

The University of the State of New York
State Education Department
OFFICE OF THE PROFESSIONS
State Board for Mental Health Practitioners
Meeting via WebEx pursuant to Chapter 417 of the Laws of 2021

Friday, January 14, 2022

Draft Minutes

Present Chair Natalie Riccio, LP; Vice Chair Sara Friedman McMullian, CAT; Thomas Biglin, Jr., CAT; Helena Boersma, MHC; Susan Boxer Kappel, CAT; Ann Canastra, MHC; Rene Jones, MHC; Michele “Mikki” Meyer, MFT; Angelo Musolino, LP; Jill Weldum, MFT.

Absent Sargam Jain, MD; Timothy Mooney, Public Member; Susan Weeks, MHC.

Staff David Hamilton, Executive Secretary; Mary Fish, Associate in Professional Education; Judy DeSapio, Administrative Analyst; Owen Donovan, Executive Coordinator of Professional Practice.

Visitors James Holmes; Donna Polen; Kenny Farinelli; Robert Hubbell, Jr.; Diana Georgia; Alice Sorensen, Denise Murphy McGraw, Elizabeth (NLN); .

1. Call to order

Chair Natalie Riccio convened the meeting at 1:00 p.m. welcoming Board members, guests and visitors. The agenda was approved by consent.

2. Review of October 13, 2021 State Board Minutes

Motion to approve the minutes as submitted (Nayowith/Pai). Passed unanimously.

3. Executive Secretary’s Report

Executive Secretary Hamilton was appointed Assistant Commissioner of Professional Licensing & Practice by the Board of Regents on December 14, 2021. He will continue in his Executive Secretary role with the State Board for Social Work and the State Board for Mental Health Practitioners, as well as the Acting Executive Secretary to the State Board for Psychology and the State Board for Applied Behavior Analysis until those positions are filled. The Social Work position, which requires the applicant to be licensed as a LMSW or LCSW in New York, is at www.nysed.gov/hr/employment/employment-opportunities. Applications should be submitted to opjobs@nysed.gov and reference #OP-1439/20701.

4. Legislation and Regulation Affecting Social Work

Chapter 702 of 2021 will require certain professions, including those licensed under Article 163 of the Education Law, to complete a workforce survey when completing their triennial registration. The Center for Health Workforce Studies (CHWS) at SUNY Albany will add these professions to those health professions currently surveyed. The State Boards will provide assistance to CHWS with developing profession-specific questions.

Chapter 289 of 2021 authorizes summer camps to employ certain licensed professionals to provide health services. Chapter 712 of 2021 makes care and services provided by certain professions licensed under Article 163 of the Education Law eligible for coverage under the Medicaid program, pursuant to a Chapter amendment to be enacted by the Legislature and Governor. The Governor's approval message indicated she had reached agreement with the Legislature for a chapter amendment to amend the law and limit Medicaid coverage to mental health counselors and marriage and family therapists.

Governor Kathy Hochul introduced her proposed 2022-2023 State Fiscal Year budget and proposed transferring the oversight and regulation of 42 health professions under Title VIII from the Education Department to the Department of Health. Although there was no rationale or explanation provided with this proposal (Part G of Health and Mental Hygiene budget), it would eliminate the Board of Regents oversight of professional license, practice and discipline. Executive Secretary Hamilton will provide updates, including any advocacy materials, as the budget process continues toward the March 31, 2022 deadline.

5. Discussion: Supervisor's Responsibility

Member Weldum had requested a discussion of supervision, including the ethical and professional obligations of the supervisor and supervisee. The Board materials included the State Board's practice guideline (<http://www.op.nysed.gov/prof/mhp/mhppg10.htm>), guidance from the American Association of Marriage and Family Therapists (AAMFT) and the Georgia Professional Counselor guidebook, as resource documents.

Members discussed challenges facing supervisors, including boundary issues, record-keeping and competence. If a supervisor feels a permit holder is engaged in activities that are not acceptable, there is no obligation to attest that supervision was completed in accordance with law and regulation. If there are concerns about boundaries and patient safety, the supervisor may refer a permit holder to the Office of Professional Discipline (OPD). Supervisors should review the laws, rules and regulations related to their obligations, which include their role as a gatekeeper to the profession. At this time, there is no need to develop additional guidance or information, but that can be re-visited in the future.

6. Professional Practice

Due to the COVID Omicron variant, the regulations were previously extended by the Board of Regents to allow applicants to complete supervised experience using telepractice and remote supervision. Executive Secretary Hamilton will prepare draft regulations for discussion at a future meeting to address issues identified at the October 2021 meeting.

7. Other Business

The Department has posted the vacant professional evaluator position for the Board office and hopefully a replacement candidate will be on board by March 31, 2022. In the interim, Board office staff is picking up the work to minimize the backlog.

New Jersey utilizes a narrative examination for certification as a psychoanalyst and Secretary Hamilton has reached out to New Jersey to start a discussion about making New York candidates eligible for that multiple-choice examination.

8. Adjournment

There being no other business, the Chair thanked all for their participation. The meeting was adjourned at 1:58 p.m. by consensus (Jones).

Minutes submitted by,



David Hamilton, Ph.D., LMSW
Executive Secretary

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