



THE STATE EDUCATION DEPARTMENT/THE UNIVERSITY OF THE STATE OF NEW YORK/ALBANY, NY 12234

OFFICE OF THE STATE BOARD FOR MENTAL HEALTH PRACTITIONERS
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TO: License-qualifying programs in mental health counseling

FR: David Hamilton, Ph.D. LMSW, Executive Secretary

RE: Licensure as a mental health counselor in New York

I am writing to provide you with information about the process by which students may be licensed as a mental health counselor under New York Law. Please share this information with faculty, field instructors and students, as you see fit, so that students can proceed in a legal manner after graduation.

Effective January 1, 2006, an individual must be licensed, hold a limited permit, or be in an exempt setting in order to practice mental health counseling and psychotherapy¹. An individual who practices without authorization, such as a permit, even under supervision could face questions about his/her moral character for licensure. A licensed supervisor who delegates activities to an unauthorized person could be charged with unprofessional conduct, under Part 29 of the Regents Rules.

Applying for Licensure: A student may apply for licensure at any time by submitting the application (Form 1) and fee (\$345). The applicant must provide a photograph with the application and answer the "moral character" questions on the application. If the applicant answers yes to any of these questions, he or she must attach documentation (see "moral character" below).

Education for Licensure: The graduate school must submit Form 2 to verify that the student has met the degree requirements or received the degree. We do not require a transcript from graduates of NYSED-registered programs in mental health counseling. Every graduate of a registered program has also completed the course work in child abuse identification and does not need to complete this separately.

Examination: When the Department has approved the student's application for licensure and graduate education, the student will be eligible to take the National Clinical Mental Health Counseling Examination (NCMHCE). The Department notifies the examination vendor, NBCC, and sends the student a letter with instructions on how to register. The exam may be taken anytime after graduation and is geared toward those with experience in mental health counseling. New York does not accept any other examination for licensure in this profession. The NCMHCE demonstrates minimal competence for entry-level practice of the mental health counseling profession. The student must submit the NBCC application and fee to schedule the examination which is available every month at multiple sites across the United States. NBCC provides candidates scores to the Department on a monthly basis. Students can access more information about the examination development, content, and scoring at www.nbcc.org.

Moral Character: The Education Law requires an applicant for a limited permit or license to be of good moral character as determined by the Department. The student must report on the application for licensure (Form 1) any criminal arrests or convictions or disciplinary action in another licensed profession and attach documentation

¹ The law defines an exempt setting as a program that is regulated, funded, operated or approved by the Office of Mental Health, Office of Mental Retardation and Developmental Disabilities, Office of Alcoholism & Substance Abuse Services, Office of Children and Family Services, local social service or mental hygiene district, until June 1, 2010.

of the disposition of the matter. This information will be reviewed to determine if the applicant is of good moral character and eligible for the permit and/or license.

Experience for licensure: The Education Law requires an applicant to complete at least 3,000 hours of post-degree supervised experience in mental health counseling. The practice of mental health counseling is defined in the Education Law as: **the evaluation, assessment, amelioration, treatment, modification, or adjustment to a disability, problem, or disorder of behavior, character, development, emotion, personality or relationships by the use of verbal or behavioral methods with individuals, couples, families or groups in private practice, group, or organized settings; and the use of assessment instruments and mental health counseling and psychotherapy to identify, evaluate and treat dysfunctions and disorders for purposes of providing appropriate mental health counseling services.** The State Board for Mental Health Practitioners recently clarified that at least one-half of the required 3,000 supervised hours in the practice of mental health counseling should be face-to-face with clients ("direct") and the remainder may be "indirect". Indirect activities would include supervision, record-keeping, professional development, research, and case management.

Limited Permit: In order to practice the profession and meet the requirements for supervised experience and examination, the applicant must have a limited permit issued by the Department. The permit authorizes practice under the supervision of a qualified licensed professional, as defined in regulations, in a setting that is authorized to provide professional services. The supervisor is responsible for all services provided by the permit holder. In order to receive a permit, in addition to submitting the application (Form 1) and fee (\$345) for licensure and having the education (Form 2) and moral character approved, the applicant must submit a permit application (Form 5) and fee (\$70). The permit application should include information about the proposed setting, including documentation of authority to provide professional services. Additional permits may be issued for approved settings and supervisors, upon filing of a new Form 5 but an additional fee is not required.

The permit is valid for two years and may be renewed for one additional year upon filing of a new permit application (Form 5) and fee (\$70). If the permit holder practices in more than one setting, he or she must have a permit displayed in each setting. If the permit holder practices under more than one supervisor, all supervisors must be named on the permit. The permit holder may not employ the supervisor in any setting, as the supervisor is legally responsible for practice and cannot be employed by the permit applicant. An employer may hire a qualified supervisor to provide third-party supervision but there must be a letter of agreement submitted by the employer, supervisor and permit applicant for review by the Department.

Licensure: When the applicant has met the examination requirement, the Department may issue a license and three-year registration. The licensee must notify the Department within 30 days if of any change in address or name. The licensee will receive a renewal notice every three years and must be registered to practice the profession. It is the licensee's responsibility to practice in accordance with the scope of practice, as defined in the Education Law, and Part 29 of the Regents Rules, which define unprofessional conduct in the professions. The laws, rules and regulations are on our web site: www.op.nysed.gov/mhclhc.htm.

Other jurisdictions: The requirements for licensure are established by each jurisdiction and can be accessed through the National Board for Certified Counselors' web site: www.nbcc.org.

Students can access application materials and instructions, as well as practice guidelines developed by the State Board for Mental Health Practitioners, on the web: www.op.nysed.gov/mhp.htm. If there are changes in the laws, rules and regulations, or the application materials in the future, those would be posted on the web.