

Agenda
State Board for Mental Health
Practitioners

Friday, October 24, 2025
10:00 a.m.12:30 p.m.

Sites:

Albany

Education Building EB 211 2nd floor Albany, NY
NYC

1411 Broadway 10th Floor

Syracuse OPD Office

333 East Washington Street, Suite 211 Syracuse, New York

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 6/6/2025, meeting minutes
4. Executive Secretary's Report
 - a. Staffing and Processing
 - b. Board member recruitment.
5. Presentation – Professional Assistance Program (PAP)
Director- Jennifer Granato
6. Legislation and Regulation concerning Mental Health

A.8045 An Act to amend chapter 230 of the laws of 2022, amending the education law relating to diagnostic privilege, in relation to extending the effectiveness of certain provisions thereof.

-Extended to June 24, 2027.

S.8484 An Act to amend the education law, in regulating the use of artificial intelligence in the provision of therapy and psychotherapy services.

6. Discussion Topics

a. Progress on processing Diagnostic Privilege

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:

Discussion on meetings next year.

8. 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, June 6, 2025

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

State Education Building, 89 Washington Avenue, EB 211, Albany, NY 12234
Office of the Professions, 1411 Broadway, 10th Floor, New York, NY 10018
Syracuse OPD Office, 333 East Washington Street, Suite 211, Syracuse, NY 13202
NYS Department of Education Access-VR, 109 S. Union Street 2nd Floor, Rochester, NY 14607

Board members present:

Susan Boxer Kappel, LCAT
Helena Boersma, LMHC
Smita Bhatt, MD
Angela Musolino, LP
Sharon Marianetti-Leeper, LMFT, LCAT
Ann Canastra, LMHC
John Cerio, Public Member
Christopher L. Smith, LMFT, LMHC

Staff present:

Evan Seiden, Executive Secretary
Kate Letzelter, Associate in Professional Education
Henry Phillips, Education Program Assistant 1
Kayla Apple, Licensing Services Clerk

Welcome and Review of the Agenda

Executive Secretary called the meeting to order at 10:15 AM. Board members and staff introduced themselves.

Review of the March 14, 2025, Board Meeting Minutes

The minutes of the March 14, 2025, Board meeting was reviewed. There were no questions or changes requested. There was not a quorum of members present. Minutes kept in draft.

Executive Secretary's Report

Reviewed board office staffing.

Volume of applications has increased

Board Office is staying mindful of application dates.

The State Board is actively in the process of recruiting new members – looking 1 Psychoanalyst, and one 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

Executive Secretary made Board members aware of four bills in State Legislature and one proposed regulation change related to the field of Mental Health.

A8183 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.

- Would add alternate pathway for diagnostic privilege – different education requirements allowed. Intended to possibly be a remedy and create a pathway for people with 45 or 48 credit degrees.
- Psychoanalyst institutes not mentioned.

A780 An act to amend the education law, in relation to enacting the “Supervising Upcoming Professionals for Practice in Official Roles in Therapy (SUPPORT) act”

- Would allow Mental Health Practitioners with “D” privilege to supervise MSWs and LMSWs.
- Board discussed possible supervision implications for MHPs with “D” privilege.

A8045 An act to amend chapter 230 of the laws of 2022, amending the education law relating to diagnostic privilege, in relation to extending the effectiveness of certain provisions thereof

- Would extend the so-called “diagnostic exemption period” to 6/24/2027.
- New expiration date would align with expiration date for 36 months pathway.

A5545 An act to amend the mental hygiene law, in relation to a qualified mental health associate.

- Board discussed details of the bill – the possible merits and drawbacks, implication for the public, etc.

Proposed Amendment of Section 74.2 of the Regulations of the Commissioner of Education Relating to the Licensing Examinations and Testing Accommodations in the Social Work Professions

- Would allow ESL accommodation for SW exams.
- MHP not included in the regulation.

Discussion Topics

Progress Related to Diagnostic Privilege

- Executive Secretary proposed converting one staff title which would add one evaluator to help with production issues.

Ethics Course

Board members are required to take Ethics training course. Members were given information on training course. Office of Human Resources Management plans to have monthly virtual offerings for convenience.

Cap on Continuing Education Requirements

- Some licensees have a large amount of CE that they owe to become re-registered.
- Board discussed possible change to CE requirements and a possible cap on number of CE a licensee would need.

Ethics Training Course for Board Members

Board members are required to take Ethics training course. Members were given information on training course. Office of Human Resources Management plans to have monthly virtual offerings for convenience.

Other Business

No other business.

Closing Remarks and Adjournment

Executive Secretary thanked the Board for their participation in the meeting. The meeting was adjourned at 11:45am by Board Chair Susan Boxer Kappel.

