

**Statutory authority:** Education Law, sections 207, 305, 921; L. 2021, ch. 339

**Subject:** Administration of non-injectable glucagon in schools by trained unlicensed school personnel.

**Purpose:** To conform the Commissioner's regulations to chapter 339 of the Laws of 2021.

**Text or summary was published** in the December 29, 2021 issue of the Register, I.D. No. EDU-52-21-00015-EP.

**Final rule as compared with last published rule:** No changes.

**Text of rule and any required statements and analyses may be obtained from:** Kirti Goswami, NYS Education Department, Office of Counsel, 89 Washington Avenue, Room 112 EB, Albany, NY 12234, (518) 474-6400, email: legal@nysed.gov

#### Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2025, which is no later than the 3rd year after the year in which this rule is being adopted.

#### Assessment of Public Comment

The agency received no public comment.

### PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

#### Continuing Education (CE) Requirements for Psychologists, Social Workers and Mental Health Practitioners

**I.D. No.** EDU-17-22-00005-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** Amendment of sections 72.6, 74.10, 79-9.8, 79-10.8, 79-11.8 and 79-12.8 of Title 8 NYCRR.

**Statutory authority:** Education Law, sections 207, 6504, 6507, 7607, 7710 and 8412

**Subject:** Continuing education (CE) requirements for psychologists, social workers and mental health practitioners.

**Purpose:** To require such professionals to complete three CE credits on issues related to maintaining appropriate professional boundaries.

**Text of proposed rule:** 1. Subdivision (c) of section 72.6 of the Regulations of the Commissioner of Education is amended, to read as follows:

(c) The department may, in its discretion and as needed to contribute to the health and welfare of the public, require the completion of continuing education courses in specific subjects to fulfill this mandatory continuing education requirement.

(i) *Commencing with registration periods beginning on or after April 1, 2023, a licensee shall complete, as part of the required 36 hours of continuing education, three hours of continuing education on issues related to maintaining appropriate professional boundaries between licensees and patients, from a provider approved by the department.*

2. Clause (c) of subparagraph (ii) of paragraph (2) of subdivision (c) of section 74.10 of the Regulations of the Commissioner of Education is amended, to read as follows:

(c) The department may, in its discretion and as needed to contribute to the health and welfare of the public, require the completion of continuing education courses in specific subjects to fulfill this mandatory continuing education requirement.

(i) *Commencing with registration periods beginning on or after April 1, 2023, a licensee shall complete, as part of the required 36 hours of continuing education, three hours of continuing education on issues related to maintaining appropriate professional boundaries between licensees and patients, from a provider approved by the department.*

3. Clause (c) of subparagraph (ii) paragraph (2) of subdivision (c) of section 79-9.8 of the Regulations of the Commissioner of Education is amended, to read as follows:

(c) The department may, in its discretion and as needed to contribute to the health and welfare of the public, require the completion of continuing education courses in specific subjects to fulfill this mandatory continuing education requirement.

(i) *Commencing with registration periods beginning on or after April 1, 2023, a licensee shall complete, as part of the required 36 hours of continuing education, three hours of continuing education on issues related to maintaining appropriate professional boundaries licensees and patients, from a provider approved by the department.*

4. Clause (c) of subparagraph (ii) of paragraph (2) of subdivision (c) of section 79-10.8 of the Regulations of the Commissioner of Education is amended, to read as follows:

(c) The department may, in its discretion and as needed to contribute to the health and welfare of the public, require the completion of continuing education courses in specific subjects to fulfill this mandatory continuing education requirement.

(i) *Commencing with registration periods beginning on or after April 1, 2023, a licensee shall complete, as part of the required 36 hours of continuing education, three hours of continuing education on issues related to maintaining appropriate professional boundaries between licensees and patients, from a provider approved by the department.*

5. Clause (c) of subparagraph (ii) of paragraph (2) of subdivision (c) of section 79-11.8 of the Regulations of the Commissioner of Education is amended, to read as follows:

(c) The department may, in its discretion and as needed to contribute to the health and welfare of the public, require the completion of continuing education courses in specific subjects to fulfill this mandatory continuing education requirement.

