

Restricted Activities and Exemptions for Mental Health/Addiction Professions in OMH or OASAS Settings¹

Date issued: December 2023

This table delineates the restricted activities individuals with specific credentials are able to perform in OMH or OASAS settings. For the purposes of this guidance, OMH and OASAS settings refers to any setting licensed, certified, or otherwise authorized by OMH or OASAS to provide mental health or addiction services and supports. Note that program guidance further details activities performed by specific staff. This table is limited to delineating restricted activities. Individuals with these credentials may perform activities in programs that are not shown in the table. Restricted Activities are defined as Assessment & Evaluation, Diagnosis, Psychotherapy, Assessment Based Treatment Planning (ABTP), and Treatment other than Psychotherapy. See page 14 for students.

Mental Health/Addiction Profession	Credential	Restricted Activities that can be provided in an OMH or OASAS settings	Supervisory requirements that allow for Restricted Activities in OMH or OASAS settings	Legal exemption(s) that may apply to individuals with this credential
Creative Arts Therapy	Licensed Creative Arts Therapist (LCAT)	May perform restricted activities except diagnosis and ABTP.		<ul style="list-style-type: none"> Grandparenting provision allows for all restricted activities if employed in appropriate setting prior to June 24, 2022².
	Creative Arts Therapist (CAT) with limited permit (LP)	May perform restricted activities except diagnosis and ABTP. Allowable activities may be performed under supervision only.	A CAT with a LP may perform restricted activities within the scope of practice of a Licensed Creative Arts Therapist under the supervision of a Licensed Creative Arts Therapist, Licensed Physician, Licensed Physician’s Assistant, Licensed Nurse Practitioner, Licensed Registered Nurse, Licensed Psychologist, or Licensed Clinical Social Worker pursuant to SED regulations.	<ul style="list-style-type: none"> Exemption allows any person with a Master’s level degree required for licensure as a CAT to practice as a LCAT under the supervision of Licensed Creative Arts Therapist, LCSW or Licensed Psychologist. See St. Ed. L. §8410(10). Grandparenting provision allows for all restricted activities if employed in appropriate setting prior to June 24, 2022.
	Master’s Level CAT (no LP)	May perform restricted activities, except diagnosis and ABTP. Allowable activities may be performed under supervision only.	A Master’s level Creative Arts Therapist may perform restricted activities within the scope of practice of a Licensed Creative Arts Therapist under the supervision of a Licensed Psychologist, Licensed Social	<ul style="list-style-type: none"> Exemption allows any person with a Master’s level degree required for licensure as a CAT to practice as a LCAT under the supervision of a Licensed Creative Arts Therapist, LCSW or Licensed

¹ [OMH OASAS Social Work Exemption Sunset- Program Guidance/FAQ \(ny.gov\)](https://www.omh.ny.gov/oasas/social-work-exemption-sunset-program-guidance/faq)

² All references to State Education law and SED regulations can be found at <https://www.op.nysed.gov/title8/education-law>.