STATE OF NEW YORK

8045

2025-2026 Regular Sessions

IN ASSEMBLY

April 22, 2025

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

AN ACT to amend chapter 230 of the laws of 2022, amending the education law relating to diagnostic privilege, in relation to extending the effectiveness of certain provisions thereof

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

- 1 Section 1. Section 6 of chapter 230 of the laws of 2022, amending the
2 education law relating to diagnostic privilege, is amended to read as
3 follows:
4 § 6. This act shall take effect June 24, 2022; provided however, that
5 sections two and three of this act shall take effect June 24, 2024;
6 provided, further, that the provisions of section five of this act shall
7 expire and be deemed repealed June 24, [2025] 2027. Effective immediately, the addition, amendment and/or repeal of any rule or regulation
8 necessary for the implementation of this act on its effective date are
9 authorized to be made and completed on or before such effective date.
10 § 2. This act shall take effect immediately.
11

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

LBD11689-01-5



PRINTED ON RECYCLED PAPER

STATE OF NEW YORK

8484

2025-2026 Regular Sessions

IN SENATE

August 20, 2025

Introduced by Sen. GONZALEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the education law, in relation to regulating the use of artificial intelligence in the provision of therapy or psychotherapy services

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "oversight of technology in mental health care act".

3 § 2. The education law is amended by adding a new section 6517 to read
4 as follows:

5 § 6517. Use of artificial intelligence in mental health care. 1. For
6 the purposes of this section:

7 (a) "Administrative support" means tasks performed to assist a
8 licensed professional in the delivery of therapy or psychotherapy
9 services that do not involve communication. "Administrative support"
10 includes, but is not limited to, the following:

11 (i) managing appointment scheduling and reminders;

12 (ii) processing billing and insurance claims; and

13 (iii) drafting general communications related to therapy logistics
14 that do not include therapeutic advice.

15 (b) "Artificial intelligence" has the same meaning as such term is
16 defined in section seventeen hundred of the general business law.

17 (c) "Consent" means an affirmative written agreement, including by
18 electronic means, which unambiguously communicates the individual's
19 explicit, express, freely given, informed, voluntary, and specific
20 agreement, and which is revocable by the individual. "Consent" does not
21 include an agreement that is obtained by the following:

22 (i) the acceptance of a general or broad terms of use, agreement or a
23 similar document that contains descriptions of artificial intelligence
24 along with other unrelated information;

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

LBD13621-02-5

1 (ii) an individual hovering over, muting, pausing, or closing a given
2 piece of digital content; or

3 (iii) through the use of deceptive actions.

4 (d) "Licensed professional" means an individual who holds a valid
5 license, credential, or certification issued by this state to practice
6 as a psychologist, social worker, mental health practitioner, profes-
7 sional substance use counselor, professional substance use prevention
8 practitioner, or to otherwise provide therapy or psychotherapy services
9 including:

10 (i) a licensed mental health counselor;

11 (ii) a licensed marriage and family therapist;

12 (iii) a licensed creative arts therapist;

13 (iv) a licensed psychoanalyst;

14 (v) a licensed master social worker;

15 (vi) a licensed clinical social worker;

16 (vii) a credentialed alcoholism and substance abuse counselor;

17 (viii) a credentialed prevention professional;

18 (ix) a credentialed prevention specialist;

19 (x) a credentialed alcoholism and substance abuse counselor, creden-
20 tialed prevention professional, or credentialed prevention specialist
21 with an additional gambling designation;

22 (xi) a certified problem gambling counselor;

23 (xii) a credentialed alcoholism and substance abuse counselor trainee;

24 (xiii) any other person holding any other credential that may be over-
25 seen by the office of addiction services and supports; or

26 (xiv) any other professional licensed, credentialed, certified, or
27 otherwise authorized by this state to provide therapy or psychotherapy
28 services, except for a physician.

29 (e) "Peer support" means services provided by individuals with lived
30 experience of mental health conditions or recovery from substance use or
31 gambling that are intended to offer encouragement, understanding, and
32 guidance without clinical intervention.

33 (f) "Religious counseling" means counseling provided by clergy
34 members, pastoral counselors, or other religious leaders acting within
35 the scope of their religious duties if the services are explicitly
36 faith-based and are not represented as clinical mental health services
37 or therapy or psychotherapy services.

38 (g) "Supplementary support" means tasks performed to assist a licensed
39 professional in the delivery of therapy or psychotherapy services that
40 do not involve therapeutic communication and that are not administrative
41 support. "Supplementary support" includes, but is not limited to, the
42 following:

43 (i) preparing and maintaining client records, including therapy notes;

44 (ii) analyzing anonymized data to track client progress or identify
45 trends, subject to review by a licensed, credentialed, or certified
46 professional; and

47 (iii) identifying and organizing external resources or referrals for
48 client use.

