

Agenda
State Board for Mental Health
Practitioners

Friday, March 14, 2025
10:00 a.m.12:30 p.m.

Sites:

Albany

Education Building EB 150 Albany, NY

NYC

1411 Broadway 10th Floor

Syracuse OPD Office

333 East Washington Street, Suite 211 Syracuse, New York

Rochester OPD office

NYS Department of Education Access-VR

109 S. Union Street 2nd Floor Rochester, New York 14607

To attend the **Mental Health Practitioners Board** meeting, let the board office know by emailing Kayla.Apple@nysed.gov, Evan.Seiden@nysed.gov to add your name to the security list of the site you choose.

"Members of the public may attend and observe the meeting. Please note that due to security restrictions, you are asked to arrive 15 minutes earlier if possible than the start of the meeting."

Thank you!

***Agenda and Discussion**

1. Welcome and review of Agenda.
2. Introductions
3. Review of 9/20/2024, meeting minutes
4. Executive Secretary's Report
 - a. Staffing and Processing
 - b. Board member recruitment.
5. Legislation and Regulation concerning Mental Health
 - a. A701, S988 An act to repeal the requirement that applicants must pass an examination.
 - b. A3906, S1725 Extends confidentiality privileges to certain communications to or from a licensed mental health counselor (Civil Practice laws and rules)

6. Discussion Topics

a. Tele-supervision reg guidelines update

b. Board Members must take live Ethics training course. Like the last time for those who took it, the Office of Human Resources Management plans on having monthly virtual offerings at a variety of times during the day for everyone's convenience.

7. Other business

Executive Session

For active Board members only

Catherine Slattery from OPD will be joining us.

1. Enforcement Actions for 2023- 2024 review.

2. Adjournment

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, September 20, 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
Syracuse OPD Office, 333 E. Washington Street, Suite 211, Syracuse, NY
Rochester Regional Office, 109 S. Union Street 2nd Floor, Rochester, NY 14607

Board members present:

Susan Boxer Kappel
Renee Jones
Christopher Smith
Timothy Mooney
Jay Cerio
Melissa Dukofsky
Shirley Disu
Helena Boersma
Ann Canastra
Smita Bhatt
Angela Musolino
Jasmine Thomas
Thomas Biglin

Staff present:

Evan Seiden, Executive Secretary
Kate Letzelter, Associate in Professional Education
Michele Govertsen, Senior Administrative Analyst
Henry Phillips, Education Program Assistant

Welcome and Review of the Agenda

Evan Seiden called the meeting to order at 10:10 AM. Board members and staff introduced themselves. New Board member Smita Bhatt was introduced and welcomed.

Review of the June 7, 2024, Board Meeting Minutes

The minutes of the June 7, 2024, Board meeting was 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

Reviewed board office staffing. Executive Secretary reviewed production for Limited Permit applications is 8 weeks out, experience reviews are about 8 weeks out. Diagnostic Privilege experience reviews are 8 weeks out.

Board actively in the process of recruiting new members – looking for 1 LMHC or LMFT, and 1 Psychoanalyst. 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)

Executive Secretary Evan Seiden thanked stakeholders and staff for their continued efforts around implementation of the Diagnostic Privilege. Number of applications is increasing. Application process as well as review process moving along. Processing unit now taking phone calls Monday through Friday to assist applicants. Board members discussed education review Colleges and universities may be changing their programs to meet DP requirements; they are working with Professional Education Program Review (PEPR) office. Diagnostic Privilege FAQ is available on the NYSED OP website. Diagnostic Privilege forms are available on the NYSED OP website.

Applicants should email the Board Office with any questions on experience (Form 4D). Applicants will be notified if more information is needed during experience reviews. Copy of Operating Certificate for exempt settings is required to be submitted with Form 4D.

An FYI and review of an amendment of Mental Hygiene Law (Chapter 233 of the Laws of 2024)

Mental Health Peer, FPA, YPA, NYCPS, CYPA. An Act to amend the mental hygiene law, in relation to providing definitions of mental health and family and youth peer and requires the office of mental health to establish peer service qualifications.

Discussion: Tele-Supervision

Regulations to make tele-supervision allowed permanently were adopted and go into effect on 9/25/2024. Guidelines are being developed and will be posted in the future.

Other Business

Board members discussed proper advertising of DP credential for licensees. Professional entities with Diagnostic Privilege should consult Professional Corporations for assistance.

Next Board meetings are not yet scheduled. 2025 meetings not yet scheduled. Board members expressed desire for in-person meeting in June and for meetings to start later in the day.