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			Worker, or Licensed Creative Arts Therapist.	<p>Psychologist. See St. Ed. L. §8410(10).</p> <ul style="list-style-type: none"> Grandparenting provision allows for all restricted activities if employed in appropriate setting prior to June 24, 2022.
Credentialed Alcoholism and Substance Abuse Counselor	Credentialed Alcoholism and Substance Abuse Counselor	CASACs are permitted to perform the restricted activities, except for diagnosis, pursuant to their scope of practice as it pertains to SUD counseling in OASAS and, OASAS and OMH jointly, licensed, or certified settings.	See SUD Counselor Scope of Practice Document and associated Supervisory Requirements Document	<ul style="list-style-type: none"> Exemption provision codified at St. Ed. L § 7706(5)(a).
Marriage and Family Therapy	Licensed Marriage and Family Therapist (LMFT)	May perform restricted activities independently, except diagnosis and ABTP prior to June 24, 2024. Diagnosis and ABTP can be practiced under supervision pursuant to SED regulations.	<p>LMFTs can perform diagnosis and ABTP under the supervision of a Licensed Psychiatrist, Licensed Psychologist, Licensed Clinical Social Worker, or Licensed Marriage and Family Therapist (authorized to perform diagnosis and ABTP after June 24, 2024). See 8 NYCRR 79.10-6(d)(2).</p> <p>After June 24, 2025, LMFTs must have obtained the diagnostic privilege in order to perform diagnosis and ABTP.</p>	<ul style="list-style-type: none"> If licensed prior to June 24, 2022, a LMFT can perform diagnosis and ABTP under supervision. See St. Ed. L. § 8410(11). This exemption expires June 24, 2025. Grandparenting provision allows for all restricted activities if employed in appropriate setting prior to June 24, 2022.
	LMFT with new limited diagnostic permit	May perform restricted activities independently, except diagnosis and ABTP. Diagnosis and ABTP can be practiced under supervision pursuant to SED regulations	LMFTs with a limited diagnostic permit can perform diagnosis and ABTP under the supervision of a Licensed Psychiatrist, Licensed Psychologist, Licensed Clinical Social Worker, or Licensed Marriage and Family Therapist (authorized to perform	<ul style="list-style-type: none"> Grandparenting provision allows for all restricted activities if employed in appropriate setting prior to June 24, 2022

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			diagnosis and ABTP after June 24, 2024). See 8 NYCRR 79.10-6(d)(2).	
	LMFT with new diagnostic privilege (available after June 24, 2024)	May perform all restricted activities independently.		
	MFT with limited permit (LP)	May perform restricted activities, except diagnosis and ABTP prior to June 24, 2024. Allowable activities may be performed under supervision only.	<p>A MFT with a LP may perform restricted activities within the scope of practice of a Licensed Marriage and Family Therapist under the supervision of a Licensed Marriage and Family Therapist, Licensed Physician, Licensed Physician’s Assistant, Licensed Nurse Practitioner, Licensed Registered Nurse, Licensed Psychologist, or Licensed Clinical Social Worker pursuant to SED regulations.</p> <p>Note that the practice of marriage and family therapy does not include diagnosis or ABTP prior to June 24, 2024.</p>	<ul style="list-style-type: none"> Exemption allows any person with a Master’s level degree required for licensure as a MFT to practice as a LMFT under the supervision of a Licensed Marriage and Family Therapist, LCSW or Licensed Psychologist. See St. Ed. L. §8410(10). Grandparenting provision allows for all restricted activities if employed in appropriate setting prior to June 24, 2022.
	Master’s Level MFT (no LP)	May perform restricted activities, except diagnosis and ABTP prior to June 24, 2024. Allowable activities may be performed under supervision only.	<p>A Master’s level MFT may perform restricted activities within the scope of practice of a Licensed Marriage and Family Therapist under the supervision of a Licensed Psychologist, Licensed Social Worker or Licensed Marriage and Family Therapist.</p> <p>Note that the practice of marriage and family therapy</p>	<ul style="list-style-type: none"> Exemption allows any person with a Master’s level degree required for licensure as a MFT to practice as a LMFT under the supervision of a Licensed Marriage and Family Therapist, LCSW or Licensed Psychologist. See St. Ed. L. §8410(10). Grandparenting provision allows for all restricted activities if employed in appropriate setting prior to June 24, 2022.