49 (h) "Therapeutic communication" means any verbal, non-verbal, or writ-
50 ten interaction conducted in a clinical or professional setting that is
51 intended to diagnose, treat, or address an individual's mental,
52 emotional, or behavioral health concerns. "Therapeutic communication"
53 includes, but is not limited to:

54 (i) direct interactions with clients for the purpose of understanding
55 or reflecting their thoughts, emotions, or experiences;

1 (ii) providing guidance, therapeutic strategies, or interventions
2 designed to achieve mental health outcomes;

3 (iii) offering emotional support, reassurance, or empathy in response
4 to psychological or emotional distress;

5 (iv) collaborating with clients to develop or modify therapeutic goals
6 or treatment plans; and

7 (v) offering behavioral feedback intended to promote psychological
8 growth or address mental health conditions.

9 (i) "Therapy" or "psychotherapy services" means services provided to
10 diagnose, treat, or improve an individual's mental health or behavioral
11 health. "Therapy or psychotherapy services" does not include religious
12 counseling or peer support.

13 (j) "Permitted use of artificial intelligence" means the use of arti-
14 ficial intelligence tools or systems by a licensed professional to
15 assist in providing administrative support or supplementary support in
16 therapy or psychotherapy services where the licensed professional main-
17 tains full responsibility for all interactions, outputs, and data use
18 associated with the system and satisfies the requirements of subdivision
19 two of this section.

20 2. No licensed professional shall be permitted to use artificial
21 intelligence to assist in providing supplementary support in therapy or
22 psychotherapy services where the client's therapeutic session is
23 recorded or transcribed unless:

24 (a) the patient or the patient's legally authorized representative is
25 informed in writing of the following:

26 (i) that artificial intelligence will be used; and

27 (ii) the specific purpose of the artificial intelligence tool or
28 system that will be used; and

29 (b) the patient or the patient's legally authorized representative
30 provides consent to the use of artificial intelligence.

31 3. (a) An individual, corporation, or entity may not provide, adver-
32 tise, or otherwise offer therapy or psychotherapy services, including
33 through the use of internet-based artificial intelligence, to the public
34 in this state unless the therapy or psychotherapy services are conducted
35 by an individual who is a licensed professional.

36 (b) A licensed professional may use artificial intelligence only to
37 the extent that such use meets the requirements of subdivision two of
38 this section. A licensed professional may not allow or otherwise use
39 artificial intelligence to do any of the following:

40 (i) make independent therapeutic decisions;

41 (ii) directly interact with clients in any form of therapeutic commu-
42 nication;

43 (iii) generate therapeutic recommendations or treatment plans without
44 review and approval by the licensed professional; or

45 (iv) detect emotions or mental states.

46 4. All records kept by a licensed professional and all communications
47 between an individual seeking therapy or psychotherapy services and a
48 licensed professional shall be confidential and shall not be disclosed
49 except as required under any provisions of this article or section 33.13
50 of the mental hygiene law.

51 5. (a) Any individual, corporation, or entity found in violation of
52 this section shall pay a civil penalty in an amount not to exceed fifty
53 thousand dollars per violation, as determined by the commissioner, with
54 penalties assessed based on the degree of harm and the circumstances of
55 the violation. Such civil penalty shall be assessed commissioner after a
56 complaint is made and a hearing is held in accordance with section

1 sixty-five hundred ten of this article. An individual, corporation, or
2 entity found in violation of this section shall pay the civil penalty
3 within sixty days after the date of an order by the commissioner impos-
4 ing the civil penalty. The order shall constitute a judgment and may be
5 filed and executed in the same manner as any judgment from a court of
6 record.

7 (b) The commissioner shall have authority to investigate any actual,
8 alleged, or suspected violation of this section.

9 6. This section does not apply to the following:

10 (a) religious counseling;

11 (b) peer support; and

12 (c) self-help materials and educational resources that are available
13 to the public and do not purport to offer therapy or psychotherapy
14 services.

15 § 3. This act shall take effect immediately.

Evan Selden

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
(Evening Employees)

February 2/5: 10am-12pm
(ASL Interpreter Scheduled)

March 3/14: 1-3pm
(ASL Interpreter Scheduled)

March 3/21: 10am-12pm
(Evening Employees)

April 4/9: 6:30-8:30pm
(Evening Employees)

May 5/14: 10am-12pm
(Evening Employees)

June 6/18: 2-4pm
(Evening Employees)

July 7/16: 10am-12pm
(Evening Employees)

August 8/13: 2-4pm
(Evening Employees)

September 9/17: 6:30-8:30pm
(Evening Employees)

4/9/25-Comprehensive Ethics Training
Outlook item

Accepting
Copy to My
Calendar

Scheduling
Send to
Outlook

To receive updates to the current meeting, you must accept the meeting. If you want to accept the meeting, click the Accept button.

☒ Accept the meeting

☐ Copy the meeting

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) 474-6216