



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

**TO:** The Professional Practice Committee

**FROM:** Frank Muñoz

**SUBJECT:** Proposed Amendment to the Regulations of the Commissioner of Education Relating to Experience, Limited Permits and Endorsement for Licensure as a Mental Health Counselor, Marriage and Family Therapist, Creative Arts Therapist or Psychoanalyst

**DATE:** April 6, 2010

**STRATEGIC GOAL:** Goal 3

**AUTHORIZATION(S):**

### **SUMMARY**

#### **Issue for Discussion**

Should the Board of Regents amend sections 79-9.3, 79-9.4, 79-10.3, 79-10.4, 79-11.3, 79-11.4, 79-12.3, and 79-12.4 and add sections 79-9.7, 79-10.7, 79-11.7, and 79-12.7 to the Regulations of the Commissioner of Education relating to experience requirements, limited permits, and endorsement provisions for applicants seeking licensure as a mental health counselor, marriage and family therapist, creative arts therapist or psychoanalyst?

#### **Reason(s) for Consideration**

Review of policy.

#### **Proposed Handling**

This item is scheduled to be discussed by the Professional Practice Committee at the April 2010 Regents meeting. The proposed amendment will be submitted for action at the June 2010 Regents meeting.

#### **Background**

In 2002, Article 163 was added to the Education Law to authorize the licensure and practice of mental health counselors, marriage and family therapists, creative arts

therapists and psychoanalysts. The Board of Regents adopted regulations in 2005 to implement the provisions of Article 163 of the Education Law.

The proposed amendment changes current regulations in each of these professions in three major areas. First, the proposed amendment amends the experience requirements for licensure in each of these professions by requiring applicants to obtain experience under the general supervision of a qualified supervisor. The proposed amendment defines general supervision, requires a certain amount of clock hours of the supervised experience to consist of direct contact with clients, and requires that any supervised experience be performed by an applicant under a limited permit issued by the department. This ensures that the applicant is receiving appropriate supervision from a qualified supervisor in a setting that is authorized to provide services that are restricted under Title VIII of the Education.

The proposed amendment also eliminates the requirement that the individual supervising an applicant's experience have three years of licensed experience in the practice of the profession and defines what is considered an appropriate setting to receive licensure-qualifying experience in each of these professions. Due to the recent creation of these four mental health professions, the State Board has notified the Department of shortages in qualified supervisors because of the three-year experience requirement for supervisors. Eliminating the three-year requirement will decrease the shortages in qualified supervisors and be consistent with other professions.

Secondly, the proposed amendment clarifies that the Department will issue a limited permit to an applicant to practice under supervision while meeting the experience and/or examination requirements for licensure in these professions and that the limited permit shall identify a qualified supervisor. The proposed amendment requires that the permit identify a qualified supervisor acceptable to the Department, and prohibits a supervisor from supervising more than five permit holders at a time, which reflects the significant role of the supervisor in overseeing the practice of permit holders.

Finally, a new section will be added to the existing regulations in each of these professions to allow the Department to endorse a license issued in another jurisdiction if the applicant meets certain education, experience and examination requirements and the applicant has at least 5 years of experience in that profession, satisfactory to the State Board of Mental Health Practitioners, within the 10 years immediately preceding their application for licensure by endorsement.

A Notice of Proposed Rule Making concerning the proposed amendment was published in the State Register on March 31, 2010.

#### Recommendation

N/A

### Timetable for Implementation

If adopted at the June Regents meeting, the proposed amendment will become effective on July 14, 2010.

## AMENDMENTS TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 207, 6501, 6504, 6506, 6507, 6508, 8402, 8403, 8404, 8405, and 8409 of the Education Law.

1. Section 79-9.3 of the Regulations of the Commissioner of Education is amended, effective July 14, 2010, as follows:

### § 79-9.3 Experience requirement.

(a) An applicant for licensure as a mental health counselor shall meet the experience requirement for licensure as a mental health counselor by submitting sufficient documentation of having completed a supervised experience of at least 3,000 clock hours providing mental health counseling in a setting acceptable to the department, all in accordance with the requirements of this section. Not less than 1,500 clock hours of such required experience shall consist of direct contact with clients. The remaining experience may consist of other activities that do not involve direct client contact, including but not limited to, recordkeeping, case management, research, supervision and professional development.

(b) The supervised experience must be obtained after the applicant completes the program required for licensure as a mental health counselor, as prescribed in section 79-9.1 of this Subpart[.], and the experience must be obtained in accordance with the following paragraphs:

(1) any experience obtained in New York must be performed by an applicant under a limited permit issued by the department, except the department may, in limited circumstances, accept experience that was not obtained under a limited permit where an applicant demonstrates that such experience was obtained in an authorized setting under a qualified supervisor.