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			does not include diagnosis or ABTP prior to June 24, 2024.	
Mental Health Counseling	Licensed Mental Health Counselor (LMHC)	May perform restricted activities independently, except diagnosis and ABTP prior to June 24, 2024. Diagnosis and ABTP can be practiced under supervision pursuant to SED regulations.	LMHCs can perform diagnosis and ABTP under the supervision of a Licensed Psychiatrist, Licensed Psychologist, Licensed Clinical Social Worker, or Licensed Mental Health Counselor (authorized to perform diagnosis and ABTP after June 24, 2024). See 8 NYCRR 79.9-6(d)(2). After June 24, 2025, LMHCs must have obtained the diagnostic privilege in order to perform diagnosis and ABTP.	<ul style="list-style-type: none"> • If licensed prior to June 24, 2022, a LMHC can perform diagnosis and ABTP under supervision. See St. Ed. L. § 8410(11). This exemption expires June 24, 2025. • Grandparenting provision allows for all restricted activities if employed in appropriate setting prior to June 24, 2022.
	LMHC with new limited diagnostic permit	May perform restricted activities independently, except diagnosis and ABTP. Diagnosis and ABTP can be practiced under supervision pursuant to SED regulations.	LMHCs with a limited diagnostic permit can perform diagnosis and ABTP under the supervision of a Licensed Psychiatrist, Licensed Psychologist, Licensed Clinical Social Worker, or Licensed Mental Health Counselor (authorized to perform diagnosis and ABTP after June 24, 2024). See 8 NYCRR 79.9-6(d)(2).	<ul style="list-style-type: none"> • Grandparenting provision allows for all restricted activities if employed in appropriate setting prior to June 24, 2022.
	LMHC with new diagnostic privilege (available after June 24, 2024)	May perform all restricted activities independently.		
	MHC with limited permit (LP)	May perform restricted activities, except diagnosis and ABTP prior to June 24, 2024. Allowable activities may be performed under supervision only.	An MHC with a LP may perform restricted activities within the scope of practice of a Licensed Mental Health Counselor under the supervision of a Licensed Mental Health Counselor,	<ul style="list-style-type: none"> • Exemption allows any person with a Master's level degree required for licensure as a MHC to practice as a LMHC under the supervision of a Licensed Mental Health Counselor, LCSW or Licensed

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			<p>Licensed Physician, Licensed Physician's Assistant, Licensed Nurse Practitioner, Licensed Registered Nurse, Licensed Psychologist, or Licensed Clinical Social Worker pursuant to SED regulations.</p> <p>Note that the practice of mental health counseling does not include diagnosis or ABTP prior to June 24, 2024.</p>	<p>Psychologist. See St. Ed. L. §8410(10).</p> <ul style="list-style-type: none"> Grandparenting provision allows for all restricted activities if employed in appropriate setting prior to June 24, 2022.
	Master's Level MHC (no LP)	May perform restricted activities, except diagnosis and ABTP (prior to June 24, 2024). Allowable activities may be performed under supervision only.	<p>A Master's level Mental Health Counselor may perform restricted activities within the scope of practice of a Licensed Mental Health Counselor under the supervision of a Licensed Psychologist, Licensed Social Worker or Licensed Mental Health Counselor.</p> <p>Note that the practice of mental health counseling does not include diagnosis or ABTP prior to June 24, 2024.</p>	<ul style="list-style-type: none"> Exemption allows any person with a Master's level degree required for licensure as a MHC to practice as a LMHC under the supervision of a Licensed Mental Health Counselor, LCSW or Licensed Psychologist. See St. Ed. L. §8410(10). Grandparenting provision allows for all restricted activities if employed in appropriate setting prior to June 24, 2022.
Psychoanalysis	Licensed Psychoanalysis	May perform restricted activities independently, except diagnosis and ABTP prior to June 24, 2024. Diagnosis and ABTP can be practiced under supervision pursuant to SED regulations	<p>Licensed Psychoanalysts can perform diagnosis and ABTP under the supervision of a Licensed Psychiatrist, Licensed Psychologist, Licensed Clinical Social Worker, or Licensed Psychoanalyst (authorized to perform diagnosis and ABTP after June 24, 2024). See 8 NYCRR 79.12-6(d)(2).</p> <p>After June 24, 2025, Licensed Psychoanalysts must have</p>	<ul style="list-style-type: none"> If licensed prior to June 24, 2022, a Licensed Psychoanalyst can perform diagnosis and ABTP under supervision. See St. Ed. L. § 8410(11). This exemption expires June 24, 2025. Grandparenting provision allows for all restricted activities if employed in appropriate setting prior to June 24, 2022.

