

The University of the State of New York  
State Education Department  
Office of the Professions

**State Board for Mental Health Practitioners  
Meeting Minutes**

**Friday, February 3, 2023**

The meeting was held in-person via WebEx at the following locations:

State Education Building, 89 Washington Avenue, EB 150, Albany, NY 12234  
Office of the Professions, 1411 Broadway, 10<sup>th</sup> Floor, New York, NY 10018  
Rochester Regional Office, 109 South Union Street, 2<sup>nd</sup> Floor, Rochester, NY

**Board members present:**

Helena Boersma (Rochester)  
Susan Boxer Kappel (New York)  
Ann Canastra (New York)  
Renee Jones (Rochester)  
Michele Meyer (Albany)  
Angela Musolino (New York)  
Christopher Smith (New York)  
Jill Weldum (Albany)

**Board members absent:**

Thomas Biglin  
Sargam Jain  
Timothy Mooney  
Natalie Riccio (Chair)

**Staff present:**

Evan Seiden, Executive Secretary, Social Work and Mental Health Practitioners (New York)  
David Hamilton, Assistant Commissioner of Professional Licensing & Practice (Albany)  
Dennis Spillane, Executive Director of Office of Professional Discipline (New York)  
Dina Jazrawi, Executive Secretary, Pharmacy and Midwifery (New York)  
Mary Fish, Associate in Professional Education (Albany)  
Michele Govertsen, Senior Administrative Analyst (Albany)  
Henry Phillips, Education Program Assistant 1 (Albany)

**Welcome and Review of Agenda**

Evan Seiden called the meeting to order at 10:04 AM and determined there was a quorum of members present. Board members and staff introduced themselves and welcomed new Board member Christopher Smith, LMFT, LMHC.

## **Office of Professional Discipline Presentation**

Dennis Spillane provided a presentation and handout on the work of the Office of Professional Discipline and the different types of discipline cases that Board members would be involved in. Questions were entertained and answered by Dennis Spillane, and the Board thanked him for the helpful information he provided.

## **Review of September 30, 2022 Board Meeting Minutes**

The Board reviewed the minutes from the September 30, 2022 Board meeting. There were no changes made. A motion was made to approve the minutes by Susan Boxer Kappel, seconded by Angela Musolino, and passed unanimously.

## **Executive Secretary's Report**

- a. **Staffing and Processing:** The Executive Secretary reported that the State Grade 18, Senior Administrative Analyst position has been filled. A new State Grade 14, Education Program Assistant was hired and began work on February 2, 2023. With both of these positions filled, the Board office is now fully staffed. Application processing times are currently at 3-4 weeks out. It was noted that unofficially, the number of limited permit applications has risen 13% compared to the same time last year.
- b. **Board Member Recruitment:** The Executive Secretary is still actively recruiting new members to the Board and asked Board members to refer those interested to him for further information. A Board Nomination Form is located on the NYSED Office of the Professions website.
- c. **Executive Orders 4.0:** The executive order allowing Mental Health Practitioners who have an unencumbered license and are currently in good standing in New York State but not registered in New York State to practice in New York State without civil or criminal penalty related to lack of registration, has been extended by EO #4.17 until February 21, 2023.
- d. **State of the State:** As an information item, the Executive Secretary presented two items of interest discussed in the Governor's 2023 State of the State Address. The first item is licensing compacts specifically concerning the nursing and medical professions. Discussion ensued regarding challenges for state licensing boards and licensees. There is currently no licensing compact for Mental Health Practitioners or Social Workers in New York. The second item is the permanent expansion of the scope of practice for certain professions to alleviate the healthcare workforce shortages in New York.

## **Legislation and Regulation Affecting Mental Health Practitioners**

- a. **Mandatory Continuing Education on Appropriate Boundaries:** The Board of Regents approved the proposed amendment on October 4, 2022 that requires all social workers, mental health practitioners and psychologists to complete three hours of acceptable continuing education on issues related to maintaining appropriate professional boundaries between licensees and clients, for every three-year registration period. The course work must be taken from an approved CE provider and counts toward the 36 hours of CE

required for every three-year period. The regulation goes into effect for those licensees renewing their registration on April 1, 2023 and thereafter. An Advisory Notice has been placed on the homepage for each of these professions.

- b. Expiration of 100% Self-Study for Continuing Education: Although not an agenda item, the Executive Secretary announced the expiration of the continuing education adjustment provided to licensees as part of the Covid-19 response. The adjustment allowed licensees with registrations due to renew between March 1, 2020 – January 1, 2023 to complete 100% of their CE requirement by taking self-study courses. This adjustment expired on January 1, 2023. The Covid-19 Frequently Asked Questions website has been updated to read: Starting January 2, 2023, the adjustment is no longer available and licensees should resume their required percentages of self-study for continuing education that is in each individual profession’s laws and regulations.
- c. Insurance Law: Chapter 818 of the Laws of 2022 has been signed by the Governor. This law adds all licensed mental health providers as eligible for insurance reimbursement. It requires blanket health insurance policies to provide coverage for outpatient treatment by a mental health practitioner or clinical social worker. Insurers providing reimbursement for psychiatric or psychological services or for the diagnosis and treatment of mental health conditions by physicians, psychiatrists or psychologists, shall provide the same coverage to the insured for such services when performed by a licensed clinical social worker, licensed mental health counselor, licensed creative arts therapist, licensed marriage and family therapist, and licensed psychoanalyst, within the scope of practice. This law eliminates the need for the “R” privilege. Currently, there is no reference to the “R” privilege in insurance law. The Law requires access to a registry of eligible licensees, however, the public has access to our online verification search of licensees. More recently, a chapter amendment to the Insurance Law has been introduced that will remove any reference to licensed creative arts therapists as eligible providers, based on cost concerns, which initiated some discussion among Board members and staff.

## **Regulations**

### **Mental Health Practitioners’ Diagnosis Privilege (Chapter 230 of the Laws of 2022).**

After Governor Hochul signed Chapter 230 of the Laws of 2022 on June 24, 2022, the Board of Regents adopted emergency regulations on July 12, 2022. A 60-day public comment period commenced through the State Register. Those comments were received, reviewed and addressed, and on November 14, 2022 the Board of Regents permanently adopted the amendment which has established a diagnostic privilege available to licensed mental health counselors (LMHCs), licensed marriage and family therapists (LMFTs) and licensed psychoanalysts (LPs).

David Hamilton provided an overview of the proposed amendments to the Regulations of the Commissioner of Education currently being drafted for the provisions that take effect on June 24, 2024. The proposed amendments for each profession affected describe specified requirements for earning the diagnostic privilege, including acceptable clinical education and experience, application, registration and fees. It also includes amendments to the boundaries of professional practice as defined in Subpart 29.15 of the Rules of the Board of Regents. It is anticipated that the proposed amendments will be presented to the Board of Regents at their March 2023 meeting

for adoption. The meeting opened up for discussion, allowing Board members to ask questions, get clarification and share feedback pertaining to the new law.

**Other Business**

- a. NYS Budget: There were a few items of interest that the Governor included in the proposed FY 2023-2024 budget. The budget includes plans to move 47 licensed professions out of the NYS Education Department and place them in the NYS Department of Health, and to expand the scope of practice for certain licensed professions.

**Closing Remarks and Adjournment**

A motion was made to adjourn the meeting at 12:03 PM by Jill Weldum, seconded by Susan Boxer Kappel and passed unanimously.

Minutes submitted by,



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