(i) *Commencing with registration periods beginning on or after April 1, 2023, a licensee shall complete, as part of the required 36 hours of continuing education, three hours of continuing education on issues related to maintaining appropriate professional boundaries between licensees and patients, from a provider approved by the department.*

6. Clause (c) of subparagraph (ii) of paragraph (2) of subdivision (c) of section 79-12.8 of the Regulations of the Commissioner of Education is amended, to read as follows:

(c) The department may, in its discretion and as needed to contribute to the health and welfare of the public, require the completion of continuing education courses in specific subjects to fulfill this mandatory continuing education requirement.

(i) *Commencing with registration periods beginning on or after April 1, 2023, a licensee shall complete, as part of the required 36 hours of continuing education, three hours of continuing education on issues related to maintaining appropriate professional boundaries between licensees and patients, from a provider approved by the department.*

**Text of proposed rule and any required statements and analyses may be obtained from:** Kirti Goswami, NYS Education Department, Office of Counsel, 89 Washington Avenue, Room 112EB, Albany, NY 12234, (518) 474-6400, email: legal@nysed.gov

**Data, views or arguments may be submitted to:** Sarah S. Benson, Deputy Commissioner, NYS Education Department, Office of the Professions, 89 Washington Avenue, 2nd Floor EB, West Wing, Albany, NY 12234, (518) 486-1727, email: REGCOMMENTS@nysed.gov

**Public comment will be received until:** 60 days after publication of this notice.

**This rule was not under consideration at the time this agency submitted its Regulatory Agenda for publication in the Register.**

#### Regulatory Impact Statement

##### 1. STATUTORY AUTHORITY:

Section 207 of the Education Law grants general rule-making authority to the Board of Regents to carry into effect the laws and policies of the State relating to education.

Section 6504 of the Education Law authorizes the Board of Regents to supervise the admission to and regulation of the practice of the professions.

Paragraph (a) of subdivision (2) of section 6507 of the Education Law authorizes the Commissioner of Education to promulgate regulations in administering the admission to and the practice of the professions.

Section 7607 of the Education Law establishes the mandatory continuing education (CE) requirements for psychologists and provides the Department with the discretion, as needed to contribute to the health and welfare of the public, to require the completion of CE courses in specific subjects.

Section 7710 of the Education Law establishes the mandatory CE requirements for social workers and provides the Department with the discretion, as needed to contribute to the health and welfare of the public, to require the completion of CE courses in specific subjects.

Section 8412 of the Education Law establishes the mandatory CE requirements for mental health practitioners and provides the Department with the discretion, as needed to contribute to the health and welfare of the public, to require the completion of CE courses in specific subjects.

##### 2. LEGISLATIVE OBJECTIVES:

The proposed rule is consistent with the above statutory authority and is necessary to add a mandatory CE requirement on issues related to maintaining appropriate professional boundaries with patients/clients to the CE requirements for psychologists, social workers and mental health practitioners to ensure that all the licensees in these professions are adequately trained in avoiding and preventing professional boundary issues with their patients/clients and that they maintain this competency throughout their careers, which will further such goals and interests of public health and protection.

Several disciplinary matters have recently come before the Board of

Regents for action against licensed psychologists, social workers, and mental health practitioners, which, included, among other things, boundary violations. Boundary violations are based on an unequal power relationship, where the licensed professional has the role of authority in the professional relationship and access to personal, confidential information about the patient/client. Examples of recent boundary violation disciplinary matters include:

- Licensee leaving multiple messages on a former patient's voicemail with inappropriate statements;
- Licensee sending inappropriate text messages to a patient on more than one occasion, causing such patient to think that licensee and patient were friends; and
- Licensee sending abundant text messages, which were not therapy-related, to a patient's phone, outside of their normally scheduled therapeutic meeting times, over a period of several months.

When a professional violates the patient's/client's trust by converting the professional into the personal, some patients/clients may not recognize the violation. In other cases, the patient/client may want to avoid terminating the professional relationship and, therefore, may not report inappropriate action by the licensee who is responsible for establishing and maintaining boundaries. Therefore, it is likely that boundary violations occur more frequently than suggested even by the Board of Regents disciplinary actions.

The Education Law defines the license and practice of psychologists (Article 153), licensed master social work and licensed clinical social work (Article 154), and mental health counselors, marriage and family therapists, creative arts therapists and psychoanalysts (Article 163; together, "mental health practitioners"). Licensees in each of these seven professions must complete 36 hours of CE from a Department-approved provider each triennial registration period (Education Law §§ 7607[1], 7710[1] and 8410[1]). Licensees can only practice their professions if their registrations are current.