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			obtained the diagnostic privilege in order to perform diagnosis and ABTP.	
	Licensed Psychoanalyst with new limited diagnostic permit	May perform restricted activities independently, except diagnosis and ABTP. Diagnosis and ABTP can be practiced under supervision pursuant to SED regulations	Licensed Psychoanalysts with a limited diagnostic permit can perform diagnosis and ABTP under the supervision of a Licensed Psychiatrist, Licensed Psychologist, Licensed Clinical Social Worker, or Licensed Psychoanalyst (authorized to perform and ABTP after June 24, 2024). See 8 NYCRR 79.12-6(d)(2).	<ul style="list-style-type: none"> Grandparenting provision allows for all restricted activities if employed in appropriate setting prior to June 24, 2022.
	Licensed Psychoanalyst with new diagnostic privilege (available after June 24, 2024)	May perform all restricted activities independently.		
	Psychoanalyst with Limited Permit (LP)	May perform restricted activities, except diagnosis and ABTP prior to June 24, 2024. Allowable activities may be performed under supervision only.	<p>A Psychoanalyst with a LP may perform restricted activities within the scope of practice of a Licensed Psychoanalyst under the supervision of a Licensed Psychoanalyst, Licensed Physician, Licensed Physician's Assistant, Licensed Nurse Practitioner, Licensed Registered Nurse, Licensed Psychologist, or Licensed Clinical Social Worker pursuant to SED regulations.</p> <p>Note that the practice of psychoanalysis does not include diagnosis or ABTP prior to June 24, 2024.</p>	<ul style="list-style-type: none"> Exemption allows any person with a Master's level degree required for licensure as a Psychoanalyst to practice as a Licensed Psychoanalyst under the supervision of Licensed Psychoanalyst, LCSW or Licensed Psychologist. See St. Ed. L. §8410(10). Grandparenting provision allows for all restricted activities if employed in appropriate setting prior to June 24, 2022.
	Master's Level Psychoanalyst (no LP)	May perform restricted activities, except diagnosis	A Master's level Psychoanalyst may perform restricted activities	<ul style="list-style-type: none"> New exemption allows any person with a Master's level degree

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		and ABTP prior to June 24, 2024. Allowable activities may be performed under supervision only.	<p>within the scope of practice of a Licensed Psychoanalyst under the supervision of a Licensed Psychologist, Licensed Social Worker, or Licensed Psychoanalyst.</p> <p>Note that the practice of psychoanalysis does not include diagnosis or ABTP prior to June 24, 2024.</p>	<p>required for licensure as a Licensed Psychoanalyst to practice as a Licensed Psychoanalyst under the supervision of Licensed Psychoanalyst, LCSW or Licensed Psychologist. See St. Ed. L. §8410(10).</p> <ul style="list-style-type: none"> Grandparenting provision allows for all restricted activities if employed in appropriate setting prior to June 24, 2022.
Psychology	Licensed Psychologist	May perform all restricted activities independently.		
	Doctoral (PsyD/PhD) level Psychologist with a limited permit	May perform all restricted activities, but only under supervision pursuant to SED regulations.	A Psychologist with a limited permit may only practice psychology, including diagnosis, ABTP, and psychotherapy under the supervision of a Licensed Psychologist pursuant to SED regulations.	<ul style="list-style-type: none"> Grandparenting provision allows for all restricted activities if employed in appropriate setting prior to June 24, 2022.
	Doctoral (PsyD/PhD) level Psychologist (no LP)	Effective June 24, 2022, a doctoral-level psychologist must obtain a limited permit to perform restricted activities under supervision.		<ul style="list-style-type: none"> Grandparenting provision allows for all restricted activities if employed in an appropriate setting prior to June 24, 2022. Exemption provision applicable to employees of federal, state, county or municipal agency, or other political subdivisions, performing duties within their salaried position codified at St. Ed. L. § 7605(1).
	Master's Level Psychologist	May perform all restricted activities, but only under supervision pursuant to SED regulations.	A Master's level Psychologist may perform restricted activities within the scope of practice of a Licensed Psychologist under the supervision of Licensed Psychologist.	<ul style="list-style-type: none"> Exemption provision codified at St. Ed. L. § 7605(13). Grandparenting provision allows for all restricted activities if employed in appropriate setting prior to June 24, 2022