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 Helena and Angela. The meeting was adjourned at 11:11am by Board Chair Susan Boxer Kappel.

STATE OF NEW YORK

701

2025-2026 Regular Sessions

IN ASSEMBLY

(Prefiled)January 8, 2025

Introduced by M. of A. GONZALEZ-ROJAS, BUTTENSCHON, LUPARDO, SIMON, JACKSON, PHEFFER AMATO, RIVERA, DE LOS SANTOS, GIBBS, HEVESI, TAPIA, SHIMSKY, CRUZ, EPSTEIN, RAGA, MEEKS, TAYLOR, BURDICK, KELLES, DAVILA, BRONSON, BORES, FORREST -- read once and referred to the Committee on Higher Education

AN ACT to repeal paragraph (d) of subdivision 1 of section 7704 of the education law requiring applicants to pass an examination in order to qualify as a licensed master social worker

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

- 1 Section 1. Paragraph (d) of subdivision 1 of section 7704 of the
- 2 education law is REPEALED.
- 3 § 2. This act shall take effect immediately.

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

LBD01956-01-5

**NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(f)**

BILL NUMBER: A701

SPONSOR: Gonzalez-Rojas

TITLE OF BILL:

An act to repeal paragraph (d) of subdivision 1 of section 7704 of the education law requiring applicants to pass an examination in order to qualify as a licensed master social worker

PURPOSE OR GENERAL IDEA OF BILL:

Repeals the requirement that applicants must pass an examination in order to qualify as a licensed master social worker

SUMMARY OF PROVISIONS:

Section one of this bill repeals paragraph (d) of subdivision 1 of section 7704 of the education Law requiring applicants to pass an examination in order to qualify as a licensed master social worker.

Section two sets the effective date.

JUSTIFICATION:

New York State is experiencing several simultaneous social crises - an increase of immigrants from Latin America, increasing homelessness, and a mental health and overdose crisis that is severely impacting many communities. Social workers will be the ones who deliver crucial services and 80% of them will be in our communities of color. To meet these challenges New York must have a large, competent, and diverse workforce of social workers because research posits that the most effective social workers speak the languages of their clients and reflect their experiences.

We must address barriers to expanding our mental health workforce, including barriers that prevent diverse social workers from becoming clinicians. For this reason, it is imperative that New York State license social workers at the MSW entry level who meet all New York State requirements for licensure other than the Association of Social Work Boards (ASWB) exam.

Per a 2022 ASWB Exam Pass Rate Analysis, in New York State only 49% of Black social workers and 63% of Latinx social workers pass the exam on their first try as compared to 86% of white social workers. This has resulted in fewer bilingual and social workers of color entering the workforce, including the mental health sector to meet the service needs of New Yorkers. Illinois and Rhode Island have already passed similar statutes because of the long history of racial disparities in the exam's pass rates. Additionally, the fees, humiliation, and salary and promotion implications for social work graduates are very burdensome. Due to the 2022 ASWB report, the National Association of Social Workers

released a statement in early February 2023 opposing ASWB social work licensing exams.

LEGISLATIVE HISTORY:

2023: Introduced and reported to Higher Education Committee

2024: Introduced and reported to Higher Education Committee

FISCAL IMPLICATIONS FOR STATE AND LOCAL GOVERNMENTS:

To be determined.

EFFECTIVE DATE:

This act shall take effect immediately.

A701 Gonzalez-Rojas Same as S 988 BROUK

Education Law

TITLE....Repeals the requirement that applicants must pass an examination in order to qualify as a licensed master social worker

01/08/25 referred to higher education

GONZALEZ-ROJAS, BUTTENSCHON, LUPARDO, SIMON, JACKSON, PHEFFER AMATO, RIVERA, DE LOS SANTOS, GIBBS, HEVESI, TAPIA, SHIMSKY, CRUZ, EPSTEIN, RAGA, MEEKS, TAYLOR, BURDICK, KELLES, DAVILA, BRONSON, BORES, FORREST, SHRESTHA, MAMDANI, SOLAGES, O'PHARROW, SCHIAVONI, EACHUS, CUNNINGHAM, VALDEZ, ALVAREZ

Rpld §7704 sub 1 ¶(d), Ed L

Repeals the requirement that applicants must pass an examination in order to qualify as a licensed master social worker.