Pursuant to Education Law §§ 7607(3)(c), 7710(3)(b) and 8412(3)(b), the Department is authorized, in its discretion and as needed to contribute to the health and welfare of the public, to require the completion of CE courses in specific subjects to fulfill the mandatory CE requirements for psychologists, social workers and mental health practitioners, respectively.

To further the interest of public health and protection, the proposed amendments to sections 72.6, 74.10, 79-9.8, 79-10.8, 79-11.8, and 79-12.8 of the Commissioner's regulations require psychologists, social workers and mental health practitioners to complete three CE credits on issues related to maintaining appropriate professional boundaries with patients/clients commencing with registration periods beginning on and after April 1, 2023. While professional education programs for psychology, social work and mental health practitioners include overviews of professional ethics that underlie those professions and discussions about transference and countertransference, licensees may be faced with real world challenges when engaged in practice that go beyond those covered by these educational requirements. Newly licensed and experienced professionals may blur the boundaries that separate the professional from the personal. Therefore, the proposed rule is necessary to ensure that each licensee in these professions, whether engaged in education, direct patient care or administration, is required to complete three hours of acceptable CE in maintaining appropriate boundaries in professional relationships.

### 3. NEEDS AND BENEFITS:

The proposed rule is necessary to add a mandatory CE requirement on issues related to maintaining appropriate professional boundaries with patients/clients to the CE requirements for psychologists, social workers and mental health practitioners to ensure that all the licensees in these professions are adequately trained in avoiding and preventing professional boundary issues with their patients/clients and that they maintain this competency throughout their careers, which will further such goals and interests of public health and protection.

### 4. COSTS:

(a) Costs to State government: The proposed rule implements statutory requirements and establishes standards as directed by statute and will not impose any additional costs on State government beyond those imposed by the statutory requirements.

(b) Costs to local governments: There are no additional costs to local governments.

(c) Costs to private regulated parties: The proposed rule does not impose any additional costs on private regulated parties beyond those imposed by existing statute and regulation.

As required by Education Law § 7607(3)(e) and § 72.6(j)(i) of the Commissioner's regulations psychologists must pay a mandatory CE fee of \$50 each triennial registration period in addition to a \$155 triennial registration fee, pursuant to Education Law § 7603(8).

As required by Education Law § 7710(3)(c) and § 74.10(j)(i) of the Commissioner's regulations social workers must pay a mandatory CE fee of \$45 each triennial registration period in addition to a \$155 triennial registration fee, pursuant to Education Law § 7704(2)(g).

As required by Article 163 of the Education Law and Part 79 of the Commissioner's regulations social workers must pay a mandatory CE fee of \$45 each triennial registration period in addition to a \$170 triennial registration fee, pursuant to Article 163 of the Education Law.

Licensees in these professions must also pay for the CE that they take from Department approved providers. The cost of such courses is determined by the Department approved CE providers, not the Department.

(d) Cost to the regulatory agency: The proposed rule does not impose any additional costs on the Department beyond those imposed by statute. Any associated costs to the Department will be offset by the fees charged to applicants and no significant cost will result to the Department.

### 5. LOCAL GOVERNMENT MANDATES:

The proposed rule is necessary to add a mandatory CE requirement on issues related to maintaining appropriate professional boundaries with patients/clients to the CE requirements for psychologists, social workers and mental health practitioners to ensure that all the licensees in these professions are adequately trained in avoiding and preventing professional boundary issues with their patients/clients and that they maintain this competency throughout their careers, which will further such goals and interests of public health and protection. The proposed rule does not impose any program, service, duty, or responsibility upon local governments.

### 6. PAPERWORK:

The proposed rule imposes no new reporting or other paperwork requirements beyond those imposed by the statute.

### 7. DUPLICATION:

The proposed rule is necessary to add a mandatory CE requirement on issues related to maintaining appropriate professional boundaries with patients/clients to the CE requirements for psychologists, social workers and mental health practitioners to ensure that all the licensees in these professions are adequately trained in avoiding and preventing professional boundary issues with their patients/clients and that they maintain this competency throughout their careers, which will further such goals and interests of public health and protection. There are no other state or federal requirements on the subject matter of the proposed rule. Therefore, the proposed rule does not duplicate other existing New York State or federal requirements.

