

MEDICAL SOCIETY of the STATE OF NEW YORK

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Division of Governmental Affairs
MEMORANDUM IN OPPOSITION

**IN SENATE HIGHER EDUCATION
COMMITTEE**

S.5301-A (BROUK)

**IN ASSEMBLY HIGHER EDUCATION
COMMITTEE**

A.6008-A (BRONSON)

AN ACT to amend the education law, in relation to education requirements and authorization to develop assessment-based treatment plans for certain mental health practitioners

This legislation would amend the Education law to grant providers licensed under Article 163 of the Education Law the authority to diagnose and treat serious mental illness without substantially altering their education and experience requirements. **The Medical Society of the State of New York is opposed to this legislation.**

In 2002, after years of thoughtful deliberation, vast stakeholder engagement and negotiation, two separate and distinct professions bills were passed with respect to the provision of mental health services. Article 154 of the Education Law was created in connection with the licensing of Master Social Workers and Clinical Social Workers. Article 163 of the Education Law was created to cover the professions of Mental Health Counselors, Marriage and Family Therapists and Psychoanalysts. The creation of two separate categories of licensing for five different mental health professions was purposeful and codified a clear line of demarcation between the professions who met the rigorous clinical education and experience requirements to render diagnoses of serious mental illness, and those who did not. Recognizing the level of education and training mental health practitioners undergo, the Legislature took an additional step to protect the public and included language in the agreed upon statute to explicitly prohibit those licensed under Article 163 from providing treatment for any serious mental illness "...on a continuous and sustained basis without a medical evaluation of the illness by, and consultation with, a physician regarding such illness."

Diagnosing a mental illness is a serious endeavor and only professionals meeting the highest standard of education and experience should be granted the authority to do so. Currently, only four professions are statutorily authorized to diagnose – Psychiatry, Psychology, Psychiatric Nurse Practitioner and Licensed Clinical Social Worker. Psychiatrists are graduates of an accredited medical school, have completed an accredited residency program in psychiatry and have passed medical licensing exams. Licensed Psychologists have completed a doctoral program in psychology, completed two years of supervised employment/experience and passed an examination. Licensed Psychiatric Nurse Practitioners have completed their education and licensure requirements as a Registered Nurse, completed a program acceptable to the State Education Department or have been certified by a national certifying organization as a Nurse Practitioner, have completed required coursework in pharmacology, and received a nurse practitioner certification in New York State. Licensed Clinical Social Workers have completed a master's degree in clinical social work, including 900 hours of field experience, passed a generalist exam, completed three years of supervised experience in the provision of diagnosis, assessment-based treatment planning and psychotherapy, and passed a clinical exam. Licensed clinical social workers are required to have twice the supervised experience as licensed mental health counselors and three times the supervised experience compared to the three other types of

mental health practitioners, including psychoanalysts, creative arts therapists, and marriage and family therapists. It is abundantly clear that the NYS Legislature acted deliberately in its enactment of the 2002 licensing laws to create a clear line of demarcation based upon the difference in education and training. There is little justification now for the proposed changes or clarifications to existing requirements with respect to diagnosis of mental illnesses and conditions.

For all of the reasons stated above, we urge that this measure be defeated.

Respectfully submitted,

6/1/21

MMA - oppose

MSSNY DIVISION OF GOVERNMENTAL AFFAIRS