

**Clinical Scope of Practice Legislation**

**REVISED MONDAY, 5/30/22**

On Friday night Assembly Member Bronson amended his LMHC, LMFT and Psychoanalyst diagnosis bill, **A6008,** and it was introduced in the Assembly as **A6008E.** Senator Brouk also introduced new legislation. The bills are identical. The Senate version is **S9449**.

Note: The newly introduced legislation was amended from the draft legislation we shared on Thursday. Amendments were requested by SED and the Assembly Higher Ed Committee.

**Here is a summary of the newly introduced legislation:**

\*Includes definitions for "diagnosis" and "development of assessment-based treatment plans"

\*Creates a new diagnosis privilege for LMHCs, LMFTs and Psychoanalysts

\*To qualify for the privilege, individuals would:

* file an application with NYSED
* be licensed and registered as a LMHC, LMFT or psychoanalyst in NYS
* verify completion of 60 semester hour master's degree or higher including a core curriculum which includes at least 12 hours of clinical courses preparing them to diagnose and develop assessment-based treatment plans (note, those who have a master's degree or higher that did not complete the required hours may satisfy such requirement by completing equivalent post-graduate courses)
* have at least **2000** hours supervised, direct client contact including diagnosis, psychotherapy, and development of assessment-based treatment plans
* pay a fee of $175 for privilege which is valid for the life of the holder unless revoked.

Put another way, regarding experience for the privilege, the standard in this bill is at least 2000 hours supervised experience in direct clinical contact including diagnosis or development of assessment-based treatment plans **OR**an attestation from supervisor of individual licensed prior to 6/24/24 working in a facility or other supervised setting, attesting that licensee had at least 3 years direct clinical contact.**Licensee would submit application within 3 years of the effective date of this section, which is 6/24/24.**

\* Includes language saying nothing in the bill shall prohibit or limit a LMHC, LMFT or psychoanalyst from engaging in diagnosis and development of assessment-based treatment plans in a facility or other supervised setting under supervision through 6/24/25.

\*LMHCs, LMFTs or psychoanalysts who engage in diagnosis or develop assessment-based treatment plans without a privilege may be charged with professional misconduct beginning 6/24/24.

\*Allows the limited permit process to be used to gain experience