### 8. ALTERNATIVES:

The proposed rule is necessary to add a mandatory CE requirement on issues related to maintaining appropriate professional boundaries with patients/clients to the CE requirements for psychologists, social workers and mental health practitioners to ensure that all the licensees in these professions are adequately trained in avoiding and preventing professional boundary issues with their patients/clients and that they maintain this competency throughout their careers, which will further such goals and interests of public health and protection. There are no significant alternatives to the proposed rule available and none were considered.

### 9. FEDERAL STANDARDS:

Since there are no applicable federal standards, the proposed rule does not exceed any minimum federal standards for the same or similar subject areas.

### 10. COMPLIANCE SCHEDULE:

It is anticipated that the proposed rule will be presented to the Board of Regents for adoption at the September 2022 Regents meeting, after publication of the proposed amendment in the State Register and expiration of the 60-day public comment period required under the State Administrative Procedure Act. If adopted at the September 2022 Regents meeting, the proposed amendments to sections 72.6, 74.10, 79-9.8, 79-10.8, 79-11.8, and 79-12.8 of the Commissioner's regulations will become effective on September 28, 2022. It is anticipated that regulated parties will be able to comply with the proposed amendments by their respective effective dates.

### *Regulatory Flexibility Analysis*

#### (a) Small Businesses:

The proposed rule is necessary to add a mandatory continuing education (CE) requirement on issues related to maintaining appropriate professional boundaries with patients/clients to the CE requirements for psychologists, social workers and mental health practitioners to ensure that all the licensees in these professions are adequately trained in avoiding and preventing professional boundary issues with their patients/clients and that they maintain this competency throughout their careers, which will further such goals and interests of public health and protection. All psychologists, social workers and mental health practitioners, including psychologists, social workers and mental health practitioners who are employed by small businesses, will have to comply with the proposed rule's three credit professional boundaries CE requirement as part of the 36 credits of CE that they are required each triennial registration period.

Therefore, the proposed rule will not impose any new reporting, recordkeeping, or other compliance requirements, or have any adverse economic impact on small businesses. Because it is evident from the nature of the proposed rule that it will not adversely affect small businesses, no



affirmative steps were needed to ascertain that fact and none were taken. Accordingly, a regulatory flexibility analysis for small businesses is not required, and one has not been prepared.

(b) Local Governments:

1. EFFECT OF RULE:

The proposed rule adds a mandatory CE requirement on issues related to maintaining appropriate professional boundaries with patients/clients to the CE requirements for psychologists, social workers and mental health practitioners to ensure that all the licensees in these professions are adequately trained in avoiding and preventing professional boundary issues with their patients/clients and that they maintain this competency throughout their careers, which will further such goals and interests of public health and protection.

In New York State, the number of licensed psychologists is 15,430, social workers is 61,679 (31,679 licensed master social workers and 30,000 licensed clinical social workers) and mental health practitioners is 13,177 (1,911 creative arts therapists, 1,391 marriage and family therapists, 9,126 mental health counselors, and 749 psychoanalysts) and all of them will be subject to the proposed rule's professional boundaries CE requirement. However, the number of these psychologists, social workers and mental health practitioners who may be employed by local governments is unknown.

2. COMPLIANCE REQUIREMENTS:

The proposed rule adds a mandatory CE requirement on issues related to maintaining appropriate professional boundaries with patients/clients to the CE requirements for psychologists, social workers and mental health practitioners to ensure that all the licensees in these professions are adequately trained in avoiding and preventing professional boundary issues with their patients/clients and that they maintain this competency throughout their careers, which will further such goals and interests of public health and protection. The proposed rule requires all psychologists, social workers and mental health practitioners to comply with the new three credit professional boundaries CE requirement each triennial registration period.

3. PROFESSIONAL SERVICES:

It is not anticipated that local governments will need professional services to comply with the proposed rule.

4. COMPLIANCE COSTS:

The proposed rule does not impose any costs on local governments beyond those imposed by current statute and regulation.

As required by Education Law § 7607(3)(e) and § 72.6(j)(i) of the Commissioner's regulations psychologists must pay a mandatory CE fee of \$50 each triennial registration period in addition to a \$155 triennial registration fee, pursuant to Education Law § 7603(8).

