

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

**State Board for Mental Health Practitioners
Meeting Minutes (Draft)**

Friday, March 1, 2024

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

State Education Building, 89 Washington Avenue, EB 201, Albany, NY 12234
Office of the Professions, 1411 Broadway, 10th Floor, New York, NY 10018
Rochester Regional Office, 109 S. Union Street 2nd Floor, Rochester, NY 14607
Buffalo Regional Office, 508 Main Street, buffalo, NY 14202

Board members present:

Susan Boxer Kappel (New York)
Angela Musolino (New York)
Renee Jones (Rochester)
Jasmine Thomas (New York)
Christopher Smith (New York)
Thomas Biglin (New York)
Timothy Mooney (Albany)
Michele “Mikki” Meyer (Albany)
John/Jay Cerio (public board member) (Rochester)
Melissa Dukofsky (New York)
Shirley Disu (New York)

Board members absent:

Helena Boersma (Rochester)
Ann Canastra (Syracuse)

Staff present:

Evan Seiden, Executive Secretary (New York)
Kate Letzelter, Associate in Professional Education (NYC)
Michele Govertsen, Senior Administrative Analyst (Albany)
Henry Phillips, Education Program Assistant (Albany)

David Hamilton, Assistant Commissioner of Professional Licensing & Practice (observing)
Owen Donovan, Executive Coordinator for Professional Practice (observing)

Welcome and Review of the Agenda

Evan Seiden called the meeting to order at 10:03 AM. Board members and staff introduced themselves. New Board Office staff member Kate Letzelter, Associate in Professional Education was welcomed. There were no changes in the agenda.

Introduction of new MH Board members

New Board members were introduced.
Melissa Dukofsky
Dr. Shirley Disu

Review of the October 13, 2023, Board Meeting Minutes

The minutes of the October 13, 2023, Board meeting were reviewed. There were no changes made. A quorum of members was present. A motion was made and seconded to approve the previous meetings' minutes; motion was passed unanimously. Minutes accepted.

Executive Secretary's Report

Evan Seiden noted the queue for experience reviews and Limited Permit applications are both about 4 weeks out, which is well within the timeframe of 6 to 8 weeks given to applicants. All items in the queue (permit applications and experience reviews) are in the month of February or later – about 4 weeks out. Most of the queue is composed of Limited Permit applications. Evan Seiden thanked staff for their hard work.

Board actively in the process of recruiting new members – looking for Psychiatrist, 1 LCAT, 1 Psychoanalyst, and public member. Nomination forms for potential Board members are being reviewed and additional candidates continue to be recruited. Board nomination forms can be found on the NYSED website.

Legislation and Regulation affecting Mental Health Practice: Mental Health Practitioners' Diagnosis Privilege (Chapter 230 of the Laws of 2022)

Regulations adopted at last Board of Regents meeting. Meetings with Comp Ed and DPLS on reviewing education for "D" privilege. Forms are being developed. Application forms expected to be finalized in 5 to 8 weeks. FAQ and guidelines will be posted. Board Office continuing talks with stakeholders and lobbyists to align with legislative intent.

Board Members had questions about the diagnostic privilege. It was clarified that dual-licensed applicants must submit separate diagnostic application and fee (and all forms) if they want privilege for both licenses. Separate application, forms, and fee needed for each license (if they want privilege for multiple licenses).

Discussion: Tele-Supervision

Board noted that tele-supervision is still being accepted – current regulation allows tele-supervision. Discussion of tele-supervision implementation and possible methods and requirements was continued. Board noted virtual supervision can be effective. Virtual supervision at the discretion of the supervisor – relationship can be assessed on an ongoing basis. Board noted assessment of virtual arrangements is recommended. Board noted evidence of negative outcomes for clients with practitioners utilizing tele-supervision is minimal. Board noted that counseling relationships – relationship between psychotherapist and client – are often virtual. Board noted that tele-supervision broadens the reach of supervision. Prior to tele-supervision being allowed/in use, programs closed when licensees were not available in-person; Tele-supervision allows programs to remain open, expanding access.

Discussion: Initiatives

Discussion on Proposed Amendment to Mental Hygiene Law -> Bill A8464 in Assembly -> Qualified Mental Health Associates -> needs more review/descriptions -> are they qualified? -> bill to credential them with their own board. Board discussed possible scope overlap and encroachment. Need more specifics about tasks -> what is the purpose of the role? Board discussed concern over proper training and what the QMHAs will do. Board noted that the language of the final bill will be important.

Discussion: Psychoanalytic Exam

Exam requirement for Psychoanalyst license consists of 2 case studies. There is an interest in looking for ways to improve the exam process -> Board discussed possibility of 1 case study with a certain score being able to meet exam requirement. NJ has multiple choice exam, based on NJ law and statute. To change the exam requirement, a change in regulation would be needed. More exam raters are needed; exam rater must be a Licensed Psychoanalyst.

Other Business

The Board discussed having future Board meetings on Fridays.

Board continues to prefer Fridays.

Board noted that telehealth businesses are contacting professionals. A practitioner must be licensed in NY to practice in NY, even for telehealth. OPD can investigate related misconduct. Board noted that telehealth is growing.

Executive Secretary Evan Seiden reminded Board members that June Board meeting will be “in-person” in Albany.

Closing Remarks and Adjournment

Evan Seiden thanked the Board for their participation in the meeting. Board Chair Susan Boxer Kappel called for adjournment. Seconded by Angela Musolino. The meeting was adjourned at 11:40am by Board Chair Susan Boxer Kappel.