A3906 Bronson Same as S 1725 BROUK

Civil Practice Law and Rules

TITLE....Extends confidentiality privileges to certain communications to or from a licensed mental health counselor

01/30/25 referred to judiciary

BRONSON

Add §4508-a, CPLR

Extends confidentiality privileges to certain communications to or from a licensed mental health counselor in the course of his or her professional employment, and to certain employees of such licensed mental health counselor; provides exceptions thereto.

STATE OF NEW YORK

3906

2025-2026 Regular Sessions

IN ASSEMBLY

January 30, 2025

Introduced by M. of A. BRONSON -- read once and referred to the Committee on Judiciary

AN ACT to amend the civil practice law and rules, in relation to extending confidentiality privileges to certain communications to or from a licensed mental health counselor

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

1 Section 1. The civil practice law and rules is amended by adding a new
2 section 4508-a to read as follows:

3 § 4508-a. Licensed mental health counselor. (a) Confidential informa-
4 tion privileged. A person licensed as a licensed mental health counselor
5 under the provisions of article one hundred sixty-three of the education
6 law shall not be required to disclose a communication made by a client,
7 or such licensed mental health counselor's advice given thereon, in the
8 course of such licensed mental health counselor's professional employ-
9 ment, nor shall any clerk, stenographer or other person working for the
10 same employer as such licensed mental health counselor or for such
11 licensed mental health counselor be allowed to disclose any such commu-
12 nication or advice given thereon; except

13 1. that such licensed mental health counselor may disclose such infor-
14 mation as the client may authorize;

15 2. that such licensed mental health counselor shall not be required to
16 treat as confidential a communication by a client which reveals the
17 contemplation of a crime or harmful act;

18 3. where the client is a child under the age of sixteen and the infor-
19 mation acquired by such licensed mental health counselor indicates that
20 the client has been the victim or subject of a crime, the licensed
21 mental health counselor may be required to testify fully in relation
22 thereto upon any examination, trial or other proceeding in which the
23 commission of such crime is a subject of inquiry;

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

LBD00439-01-5

A. 3906

2

1 4. where the client waives the privilege by bringing charges against
2 such licensed mental health counselor and such charges involve confiden-
3 tial communications between the client and the licensed mental health
4 counselor.

5 (b) Limitations on waiver. A client who, for the purpose of obtaining
6 insurance benefits, authorizes the disclosure of any such privileged
7 communication to any person shall not be deemed to have waived the priv-
8 ilege created by this section. For purposes of this subdivision:

9 1. "person" shall mean any individual, insurer or agent thereof, peer
10 review committee, public or private corporation, political subdivision,
11 government agency, department or bureau of the state, municipality,
12 industry, co-partnership, association, firm, trust, estate or any other
13 legal entity whatsoever; and

14 2. "insurance benefits" shall include payments under a self-insured
15 plan.

16 § 2. This act shall take effect immediately.

**NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(f)**

BILL NUMBER: A3906

SPONSOR: Bronson

TITLE OF BILL:

An act to amend the civil practice law and rules, in relation to extending confidentiality privileges to certain communications to or from a licensed mental health counselor

PURPOSE:

The purpose of the legislation is to include licensed mental health counselors among the professions for which confidential communication is provided.

SUMMARY OF PROVISIONS:

Amends article forty-five (45) of the civil practice law and rule by adding a new section four thousand five hundred and eight - a

(§ 4508-a). This new section extends the confidentiality provisions provided for licensed psychologists. (§ 4507) and licensed master social workers and licensed clinical social workers (§ 4508) to licensed mental health counselors.

JUSTIFICATION:

In 1968, the state recognized the need to protect the confidential communication beyond that of a medical professional. Expanding privilege to psychologists and social workers acknowledges that "Effective psychotherapy...depends upon an atmosphere of confidence and trust in which the patient is willing to make a frank and complete disclosure of facts, emotions, memories, and fears," Jaffee v. Redmond, 1996, 518 U.S. 1, 10, 116 S.Ct. 1923, 1928, 135 L.ed.2d 337. The original law was amended in 2004 from "certified social worker" to "licensed masters social worker" and "licensed clinical social worker" in recognition of the protected scope of practice.

Licensed mental health counselors have a protected scope that includes psychotherapy and mental health counseling. Clients/patients seeking mental health services should know that their communications are considered confidential in the same manner provided for with psychologists and social workers.

LEGISLATIVE HISTORY:

A8109 of 2023-24: referred to Judiciary

FISCAL IMPLICATIONS:

None.