(2) any experience completed in another jurisdiction may be accepted by the department if it was completed in a setting authorized to provide mental health counseling in that jurisdiction and the experience was provided under a qualified supervisor, as determined by the department.

(c) Supervision of the experience. The experience shall be supervised in accordance with the requirements of this subdivision.

(1) [Supervision of the experience shall consist of contact between the applicant and supervisor during which:

(i) the applicant apprises the supervisor of the assessment and treatment of each client;

(ii) the applicant's cases are discussed with the supervisor;

(iii) the supervisor provides] An applicant shall obtain experience under this section while under the general supervision of a qualified supervisor. General supervision shall mean that a qualified supervisor shall be available for consultation, assessment and evaluation when professional services are being rendered by an applicant and the supervisor shall exercise the degree of supervision appropriate to the circumstances. [the applicant with oversight and guidance in: assessment and evaluation, treatment planning, completing psychosocial histories and progress notes, individual counseling, group counseling, psychotherapy, and consultation; and

(iv) the] The supervisor shall [provides] provide an average of one hour per week or two hours every other week of in-person individual or group supervision[.] wherein the supervisor of such experience shall:

(i) review the applicant's assessment, evaluation and treatment of each client under his or her general supervision; and

(ii) provide oversight, guidance and direction to the applicant in developing skills as a mental health counselor.

(2) Qualifications for supervisors of the required experience. The supervisor of the experience shall [meet each of the following requirements:

(i) The supervisor shall have completed a master's or higher degree program in counseling, in the subject of the field in which the supervisor is licensed as prescribed in subparagraph (iii) of this paragraph, or another field related to the field of counseling as determined by the department;

(ii) The supervisor shall have engaged in the practice of mental health counseling for three years or the part-time equivalent. For purposes of this subparagraph, practice on a full-time basis shall mean 960 clock hours in the practice of mental health counseling, earned over a 52-week period; and

(iii) The supervisor shall] be licensed and registered in New York State to practice mental health counseling, medicine, as a physician assistant, psychology, licensed clinical social work, or as a registered professional nurse or nurse practitioner, pursuant to Articles 163, 131, 131-b, 139, 153, or 154 of the Education Law, respectively; or be an individual with equivalent qualifications as determined by the department; or for applicants who apply for licensure in mental health counseling on or before December 31, 2007, be an individual with certification or registration by an acceptable national certifying or registering body for mental health counselors. To be acceptable to the department, the national certifying or registering body must be recognized nationwide as an organization that certifies or registers mental health counselors throughout the United States based upon a review of their qualifications to practice mental health counseling and must have adequate standards for the review of the applicant's qualifications for practicing mental health counseling, as determined by

the department. Such standards must include standards for the review of the applicant's education and experience for practicing mental health counseling and may include an examination requirement.

(d) Setting for the experience. For a setting for the experience to be acceptable to the department, it shall meet the following requirements:

(1) the setting shall be a location at which legally authorized individuals provide services that constitute the practice of mental health counseling, as defined in section 8402(1) of the Education Law[;]. For purposes of this section, an acceptable setting shall be:

(i) a professional corporation, registered limited liability partnership, or professional service limited liability company authorized to provide services that are within the scope of practice of mental health counseling;

(ii) a sole proprietorship owned by a licensee who provides services that are within the scope of his or her profession and services that are within the scope of practice of mental health counseling;

(iii) a professional partnership owned by licensees who provide services that are within the scope of practice of mental health counseling;

(iv) a hospital or clinic authorized under article 28 of the Public Health Law to provide services that are within the scope of practice of mental health counseling;

(v) a program or facility authorized under the Mental Hygiene Law to provide services that are within the scope of practice of mental health counseling;

(vi) a program or facility authorized under federal law to provide services that are within the scope of practice of mental health counseling; or

(vii) an entity defined as exempt from the licensing requirements or otherwise authorized under New York law or the laws of the jurisdiction in which the entity is

located to provide services that are within the scope of practice of mental health counseling.

(2) the setting in which the experience is gained shall be responsible for the services provided by individuals gaining experience for licensure[; and]. The setting shall also be responsible for providing adequate supervision to such individuals and for assigning a qualified supervisor, as defined in this section, to individuals gaining experience for licensure.

(3) the setting shall not be a private practice owned or operated by the applicant.