As required by Education Law § 7710(3)(c) and § 74.10(j)(i) of the Commissioner's regulations social workers must pay a mandatory CE fee of \$45 each triennial registration period in addition to a \$155 triennial registration fee, pursuant to Education Law § 7704(2)(g).

As required by Article 163 of the Education Law and Part 79 of the Commissioner's regulations social workers must pay a mandatory CE fee of \$45 each triennial registration period in addition to a \$170 triennial registration fee, pursuant to Article 163 of the Education Law.

Licensees in these professions must also pay for the CE that they take from Department approved providers. The cost of such courses is determined by the Department approved CE providers, not the Department.

5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY:

The proposed rule will not impose any new technological requirements on regulated parties, including local governments, and the proposed rule is economically feasible. See above "Compliance Costs" for the economic impact of the regulation.

6. MINIMIZING ADVERSE IMPACT:

The proposed rule adds a mandatory CE requirement on issues related to maintaining appropriate professional boundaries with patients/clients to the CE requirements for psychologists, social workers and mental health practitioners to ensure that all the licensees in these professions are adequately trained in avoiding and preventing professional boundary issues with their patients/clients and that they maintain this competency throughout their careers, which will further such goals and interests of public health and protection. See above "Compliance Costs" for the minimizing adverse impact of the regulation.

7. LOCAL GOVERNMENT PARTICIPATION:

Statewide organizations representing all parties having an interest in the practice of psychology, social work, and mental health practitioners, including the State Boards for Psychology, Social Work, and Mental Health Practitioners and who are members of various professional associations and groups, which include state and federal employees, were consulted and provided input into the development of the proposed rule and their comments were considered in its development.

*Rural Area Flexibility Analysis*

1. TYPES AND ESTIMATED NUMBERS OF RURAL AREAS:

The proposed rule will apply to all individuals seeking licensure as a

psychologists, social workers and mental health practitioners and all licensed psychologists, social workers and mental health practitioners licensed in New York State, including those located in the 44 counties with less than 200,000 inhabitants and the 71 towns in urban counties with a population density of 150 per square miles or less.

2. REPORTING, RECORDKEEPING AND OTHER COMPLIANCE REQUIREMENTS; AND PROFESSIONAL SERVICES:

The proposed rule is necessary to add a mandatory CE requirement on issues related to maintaining appropriate professional boundaries with patients/clients to the CE requirements for psychologists, social workers and mental health practitioners to ensure that all the licensees in these professions are adequately trained in avoiding and preventing professional boundary issues with their patients/clients and that they maintain this competency throughout their careers, which will further such goals and interests of public health and protection.

Several disciplinary matters have recently come before the Board of Regents for action against licensed psychologists, social workers, and mental health practitioners, which, included, among other things, boundary violations. Boundary violations are based on an unequal power relationship, where the licensed professional has the role of authority in the professional relationship and access to personal, confidential information about the patient/client.

When a professional violates the patient's/client's trust by converting the professional into the personal, some patients/clients may not recognize the violation. In other cases, the patient/client may want to avoid terminating the professional relationship and, therefore, may not report inappropriate action by the licensee who is responsible for establishing and maintaining boundaries. Therefore, it is likely that boundary violations occur more frequently than suggested even by the Board of Regents disciplinary actions.

To further the interest of public health and protection, the proposed amendments to sections 72.6, 74.10, 79-9.8, 79-10.8, 79-11.8, and 79-12.8 of the Commissioner's regulations require psychologists, social workers, and mental health practitioners to complete three CE credits on issues related to maintaining appropriate professional boundaries with patients/clients commencing with registration periods beginning on and after April 1, 2023. These professional boundaries CE credits must be taken from Department approved providers.

Psychologists, social workers, and mental health practitioners licensed in New York State, who are seeking to maintain their registration in order to practice in this State, will be required to take three CE credits in professional boundaries as part of the 36 credits of CE that are required each triennial registration period. These psychologists, social workers, and mental health practitioners will also be required to pay a mandatory CE fee and the triennial registration fee, as well as the cost for attending CE courses.

The proposed rule will not impose any additional professional service requirements on entities in rural areas.

3. COSTS:

As required by Education Law § 7607(3)(e) and § 72.6(j)(i) of the Commissioner's regulations psychologists must pay a mandatory CE fee of \$50 each triennial registration period in addition to a \$155 triennial registration fee, pursuant to Education Law § 7603(8).