EFFECTIVE DATE:

This act shall take effect immediately;

Evan Seiden

From: TRAINING
Sent: Wednesday, February 12, 2025 3:01 PM
To: TRAINING
Subject: Required Ethics Training
Attachments: 9/17/25- Comprehensive Ethics Training ; 8/13/25- Comprehensive Ethics Training ; 7/16/25-Comprehensive Ethics Training ; 6/18/25- Comprehensive Ethics Training ; 5/14/25- Comprehensive Ethics Training ; 4/9/25-Comprehensive Ethics Training ; 3/21/25-Comprehensive Ethics Training ; 3/14/25-Comprehensive Ethics Training ; 2025 CETC - Details and WebEx.pdf

A message from the Office of Human Resources Management & Office of Counsel:

With the passing of Executive Law § 94(8), live ethics training is now required for all State employees.

What does this mean for you?

- Every SED employee must complete a live, virtual Comprehensive Ethics Training Course (CETC) in 2025.
- New employees will be prompted to register during their online orientation and must complete the course within 90 days of joining SED.

When?

- A full list of available dates is included below.
- Using the attached Outlook invitations, open the invitation for the date you'd like to attend and add it to your calendar.
- Pre-registration is NOT required.
- You will continue to receive monthly reminders until you have completed the CETC.
- **Deadline to complete is September 30th, 2025.**

Where?

- All CETC sessions will take place via **Webex Webinar**.
- No cameras or microphones are required.
- You must attend the **entire duration** of the session to meet the training requirement.

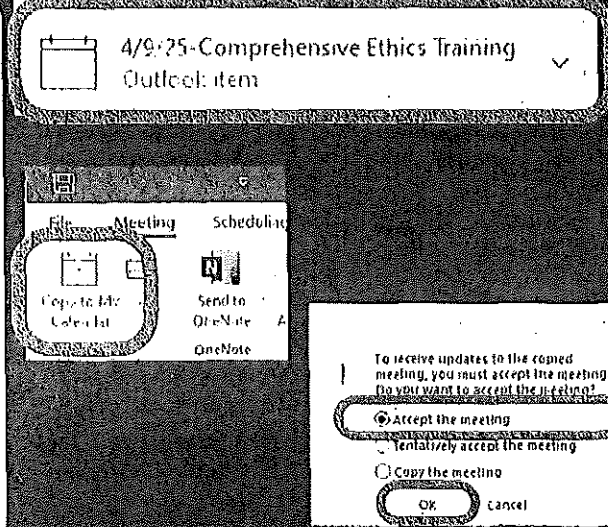
Albany Maintenance and Security Staff and all employees at NYSSB and NYSSD will be scheduled by their management teams to ensure proper coverage. You will be notified of the date you are required to attend. If you are unsure if this pertains to you, please contact your supervisor or training@nysed.gov.

ASL Interpreters have been scheduled for Friday, March 14th, 2025. If this date does not work with your schedule, please let us know and we're happy to add additional offerings with ASL interpretive services.

Managers and Supervisors: It is your responsibility to ensure that staff have appropriate time and resources to complete this mandatory work assignment within the given timeframe. Failure of staff to complete this training may result in administrative action up to, and including, discipline.

2025 TRAINING DATES & TIMES

January- 1/15: 2-4pm
 February- 2/5: 10am-12pm
 March- 3/14: 1-3pm
 (ASL Interpreter Scheduled)
 March- 3/21: 10am-12pm
 April- 4/9: 6:30-8:30pm
 (Evening Employees)
 May- 5/14: 10am-12pm
 June- 6/18: 2-4pm
 July- 7/16: 10am-12pm
 August- 8/13: 2-4pm
 September- 9/17: 6:30-8:30pm
 (Evening Employees)



In the attachments section of this email select the session you wish to attend and select copy to my calendar on the top left corner.

2025 CETC Dates & Times:

March- 3/14: 1-3pm (ASL Interpreter Scheduled)
 March- 3/21: 10am-12pm
 April- 4/9: 6:30-8:30pm
 May- 5/14: 10am-12pm
 June- 6/18: 2-4pm
 July- 7/16: 10am-12pm
 August- 8/13: 2-4pm
 September- 9/17: 6:30-8:30pm

In the attachments section of this email select the session you wish to attend and select copy to my calendar on the top left corner.

If you have questions or require any reasonable accommodation, please reach out to Training@nysed.gov. We are happy to assist!

Thank you,

Training Unit

Office of Human Resources Management
 New York State Education Department
 89 Washington Avenue | Room 528 EB
 Albany, New York 12234
 Phone: (518) 474-5215