(e) Verification of the experience. The licensed supervisor shall submit verification of the supervised experience on forms acceptable to the department. The supervisor is responsible for maintaining documentation of the applicant's supervised practice and hours of supervision, and for submitting a copy of such documentation to the Department upon its request.

2. Section 79-9.4 of the Regulations of the Commissioner of Education is amended, effective July 14, 2010, as follows:

§ 79-9.4 Limited permits.

As authorized by section 8409 of the Education Law, the department may issue a limited permit to practice mental health counseling in accordance with the requirements of this section[.], to allow an applicant to practice under supervision while meeting the experience and/or examination requirements for licensure.

(a) An applicant for a limited permit to practice mental health counseling shall:

(1) file an application for a limited permit with the department and pay the application fee, as prescribed in section 8409(3) of the Education Law;



(2) meet all requirements for licensure as a mental health counselor, including but not limited to the moral character and education requirements, except the examination and/or experience requirements; and

(3) be under the supervision of a supervisor acceptable to the department in accordance with the requirements of section 79-9.3 of this Subpart.

(b) [The] In accordance with the requirements of section 79-9.3 of this Subpart, the limited permit in mental health counseling shall be issued for specific employment setting(s), acceptable to the department [in accordance with the requirements of section 79-9.3 of this Subpart] and the permit shall identify a qualified supervisor acceptable to the department.

(1) The supervisor shall be responsible for appropriate oversight of all services provided by a permit holder under his or her general supervision.

(2) No supervisor shall supervise more than five permit holders at one time.

(c) . . .

3. The Regulations of the Commissioner of Education are amended by the addition of a new section 79-9.7, effective July 14, 2010, to read as follows:

§ 79-9.7 Licensure by endorsement of certain licensed mental health counselors.

An applicant seeking endorsement of a license in mental health counseling issued by another state, country or territory shall present evidence of:

(a) age, the applicant shall be at least 21 years of age;

(b) licensure by another jurisdiction;

(c) completion of a graduate degree in mental health counseling or a related field

that at the time of completion qualified the applicant for licensure as a mental health counselor in the other jurisdiction;

(d) completion of supervised experience in mental health counseling and psychotherapy that qualified the applicant for initial licensure in the other jurisdiction;

(e) passage of an examination acceptable to the department for the practice of mental health counseling;

(f) at least five years of experience in mental health counseling satisfactory to the State Board for Mental Health Practitioners, within the 10 years immediately preceding the application for licensure by endorsement in New York; and

(g) completion of coursework in the identification and reporting of suspected child abuse and neglect or the exemption from such coursework, as specified in 6507(3) of the Education Law;

(h) good moral character as determined by the department;

(i) acceptable licensure and discipline status in each jurisdiction in which the applicant holds a professional license.

4. Section 79-10.3 of the Regulations of the Commissioner of Education is amended, effective July 14, 2010, as follows:

§ 79-10.3 Experience requirement.

(a) An applicant for licensure as a licensed marriage and family therapist shall meet the supervised experience requirement set forth in this section[.] by submitting sufficient documentation of having completed supervised experience of at least 1,500 clock hours providing marriage and family therapy in a setting acceptable to the department in accordance with this section. All 1,500 clock hours of the supervised experience shall consist of direct contact with clients in the practice of marriage and family therapy and must be obtained in accordance with the following paragraphs:

(1) any experience obtained in New York must be performed by an applicant under a limited permit issued by the department, except the department may, in limited

circumstances, accept experience that was not obtained under a limited permit where an applicant demonstrates that such experience was obtained in an authorized setting and under a qualified supervisor.

(2) any experience completed in another jurisdiction may be accepted by the department if it was completed in a setting authorized to provide marriage and family therapy in that jurisdiction and the experience was provided under a qualified supervisor, as determined by the department.

(b) . . .

(c) . . .

(d) Supervision of the experience. The experience shall be supervised in accordance with the requirements of this subdivision.

(1) [Supervision of the experience shall consist of contact between the applicant and supervisor during which:

(i) the applicant apprises the supervisor of the assessment and treatment of each client;

(ii) the applicant's cases are discussed with the supervisor;

(iii) the supervisor provides the] An applicant shall obtain experience under this section while under the general supervision of a qualified supervisor. General supervision shall mean that a qualified supervisor shall be available for consultation, assessment and evaluation when professional services are being rendered by an applicant and the supervisor shall exercise the degree of supervision appropriate to the circumstances. [applicant with oversight and guidance in the application of marriage and family therapy theories, techniques and supervisory processes to assist the applicant in developing skills necessary to practice marriage and family therapy, which emphasizes the treatment of relational, systemic dynamics in therapy and focuses on

special training and techniques required for treating more than one person in therapy;  
and

(iv) the] The supervisor [provides] shall provide an average of one hour per week or two hours every other week of in-person individual or group supervision[.] wherein the supervisor shall:

(i) review the applicant's assessment, evaluation and treatment of each client under his or her general supervision; and

(ii) provide oversight, guidance and direction to the applicant in developing skills as a marriage and family therapist.