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				<ul style="list-style-type: none"> Exemption provision applicable to employees of federal, state, county or municipal agency, or other political subdivisions, performing duties within their salaried position codified at St. Ed. L. § 7605(1).
Social Work	Licensed Clinical Social Worker (LCSW)/ Licensed Clinical Social Workers – R Privilege (LCSW-R)	May perform all restricted activities independently.		
	Licensed Master Social Worker (LMSW)	May perform all restricted activities independently, except clinical social work (diagnosis, psychotherapy, and ABTP). Clinical social work may only be performed under supervision pursuant to SED regulations.	A Licensed Master Social Worker may only practice clinical social work, including diagnosis, ABTP, and psychotherapy under the supervision of a Licensed Clinical Social Worker (LCSW), Licensed Psychologist or Licensed Psychiatrist.	<ul style="list-style-type: none"> Grandparenting provision allows for all restricted activities if employed in appropriate setting prior to June 24, 2022.
	MSW with limited permit (LP)	May perform all restricted activities under supervision pursuant to SED regulations. Clinical social work (diagnosis, psychotherapy, and ABTP) may only be performed under LCSW supervision.	<p>A LP allows an individual who has met all requirements for licensure as a Licensed Master Social Worker, except the licensing examination to practice as an LMSW provided that the individual is under the general supervision of an LMSW or a Licensed Clinical Social Worker.</p> <p>A LP holder may not practice clinical social work, including diagnosis, psychotherapy, and ABTP under the supervision of an LMSW. However, a MSW with a LP can provide clinical social work services if the supervisor is an LCSW, and the</p>	<ul style="list-style-type: none"> Grandparenting provision allows for all restricted activities if employed in appropriate setting prior to June 24, 2022

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			supervision is consistent with SED regulations codified at 8 NYCRR § Section 74.6.	
	BSW or MSW	May perform restricted activities except diagnosis, psychotherapy, and ABTP. Allowable activities may be performed only under supervision of an LMSW or LCSW pursuant to SED regulations. For a BSW, the degree must be from a program acceptable to the NY State Education Department, such as a program accredited by the Council on Social Work Education (CSWE) ³ .	A BSW or MSW can provide licensed master social work services under supervision consistent with SED regulations codified at 8 NYCRR § Section 74.7.	<ul style="list-style-type: none"> • Exemption for supervised practice pursuant to St. Ed. L § 7706(2) • Grandparenting provision allows for all restricted activities if employed in appropriate setting prior to June 24, 2022.

³ <https://www.op.nysed.gov/professions/licensed-master-social-worker/faq-licensure-practice>

Restricted Activities and Exemptions for Students in Mental Health Professions in OMH or OASAS Settings



Office of
Mental Health

Office of Addiction
Services and Supports

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Programs are required to operate in accordance with applicable OMH or OASAS regulations, OMH or OASAS program guidance, and NYSED laws and guidance for accepting student interns. Programs should refer to [New York State Licensed Professions | Office of the Professions \(nysed.gov\)](https://www.nysed.gov) for resources regarding program-specific qualification requirements. Restricted Activities are defined as Assessment & Evaluation, Diagnosis, Psychotherapy, Assessment Based Treatment Planning (ABTP), and Treatment other than Psychotherapy.

