance with the commissioner's
15 regulations, that such licensee has at least three years of experience
16 engaged in direct client contact that shall include diagnosis, psychoth-
17 erapy and the development of assessment-based treatment plans. Such
18 licensee shall submit an application to the department within three
19 years of the effective date of this section.~~]

20 (e) [~~Fee: Pay a fee of one hundred seventy-five dollars for issuance
21 of a privilege to diagnose and develop assessment-based treatment
22 plans.~~] Alternate requirements for certain practitioners. Notwithstand-
23 ing paragraphs (c) and (d) of this subdivision, a mental health counse-
24 lor, marriage and family therapist, or psychoanalyst licensed prior to

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

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1 June twenty-fourth, two thousand twenty-seven, shall be granted the
2 privilege to diagnose and develop assessment-based treatment plans if
3 such mental health counselor, marriage and family therapist, or psycho-
4 analyst:

5 (i) files an application with the department; and

6 (ii) is licensed and registered as a mental health counselor, marriage
7 and family therapist, or psychoanalyst, and:

8 (1) provides verification of twelve credit hours of clinical course-
9 work, which includes clinical content that prepares the applicant to
10 diagnose and develop assessment-based treatment plans, provide clinical
11 treatment to clients, and practice with diverse populations, from a
12 college or university acceptable to the department;

13 (2) provides verification of a minimum of two years of employment as a
14 licensed mental health counselor, marriage and family therapist, or
15 psychoanalyst by a licensed supervisor or colleague on forms acceptable
16 to the department, in a program or service operated, regulated, funded,
17 or approved by the department of mental hygiene, the office of children
18 and family services, the office of temporary and disability assistance,
19 the department of corrections and community supervision, the state
20 office for the aging, the department of health, or a local governmental
21 unit as such term is defined by section 41.03 of the mental hygiene law,
22 or a social services district as defined by section sixty-one of the
23 social services law; or

24 (3) provides verification of being licensed as a mental health counse-
25 lor, marriage and family therapist, or psychoanalyst for a minimum of
26 two years, and:

27 (A) provides documentation of at least six credit hours of clinical
28 coursework, which includes clinical content that prepares the applicant
29 to diagnose and develop assessment-based treatment plans, provide clin-
30 ical treatment to clients, and practice with diverse populations, from a
31 college or university acceptable to the department; or

32 (B) provides documentation of at least twelve hours of continuing
33 education in clinical coursework, which includes clinical content that
34 prepares the applicant to diagnose and develop assessment-based treat-
35 ment plans, provide clinical treatment to clients, and practice with
36 diverse populations, subject to section eighty-four hundred twelve of
37 this article.

38 § 2. This act shall take effect immediately.