(2) Qualifications for supervisors of the required experience. The supervisor of the experience shall meet each of the following requirements:

(i) the supervisor shall [have completed a master's or higher degree program in marriage and family therapy, in the subject of the field in which the supervisor is licensed as prescribed in subparagraph (iii) of this paragraph, or in another field related to the field of marriage and family therapy as determined by the department.

(ii) the supervisor shall have engaged in the practice of marriage and family therapy for three years or the part-time equivalent. For purposes of this subparagraph, practice on a full-time basis shall mean 960 clock hours in the practice of marriage and family therapy, earned over a 52-week period; and

(iii) the supervisor shall] be licensed and registered in New York State to practice marriage and family therapy, medicine, as a physician assistant, psychology, licensed clinical social work, or as a registered professional nurse or nurse practitioner, pursuant to [article] Articles 163, 131, 131-b, 139, 153, or 154 of the Education Law, respectively; or be an individual with equivalent qualifications as determined by the department; or for applicants who apply for licensure in marriage and family therapy on or before

December 31, 2007, be an individual with certification or registration by an acceptable national certifying or registering body for marriage and family therapists as a clinical supervisor. To be acceptable to the department, the national certifying or registering body must be recognized nationwide as an organization that certifies or registers marriage and family therapists throughout the United States based upon a review of their qualifications to practice marriage and family therapy and must have adequate standards for the review of the applicant's qualifications for practicing marriage and family therapy, as determined by the department. Such standards must include standards for the review of the applicant's education and experience for practicing marriage and family therapy and may include an examination requirement.

(e) Setting for the experience. For a setting for the clinical experience to be acceptable to the department, it shall meet the following requirements:

(1) the setting shall be a location at which legally authorized individuals provide services that constitute the practice of marriage and family therapy, as defined in section 8403(1) of the Education Law. For purposes of this section, an acceptable setting shall be:

(i) a professional corporation, registered limited liability partnership, or professional service limited liability company authorized to provide services that are within the scope of practice of marriage and family therapy;

(ii) a sole proprietorship owned by a licensee who provides services that are within the scope of his or her profession and services that are within the scope of practice of marriage and family therapy;

(iii) a professional partnership owned by licensees who provide services that are within the scope of practice of marriage and family therapy;

(iv) a hospital or clinic authorized under article 28 of the Public Health Law to provide services that are within the scope of practice of marriage and family therapy;

(v) a program or facility authorized under the Mental Hygiene Law to provide services that are within the scope of practice of marriage and family therapy;

(vi) a program or facility authorized under federal law to provide services that are within the scope of practice of marriage and family therapy; or

(vii) an entity defined as exempt from the licensing requirements or otherwise authorized under New York law or the laws of the jurisdiction in which the entity is located to provide services that are within the scope of practice of marriage and family therapy.

(2) the setting in which the experience is gained shall be responsible for the services provided by individuals gaining experience for licensure. The setting shall also be responsible for providing adequate supervision to such individuals and for assigning a qualified supervisor, as defined in this section, to individuals gaining experience for licensure.

(3) the setting shall not be a private practice owned or operated by the applicant.

(e) Verification of the experience. The licensed supervisor shall submit verification of the supervised experience on forms acceptable to the department. The supervisor is responsible for maintaining documentation of the applicant's supervised practice and hours of supervision, and, upon request of the department, for submitting a copy of such documentation.

5. Section 79-10.4 of the Regulations of the Commissioner of Education is amended, effective July 14, 2010, to read as follows:

§79-10.4 Limited permits.

As authorized by section 8409 of the Education Law, the department may issue a limited permit to practice marriage and family therapy in accordance with the requirements of this section, to allow an applicant to practice under supervision while meeting the experience and/or examination requirements for licensure.

(a) An applicant for a limited permit to practice marriage and family therapy shall:

(1) file an application for a limited permit with the department and pay the application fee, as prescribed in section 8409(3) of the Education Law;

(2) meet all requirements for licensure as a marriage and family therapist, including but not limited to the moral character and education requirements, except the examination and/or experience requirements; and

(3) be under the supervision of a supervisor acceptable to the department in accordance with the requirements of section 79-10.3 of this Subpart.