As required by Education Law § 7710(3)(c) and § 74.10(j)(i) of the Commissioner's regulations social workers must pay a mandatory CE fee of \$45 each triennial registration period in addition to a \$155 triennial registration fee, pursuant to Education Law § 7704(2)(g).

As required by Article 163 of the Education Law and Part 79 of the Commissioner's regulations social workers must pay a mandatory CE fee of \$45 each triennial registration period in addition to a \$170 triennial registration fee, pursuant to Article 163 of the Education Law.

Licensees in these professions must also pay for the CE that they take from Department approved providers. The cost of such courses is determined by the Department approved CE providers, not the Department.

4. MINIMIZING ADVERSE IMPACT:

The proposed rule is necessary to add a mandatory CE requirement on issues related to maintaining appropriate professional boundaries with patients/clients to the CE requirements for psychologists, social workers and mental health practitioners to ensure that all the licensees in these professions are adequately trained in avoiding and preventing professional boundary issues with their patients/clients and that they maintain this competency throughout their careers, which will further such goals and interests of public health and protection. The aforementioned statutory requirements for CE requirements do not make exceptions for individuals who live or work in rural areas. Thus, the State Education Department has determined that the proposed rule's requirements should apply to all individuals seeking licensure as a pharmacist and all licensed pharmacists seeking to retain their registration to practice in this State by complying with the triennial CE requirements, regardless of the geographic location, to help ensure continuing competency across the State. Because of the nature of the proposed rule, alternative approaches for rural areas were not considered.

## 5. RURAL AREA PARTICIPATION:

Comments on the proposed rule were solicited from statewide organizations representing parties having an interest in the practice of pharmacy and pharmacy technicians. These organizations included the State Boards for Psychology, Social Work, and Mental Health Practitioners and professional associations representing the psychologists, social work, and mental health practitioners. These groups have members who live or work in rural areas.

**Job Impact Statement**

The proposed rule is necessary to add a mandatory CE requirement on issues related to maintaining appropriate professional boundaries with patients/clients to the CE requirements for psychologists, social workers and mental health practitioners to ensure that all the licensees in these professions are adequately trained in avoiding and preventing professional boundary issues with their patients/clients and that they maintain this competency throughout their careers, which will further such goals and interests of public health and protection.

Several disciplinary matters have recently come before the Board of Regents for action against licensed psychologists, social workers, and mental health practitioners, which, included, among other things, boundary violations. Boundary violations are based on an unequal power relationship, where the licensed professional has the role of authority in the professional relationship and access to personal, confidential information about the patient/client.

When a professional violates the patient's/client's trust by converting the professional into the personal, some patients/clients may not recognize the violation. In other cases, the patient/client may want to avoid terminating the professional relationship and, therefore, may not report inappropriate action by the licensee who is responsible for establishing and maintaining boundaries. Therefore, it is likely that boundary violations occur more frequently than suggested even by the Board of Regents disciplinary actions.

The Education Law defines the license and practice of psychologists (Article 153), licensed master social work and licensed clinical social work (Article 154), and mental health counselors, marriage and family therapists, creative arts therapists, and psychoanalysts (Article 163; together, "mental health practitioners"). Licensees in each of these seven professions must complete 36 hours of CE from a Department-approved provider each triennial registration period (Education Law §§ 7607[1], 7710[1] and 8410[1]). Licensees can only practice their professions if their registrations are current.

Pursuant to Education Law §§ 7607(3)(c), 7710(3)(b) and 8412(3)(b), the Department is authorized, in its discretion and as needed to contribute to the health and welfare of the public, to require the completion of CE courses in specific subjects to fulfill the mandatory CE requirements for psychologists, social workers and mental health practitioners, respectively.

To further the interest of public health and protection, the proposed amendments to sections 72.6, 74.10, 79-9.8, 79-10.8, 79-11.8, and 79-12.8 of the Commissioner's regulations require psychologists, social workers, and mental health practitioners to complete three CE credits on issues related to maintaining appropriate professional boundaries with patients/clients commencing with registration periods beginning on and after April 1, 2023.

