

New York State Education
Department
Office of the Professions
State Board for Mental Health
Practitioners
September 8, 2022

Meeting Summary

Present	Sara Friedman-McMullian; Helena Boersma ; Susan Boxer-Kappel; Michele Meyer; Timothy Mooney; Angela Musolino; Jill Weldum
Absent	Natalie Riccio; Tom Biglin; Ann Canastra; Sargam Jain; Rene Jones; Susan Weeks
SED Staff	Evan Seiden, Executive Secretary; David Hamilton, Assistant Commissioner; Owen Donovan, Executive Coordinator of Professional Practice; Mary Fish, Associate in Professional Education
Visitors	Members of the public, Professional Associations, and Stakeholders

Executive Secretary (ES) Seiden convened the discussion of the diagnostic privilege law, which took effect immediately on June 24, 2022. The briefing will allow the State Board and interested parties to learn more about the law and implementation. (ES) Seiden introduced Board members, Department staff and members of professional associations.

Assistant Commissioner Hamilton provided an overview of Chapter 230 of the Laws of 2022, which was signed into effect by Governor Hochul on June 24, 2022. The statute that takes effect in 2024 adds a diagnosis and assessment-based treatment planning privilege to the scope(s) of practice for Licensed Mental Health Counselors (LMHC), Licensed Marriage and Family Therapists (LMFT) and Licensed Psychoanalysts (LP).

The privilege can be obtained by individuals who are New York State LMHC, LMFT, LP and have:

1. Successfully completed a 60-semester hour, Master's Degree program that includes twelve semester hours of clinical content.
2. Completed at least 2,000 hours of supervised experience in diagnosis, psychotherapy, and assessment-based treatment planning in an authorized setting under the supervision of a qualified supervisor; and
3. Filed an application with the appropriate fee to the New York State Education Department.

Board members and Department staff engaged in conversation around the new law, members of the public including stakeholders and the professional associations also commented on the new statutory requirements.

It is anticipated that the Department will be presenting regulations to the Board of Regents at a future meeting. Following the State Administrative Procedures Act (SAPA) the regulations will be posted for a sixty-day public comment period in the State's registrar. Upon permanent adoption of the regulations, a Frequently Asked Questions (FAQ) page will be posted on the Department's website to provide further guidance and clarification to the public.

Members of the public with questions or comments are invited to direct the Mental Health Board Office directly via email at MHPBD@nysed.gov.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Evan Seiden". The signature is fluid and cursive, with a large initial "E" and a long, sweeping tail.

Evan Seiden MBA, LCSW-R
Executive Secretary
State Board for Social Work
State Board for Mental Health Practitioners

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