(b) [The] In accordance with the requirements of section 79-10.3 of this Subpart, the limited permit in marriage and family therapy shall be issued for specific employment setting(s), acceptable to the department [in accordance with the requirements of section 79-10.3 of this Subpart] and the permit shall identify a qualified supervisor, acceptable to the department.

(1) The supervisor shall be responsible for appropriate oversight of all services provided by a permit holder under his or her general supervision.

(2) No supervisor shall supervise more than five permit holders at one time.

(c) . . .

6. A new section 79-10.7 is added to the Regulations of the Commissioner of Education, effective July 14, 2010, to read as follows:

§79-10.7 Licensure by endorsement of certain licensed marriage and family therapists.

An applicant seeking endorsement of a license in marriage and family therapy issued by another state, country or territory shall present evidence of:

(a) age, the applicant must be at least 21 years of age;

(b) licensure by another jurisdiction;

(c) completion of a graduate degree in marriage and family therapy or a related field that at the time of completion qualified the applicant for licensure as a marriage and family therapist in the other jurisdiction;

(d) completion of supervised experience in marriage and family therapy and psychotherapy that qualified the applicant for initial licensure in the other jurisdiction;

(e) passage of an examination acceptable to the department for the practice of marriage and family therapy;

(f) at least five years of experience in marriage and family therapy satisfactory to the State Board for Mental Health Practitioners, within the 10 years immediately preceding the application for licensure by endorsement in New York; and

(g) completion of coursework in the identification and reporting of suspected child abuse and neglect or the exemption from such coursework, as specified in 6507(3) of the Education Law;

(h) good moral character as determined by the department;

(i) acceptable licensure and discipline status in each jurisdiction in which the applicant holds a professional license.

7. Section 79-11.3 of the Regulations of the Commissioner of Education is amended, effective July 14, 2010, as follows:

§ 79-11.3 Experience requirements.

(a) An applicant for licensure as a creative arts therapist shall meet the experience requirement for licensure as a creative arts therapist by submitting sufficient



documentation of having completed a supervised experience of at least 1,500 clock hours providing creative arts therapy in a setting acceptable to the department, all in accordance with the requirements of this section. Not less than 1,000 clock hours of such required experience shall consist of direct contact with clients. The remaining experience may consist of other activities that do not involve direct client contact, including but not limited to, recordkeeping, case management, supervision, and professional development.

(b) The supervised experience must be obtained after the applicant completes the program required for licensure as a creative arts therapist, as prescribed in section 79-11.1 of this Subpart[.] and such experience must be obtained in accordance with the following paragraphs:

(1) any experience obtained in New York must be performed by an applicant under a limited permit issued by the department, except the department may, in limited circumstances, accept experience that was not obtained under a limited permit where an applicant demonstrates that such experience was obtained in an authorized setting under a qualified supervisor.

(2) any experience completed in another jurisdiction may be accepted by the department if it was completed in a setting authorized to provide creative arts therapy in that jurisdiction and the experience was provided under a qualified supervisor, as determined by the department.

(c) Supervision of the experience. The experience shall be supervised in accordance with the requirements of this subdivision.

(1) [Supervision of the experience shall consist of contact between the applicant and supervisor during which:

(i) the applicant apprises the supervisor of the assessment and treatment of each client;

(ii) the applicant's cases are discussed with the supervisor;

(iii) the supervisor provides] An applicant shall obtain experience under this section while under the general supervision of a qualified supervisor. General supervision shall mean that a qualified supervisor shall be available for consultation, assessment and evaluation when professional services are being rendered by an applicant and the supervisor shall exercise that degree of supervision appropriate to the circumstances. The supervisor shall provide at least one hour per week or four hours per month of in-person individual or group supervision wherein the supervisor shall:

(i) review the applicant's assessment, evaluation and treatment of each client under his or her general supervision; and

(ii) provide oversight, guidance, and direction to the applicant [with oversight and guidance] in developing skills as a creative arts therapist[; and

(iv) the supervisor provides an average of one hour per week or two hours every other week of in-person individual or group supervision].

