

Agenda
State Board for Social Work
Wednesday, October 29, 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
Buffalo ACCESS Office,
508 Main St, Buffalo, NY 14202

To attend the **Social Work 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 6/11/2025 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

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

7. Discussion Topics

- a. 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.

8. Other business
Discussion on meetings next year.

9. Adjournment

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

**New York State Board of Social Work
Draft Meeting Minutes**

Wednesday, June 11th, 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 Regional Office, 333 East Washington Street, Suite 211, Syracuse, NY 13202
NYS Dept. of Education Access-VR 109 S. Union Street, 2nd Floor, Rochester, NY 14607

Board members present:

Tracyavon Ford
Susan Nayowith
Laura Eastman-Follis
Michelle Manley Belge
Mohini Mishra
Liz Espinoza
Mary Owen

Staff present:

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

Welcome and Review of the Agenda

Executive Secretary called the meeting to order at 10:21 AM. Board members and staff introduced themselves. There were no changes in the agenda.

Review of the March 5th, 2025, Board Meeting Minutes

A quorum of Board members were present. A change to correct the year date in the minutes of the last meeting from 2024 to 2025 was made. With that change included a motion to accept all draft minutes and previous drafts was made. Motion passed and minutes accepted.

Executive Secretary's Report

- a. Staffing and Processing: Executive Secretary has proposed to convert one title and add another title which would add 2 evaluators to the 2 we currently have. There has been at least a 50% increase in workload. This has caused increased delays in processing times.
- b. Board Member Recruitment: LMSWs and public members are needed. As a reminder, public members are consumers of SW services (not licensed). Board members can refer those interested to Executive Secretary for further information. Board member application can be found online.

Legislation and Regulation Affecting Social Work

Executive Secretary made Board members aware of five bills in State Legislature and one proposed regulation change related to the field of Social Work.

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.

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 for “C”.
- Board discussed details and implications of bill.

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.
- Licensees would not need “D” permit until 6/24/2027.

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.

A701/S988 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.

- Board members discussed details of bill, ethics, concerns of equity and access.

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

- Currently out for 60-day public comment period
Emergency regulation was adopted on 5/6/2025.

- Emergency regulation change can be viewed on website under Advisory Notices in red.

Discussion Topics

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.
- CE law and requirement started Jan. 1 2015.
- Board discussed what kind of CE cap might make sense.
- Other professions have CE caps.
- Board discussed merits and drawbacks of a CE cap.

Other Business

No other business.

Adjournment

The meeting was adjourned at 11:54am by Chair Tracyavon Ford.

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 Seldon

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.

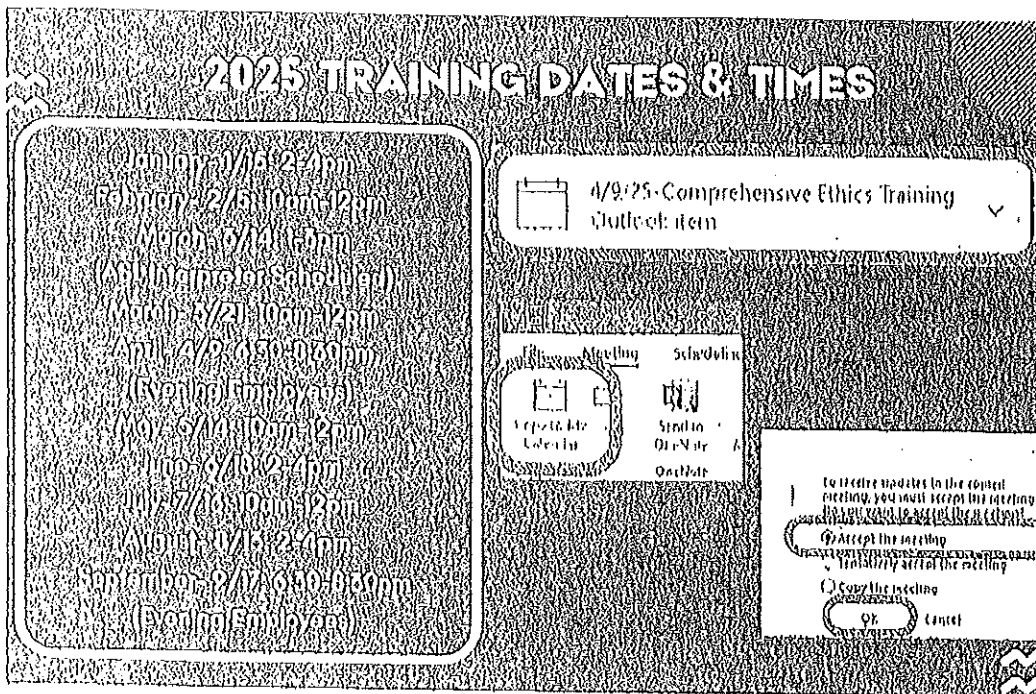
Where?

- 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.



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) 474-6215