Mental Health/Addiction Profession	Training Program	Can students in this training program perform restricted activities in an OMH or OASAS setting?	What are the supervisory requirements that allow for restricted activities in OMH or OASAS settings?	What legal exemption(s) may apply to individuals with this credential?
Creative Arts Therapy	Students in any CAT degree programs	May perform restricted activities, except diagnosis and ABTP. Allowable activities may be performed under supervision only.	A student, intern or resident in a CAT program may practice as a LCAT as part of a supervised educational program in an institution approved by SED.	<ul style="list-style-type: none"> • Exemption codified at Ed. L. § 8410(3). • Grandparenting provision allows for all restricted activities if employed in appropriate setting prior to June 24, 2022.
Credentialed Alcoholism and Substance Use Counseling	“Student Intern” means a person enrolled in a formal educational program which could lead to a degree, certification or credential which may qualify that person as a Qualified Health Professional.	Students may perform restricted activities in OASAS settings.	See SUD Counselor Scope of Practice Document and associated Supervisory Requirements	<ul style="list-style-type: none"> • Exemption codified at St. Ed. L § 7706(5)(a). • Grandparenting provision allows for all restricted activities if employed in appropriate setting prior to June 24, 2022.
Marriage and Family Therapy	Students in any MFT degree programs	May perform restricted activities, except diagnosis and ABTP prior to June 24, 2024. Allowable activities may be performed under supervision only.	A student, intern or resident in a MFT program may practice as a LMFT as part of a supervised educational program in an institution approved by SED.	<ul style="list-style-type: none"> • Exemption codified at Ed. L. § 8410(3). • Grandparenting provision allows for all restricted activities if employed in appropriate setting prior to June 24, 2022.

Mental Health/Addiction Profession	Training Program	Can students in this training program perform restricted activities in an OMH or OASAS setting?	What are the supervisory requirements that allow for restricted activities in OMH or OASAS settings?	What legal exemption(s) may apply to individuals with this credential?
Mental Health Counseling	Students in any MHC degree programs	May perform restricted activities, except diagnosis and ABTP (prior to June 24, 2024). Allowable activities may be performed under supervision only.	A student, intern or resident in an MHC program may practice as a LMHC as part of a supervised educational program in an institution approved by SED.	<ul style="list-style-type: none"> • Exemption codified at Ed. L. § 8410(3). • Grandparenting provision allows for all restricted activities if employed in appropriate setting prior to June 24, 2022.
Psychoanalysis	Students in any Psychoanalysis degree programs	May perform restricted activities, except diagnosis and ABTP (prior to June 24, 2024). Allowable activities may be performed under supervision only.	A student, intern or resident in a psychoanalysis program may practice as a licensed psychoanalyst as part of a supervised educational program in an institution approved by SED.	<ul style="list-style-type: none"> • Exemption codified at Ed. L. § 8410(3). • Grandparenting provision allows for all restricted activities if employed in appropriate setting prior to June 24, 2022.
Psychology	Psychology Interns in doctoral degree programs	May perform all restricted activities, but only under supervision pursuant to SED regulations.	PhD level psychology interns may perform the activities and services required when pursuing a course of study leading to a doctoral degree in psychology in an institution approved by SED, provided that such activities and services constitute a part of their supervised course of study in psychology.	<ul style="list-style-type: none"> • Exemption codified at Ed. L. § 7605(2). • Grandparenting provision allows for all restricted activities if employed in appropriate setting prior to June 24, 2022
Social Work	Students in Social Work - Bachelor's degree programs	May perform all restricted activities, but only under supervision pursuant to SED regulations.	A student enrolled in a baccalaureate of social work program, which requires the performance of social work services as part of the field work component of the program, may perform such services under the supervision of a field work supervisor approved by the program.	<ul style="list-style-type: none"> • Exemption codified at Ed. L. § 7706(5)(c). • Grandparenting provision allows for all restricted activities if employed in appropriate setting prior to June 24, 2022.

Mental Health/Addiction Profession	Training Program	Can students in this training program perform restricted activities in an OMH or OASAS setting?	What are the supervisory requirements that allow for restricted activities in OMH or OASAS settings?	What legal exemption(s) may apply to individuals with this credential?
	Students in Social Work - Master's or Doctoral degree programs	May perform all restricted activities, but only under supervision pursuant to SED regulations.	A student enrolled in a professional graduate level social work program, which requires the performance of social work services as part of the field work component of the program, may perform such services under the supervision of a field work supervisor approved by the program.	<ul style="list-style-type: none"> • Exemption codified at Ed. L. § 7706(5)(c). • Grandparenting provision allows for all restricted activities if employed in appropriate setting prior to June 24, 2022.