(2) Qualifications for supervisors of the required experience. The supervisor of the experience shall [meet each of the following requirements:

(i) the supervisor shall have completed a baccalaureate or higher degree program in creative arts, in the subject of the field in which the supervisor is licensed as prescribed in subparagraph (iii) of this paragraph, or another field related to the field of counseling as determined by the department;

(ii) the supervisor shall have engaged in the practice of creative arts therapy for three years or the part-time equivalent. For purposes of this subparagraph, practice on

a full-time basis shall mean 800 clock hours in the practice of creative arts therapy, earned over a 52-week period;

(iii) the supervisor shall] be licensed and registered in New York State to practice creative arts therapy, medicine, as a physician assistant, psychology, licensed clinical social work, or as a registered professional nurse or nurse practitioner, pursuant to [article] Articles 163, 131, 131-b, 139, 153, or 154 of the Education Law, respectively; or be an individual with equivalent qualifications as determined by the department; or for applicants who apply for licensure in creative arts therapy on or before December 31, 2007, be an individual with certification or registration by an acceptable national certifying or registering body for creative arts therapists. To be acceptable to the department, the national certifying or registering body must be recognized nationwide as an organization that certifies or registers creative arts therapists throughout the United States based upon a review of their qualifications to practice creative arts therapy and must have adequate standards for the review of the applicant's qualifications for practicing creative arts therapy, as determined by the department. Such standards must include standards for the review of the applicant's education and experience for practicing creative arts therapy and may include an examination requirement.

(d) Setting for the experience. For a setting for the experience to be acceptable to the department, it shall meet the following requirements:

(1) the setting shall be a location at which legally authorized individuals provide services that constitute the practice of creative arts therapy, as defined in section 8404(1) of the Education Law. For purposes of this section, an acceptable setting shall be:

(i) a professional corporation, registered limited liability partnership, or professional service limited liability company authorized to provide services that are within the scope of practice of creative arts therapy;

(ii) a sole proprietorship owned by a licensee who provides services that are within the scope of his or her profession and services that are within the scope of practice of creative arts therapy;

(iii) a professional partnership owned by licensees who provide services that are within the scope of practice of creative arts therapy;

(iv) a hospital or clinic authorized under article 28 of the Public Health Law to provide services that are within the scope of practice of creative arts therapy;

(v) a program or facility authorized under the Mental Hygiene Law to provide services that are within the scope of practice of creative arts therapy;

(vi) a program or facility authorized under federal law to provide services that are within the scope of practice of creative arts therapy; or

(vii) an entity defined as exempt from the licensing requirements or otherwise authorized under New York law or the laws of the jurisdiction in which the entity is located to provide services that are within the scope of practice of creative arts therapy.

(2) the setting in which the experience is gained shall be responsible for the services provided by individuals gaining experience for licensure[; and]. The setting shall also be responsible for providing adequate supervision to such individuals and for assigning a qualified supervisor, as defined in this section, to individuals gaining experience for licensure.

(3) the setting shall not be a private practice owned or operated by the applicant.

(e) Verification of the experience. The licensed supervisor shall submit verification of the supervised experience on forms acceptable to the department. The

supervisor is responsible for maintaining documentation of the applicant's supervised practice and hours of supervision, and, upon request of the department, for submitting a copy of such documentation.

8. Section 79-11.4 of the Regulations of the Commissioner of Education is amended, effective July 14, 2010, as follows:

§ 79-11.4. Limited permits.

As authorized by section 8409 of the Education Law, the department may issue a limited permit to practice creative arts therapy, in accordance with the requirements of this section, to allow an applicant to practice under the supervision of a qualified supervisor while meeting the experience and/or examination requirements for licensure.

(a) An applicant for a limited permit to practice creative arts therapy shall:

(1) . . .

(2) meet all requirements for licensure as a creative arts therapist including but not limited to the moral character and education requirements, except the examination and/or experience requirements; and

(3) be under the supervision of a supervisor acceptable to the department in accordance with the requirements of section 79-11.3 of this Subpart.

(b) [The] In accordance with the requirements of section 79-11.3 of this Subpart, the limited permit in creative arts therapy shall be issued for specific employment setting(s), acceptable to the department [in accordance with the requirements of section 79-11.3 of this Subpart], and the permit shall identify a qualified supervisor acceptable to the department.

(1) The supervisor shall be responsible for appropriate oversight of all services provided by a permit holder under his or her general supervision.

(2) No supervisor shall supervise more than five permit holders at one time.

(c) . . .

9. A new section 79-11.7 is added to the Regulations of the Commissioner of Education, effective July 14, 2010, to read as follows:

§79-11.7 Licensure by endorsement of certain licensed creative arts therapists.