It is not anticipated that the proposed rule will increase or decrease the number of jobs to be filled because, among other things, licensed psychologists, licensed master social workers and licensed clinical social workers, and mental health counselors, marriage and family therapists, creative arts therapists and psychoanalysts are already required to complete 36 hours of CE from a Department-approved provider each triennial registration period (Education Law §§ 7607[1], 7710[1] and 8410[1]) and, pursuant to Education Law §§ 7607(3)(c), 7710(3)(b) and 8412(3)(b), the Department is authorized, in its discretion and as needed to contribute to the health and welfare of the public, to require the completion of CE courses in specific subjects, such as the proposed rule's three credits of professional boundaries CE requirement, as part of the existing CE requirement. While this new professional boundaries CE requirement may result in others seeking to become Department approved CE providers for one or more of the seven aforementioned professions, which may increase jobs, based on Department research, it is anticipated that the existing Department approved CE providers have sufficient professional boundaries related CE offerings and/or could, if necessary, timely develop additional professional boundaries related CE offerings for all these professions to satisfy this proposed requirement. Therefore, the proposed rule will not have a substantial adverse impact on jobs and employment opportunities. Because it is evident from the nature of the proposed rule that it will not affect job and employment opportunities, no affirmative steps were needed to ascertain that fact and none were taken. Accordingly, a job impact statement is not required and one has not been prepared.

**PROPOSED RULE MAKING  
NO HEARING(S) SCHEDULED**

**Registration Requirements for Residency Programs and  
Residency Certificate Requirements**

I.D. No. EDU-17-22-00006-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** Amendment of sections 52.21 and 80-5.24 of Title 8 NYCRR.

**Statutory authority:** Education Law, sections 101, 207, 208, 305, 308, 3001, 3004 and 3009

**Subject:** Registration requirements for residency programs and residency certificate requirements.

**Purpose:** To establish registration requirements for residency programs and to revise residency certificate requirements.

**Text of proposed rule:** 1. Subparagraph (iii) of paragraph (1) of subdivision (b) of section 52.21 of the Regulations of the Commissioner of Education is amended to read as follows:

(iii) Clinical experience means an experience where candidates work in educational settings, or with community-based organizations, when appropriate, and engage in the pedagogical work of the profession of teaching, closely integrated with educator preparation coursework and supported by partnering institutions. Clinical experiences may include but are not limited to field experience placements, student teaching, practica, residencies, and limited virtual and/or simulated experiences.

2. Subparagraphs (xv) through subparagraph (xxi) of paragraph (1) of subdivision (b) of section 52.21 of the Regulations of the Commissioner of Education are re-lettered subparagraphs (xvi) through (xxii) and a new subparagraph (xv) is added to read as follows:

(xv) *Residency means a structured, college-supervised learning experience for a candidate in a teacher education program that is designed and implemented through a memorandum of understanding or similar collaborative agreement between an institution of higher education and an educational setting where the partners design the residency to provide candidates with instructional experiences connected to program learning goals and district priorities and develop shared expectations for the candidate's gradual assumption of responsibilities in their placement in the area of the certificate sought. Candidates complete pedagogical coursework during the residency and practice under the direct supervision of the certified school-based teacher.*

3. Subclause (2) of clause (c) of subparagraph (ii) of paragraph (2) of subdivision (b) of section 52.21 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(2) [Field experiences, student teaching and practica] *Clinical experiences.*

(i) For registered programs with students who first enroll prior to the Fall 2023 semester that include student teaching or practica:

(A) [All registered programs] *Programs shall include at least 100 clock hours of field experiences related to coursework prior to student teaching or practica. The program shall include:*(B) ...

(ii) For registered programs with students who first enroll for the Fall 2023 semester and thereafter *that include student teaching or practica:*

(A) [All registered programs] *Programs shall include at least 100 clock hours of field experiences related to coursework prior to student teaching or practica, provided that at least 15 of the 100 clock hours of field experiences shall include a focus on understanding the needs of students with disabilities.*

(B) ...

(C) ...

(D) ...

(E) ...

(iii) *For registered residency programs:*

(A) *General requirements for residency programs.*

(I) *The residency program shall include a residency of at least one academic year in length that includes at least 1,000 hours of clinical experiences for candidates which shall enable candidates to experience the full range of a teacher's annual responsibilities, in alignment with the daily schedule and annual calendar of that educational setting; provided that candidates pursuing more than one certificate title may complete placements of at least 250 hours for each additional certificate title within the 1,000 or more total hours.*

(II) *The residency program shall include at least 15 hours of clinical experiences that shall include a focus on understanding the needs of students with disabilities.*