An applicant seeking endorsement of a license in creative arts therapy issued by another state, country or territory shall present evidence of:

(a) age, the applicant must be at least 21 years of age;

(b) licensure by another jurisdiction;

(c) completion of a graduate degree in creative arts therapy or a related field that at the time of completion qualified the applicant for licensure as a creative arts therapist in the other jurisdiction;

(d) completion of supervised experience in creative arts therapy and psychotherapy that qualified the applicant for initial licensure in the other jurisdiction;

(e) passage of an examination acceptable to the department for the practice of creative arts therapy;

(f) at least five years of experience in creative arts therapy satisfactory to the State Board for Mental Health Practitioners, within the 10 years immediately preceding the application for licensure by endorsement in New York; and

(g) completion of coursework in the identification and reporting of suspected child abuse and neglect or the exemption from such coursework, as specified in 6507(3) of the Education Law;

(h) good moral character as determined by the department;

(i) acceptable licensure and discipline status in each jurisdiction in which the applicant holds a professional license.

10. Section 79-12.3 of the Regulations of the Commissioner of Education is amended, effective July 14, 2010, as follows:

§79-12.3 Experience requirement.

(a) An applicant for licensure as a psychoanalyst shall meet the experience requirement for licensure as a psychoanalyst by submitting sufficient documentation of having completed a supervised experience of at least 1,500 clock hours providing psychoanalysis in a setting acceptable to the department, all in accordance with the requirements of this section. Not less than 750 clock hours of such required experience shall consist of direct contact with clients. The remaining experience may consist of other activities that do not involve direct client contact, including but not limited to, supervision, personal analysis and professional development.

(b) All or part of the supervised experience may be obtained within the education program required for licensure as a psychoanalyst, as prescribed in section 79-12.1 of this Subpart. Any experience not obtained within such education program must comply with the following paragraphs:

(1) any experience obtained in New York must be performed by an applicant under a limited permit issued by the department, except the department may, in limited circumstances, accept experience that was not obtained under a limited permit where an applicant demonstrates that such experience was obtained in an authorized setting under a qualified supervisor.

(2) any experience completed in another jurisdiction may be accepted by the department if it was completed in a setting authorized to provide psychoanalysis in that jurisdiction and the experience was provided under a qualified supervisor, as determined by the department.

(c) Supervision of the experience. The experience shall be supervised in

accordance with the requirements of this subdivision.

(1) [Supervision of the experience shall consist of contact between the applicant and supervisor during which:

(i) the applicant apprises the supervisor of the treatment of each client;

(ii) the applicant's cases are discussed with the supervisor in conformity with federal and state laws regarding the confidentiality of patient-identifiable information;

(iii) the supervisor provides] An applicant shall obtain experience under this section while under the general supervision of a qualified supervisor. General supervision shall mean that a qualified supervisor shall be available for consultation, assessment and evaluation when professional services are being rendered by an applicant and the supervisor shall exercise the degree of supervision appropriate to the circumstances. [the applicant with oversight and guidance in developing skills as a psychoanalyst, including but not limited to, the analysis of resistance, transference, counter-transference, and unconscious processes in the practice of psychoanalysis; and

(iv) the] The supervisor [provides] shall provide an average of one hour per week or two hours every other week of in-person individual or group supervision wherein the supervisor shall:

(i) review the applicant's assessment, evaluation and treatment of each client under his or her general supervision; and

(ii) provide oversight, guidance and direction to the applicant in developing skills as a psychoanalyst. [Supervision may be provided in formats other than in-person only with the approval of the department upon a showing of good cause, including but not limited to, inability to locate a sufficient number of qualified supervisors to perform in-person supervision and an acceptable plan to provide the supervision through an



alternative format.]

(2) Qualifications for supervisors of the required experience. The supervisor of the experience shall [meet each of the following requirements:

(i) the supervisor shall have completed a baccalaureate or higher degree program in psychoanalysis, in the subject of the field in which the supervisor is licensed as prescribed in subparagraph (iii) of this paragraph, or another field related to the field of psychoanalysis as determined by the department.

(ii) the supervisor shall have engaged in the practice of psychoanalysis for three years or the part-time equivalent. For purposes of this subparagraph, practice on a full-time basis shall mean 800 clock hours in the practice of psychoanalysis, earned over a 52-week period;

(iii) the supervisor shall] be licensed and registered in New York State to practice psychoanalysis, medicine, as a physician assistant, psychology, licensed clinical social work, or as a registered professional nurse or nurse practitioner, pursuant to [article] Articles 163, 131, 131-b, 139, 153, or 154 of the Education Law, respectively; or be an individual with equivalent qualifications as determined by the department; or for applicants who apply for licensure in psychoanalysis on or before December 31, 2007, be an individual with certification or registration by an acceptable national certifying or registering body for psychoanalysts. To be acceptable to the department, the national certifying or registering body must be recognized nationwide as an organization that certifies or registers psychoanalysts throughout the United States based upon a review of their qualifications to practice psychoanalysis and must have adequate standards for the review of the applicant's qualifications for practicing psychoanalysis, as determined by the department. Such standards must include standards for the review of the applicant's education and experience for practicing psychoanalysis and may include an

examination requirement.

(d) Setting for the experience. For a setting for the experience to be acceptable to the department, it shall meet the following requirements:

(1) the setting shall be a location at which legally authorized individuals provide services that constitute the practice of psychoanalysis, as defined in section 8405(1) of the Education Law. For purposes of this section, an acceptable setting shall be:

(i) a professional corporation, registered limited liability partnership, or professional service limited liability company authorized to provide services that are within the scope of practice of psychoanalysis;

(ii) a sole proprietorship owned by a licensee who provides services that are within the scope of his or her profession and services that are within the scope of practice of psychoanalysis;

(iii) a professional partnership owned by licensees who provide services that are within the scope of practice of psychoanalysis.

(iv) a hospital or clinic authorized under article 28 of the Public Health Law to provide services that are within the scope of practice of psychoanalysis;

(v) a program or facility authorized under the Mental Hygiene Law to provide services that are within the scope of practice of psychoanalysis;

(vi) a program or facility authorized under federal law to provide services that are within the scope of practice of psychoanalysis; or

(vii) an entity defined as exempt from the licensing requirements or otherwise authorized under New York law or the laws of the jurisdiction in which the entity is located to provide services that are within the scope of practice of psychoanalysis.

(2) the setting in which the experience is gained shall be responsible for the services provided by individuals gaining experience for licensure. The setting shall also

be responsible for providing adequate supervision to such individuals and for assigning a qualified supervisor, as defined in this section, to individuals gaining experience for licensure.

(3) the setting shall not be a private practice owned or operated by the applicant.

(e) Verification of the experience. The licensed supervisor shall submit verification of the supervised experience on forms acceptable to the department. The supervisor is responsible for maintaining documentation of the applicant's supervised practice and hours of supervision, and, upon request of the department, for submitting a copy of such documentation.

11. Section 79-12.4 of the Regulations of the Commissioner of Education is amended, effective June 9, 2010, as follows:

§ 79-12.4 Limited permits.

As authorized by section 8409 of the Education Law, the department may issue a limited permit to practice psychoanalysis in accordance with the requirements of this section, to allow an applicant to practice under supervision while meeting the experience and/or examination requirements for licensure.

(a) An applicant for a limited permit to practice psychoanalysis shall:

(1) . . .

(2) meet all requirements for licensure as a psychoanalyst, including but not limited to the moral character and education requirements, except the examination and/or experience requirements; and

(3) be under the supervision of a supervisor acceptable to the department in accordance with the requirements of section 79-12.3 of this Subpart.

(b) [The] In accordance with the requirements of section 79-12.3 of this Subpart, the limited permit in psychoanalysis shall be issued for specific employment setting(s),

acceptable to the department [in accordance with the requirements of section 79-12.3 of this Subpart] and the permit shall identify a qualified supervisor, acceptable to the department.

(1) The supervisor shall be responsible for appropriate oversight of all services provided by a permit holder under his or her general supervision.

(2) No supervisor shall supervise more than five permit holders at one time.

(c) . . .

12. A new section 79-12.7 shall be added to the Regulations of the Commissioner of Education, effective July 14, 2010, to read as follows:

§79-12.7 Licensure by endorsement of certain licensed psychoanalysts.

An applicant seeking endorsement of a license in psychoanalysis issued by another state, country or territory shall present evidence of:

(a) age, the applicant shall be 21 years of age;

(b) licensure by another jurisdiction;

(c) completion of a graduate degree in psychoanalysis or a related field that at the time of completion qualified the applicant for licensure as a psychoanalyst in the other jurisdiction;

(d) completion of supervised experience in psychoanalysis that qualified the applicant for initial licensure in the other jurisdiction;

(e) passage of an examination acceptable to the department for the practice of psychoanalysis;

(f) at least five years of experience in psychoanalysis satisfactory to the State Board for Mental Health Practitioners, within the 10 years immediately preceding the application for licensure by endorsement in New York; and

(g) completion of coursework in the identification and reporting of suspected child abuse and neglect or the exemption from such coursework, as specified in 6507(3) of the Education Law;

(h) good moral character as determined by the department;

(i) acceptable licensure and discipline status in each jurisdiction in which the applicant holds a professional license.