

Education

79-12.6 Diagnostic privilege.

(a) Definitions. As used in this section:

(1) Diagnosis means the process of distinguishing, beyond a general assessment, between similar mental, emotional, behavioral, developmental, and addictive disorders, impairments, and disabilities within a psychosocial framework on the basis of their similar and unique characteristics consistent with accepted classification systems.

(2) Development of assessment-based treatment plans means the development of an integrated plan of prioritized interventions, that is based on the diagnosis and psychosocial assessment of the client, to address mental, emotional, behavioral, developmental, and addictive disorders, impairments, and disabilities.

(3) General supervision means that a qualified supervisor shall be available for consultation, diagnosis and evaluation when professional services are being rendered by an applicant and the supervisor shall exercise the degree of supervision appropriate to the circumstances.

(4) Face-to-face supervision means in-person supervision provided, however, that it may also be satisfied by utilizing technology acceptable to the department, including secure video-conferencing to protect confidentiality.

(b) General provisions. As authorized by subdivision (11) of section 8410 of the Education Law, effective June 24, 2022, a psychoanalyst licensed and registered pursuant to article 163 of the Education Law may engage in diagnosis and the development of assessment-based treatment plans in accordance with the provisions of this section.

(c) Acceptable setting. The experience shall be completed in a setting acceptable to the department, as described in subdivision (d) of section 79-12.3 of this Part.

(d) Supervision of experience. The experience shall be supervised in accordance with the requirements of this subdivision:

(1) An applicant shall obtain experience under this section while under the general supervision of a qualified supervisor. The supervisor shall provide an average of one hour per week or two hours every other week of face-to-face individual or group supervision wherein the supervisor of such experience shall:

(i) review the applicant's diagnosis and treatment of each client under his or her general supervision; and

(ii) provide oversight, guidance and direction to the applicant in developing skills in diagnosis, psychotherapy and assessment-based treatment planning.

(2) The supervisor shall be authorized to diagnose, provide psychotherapy and assessment-based treatment plans and shall be licensed and registered in New York State to practice as:

(i) a licensed clinical social worker licensed under article 154 of the Education Law or the equivalent as determined by the department; or

(ii) a psychologist licensed under article 153 of the Education Law who was educated and trained in psychotherapy through the completion of a program in psychology registered pursuant to Part 52 of this Title or a program in psychology accredited by the American Psychological Association; or

(iii) a physician licensed under article 131 of the Education Law who, at the time of the supervision of the applicant, was a diplomate in psychiatry of the American Board of Psychiatry and Neurology, Inc. or had the equivalent training and experience as determined by the department; or

(iv) on or after June 24, 2024, a psychoanalyst licensed and

registered under article 163 of the Education Law who holds the diagnostic privilege authorized under section 8401-a of the Education Law or the equivalent as determined by the department.

(e) Acceptable clinical education.

(1) To meet the clinical education requirement for the diagnostic privilege, the applicant shall cause to be submitted verification of receipt of a master's degree or higher in psychoanalysis from a program which includes at least 60 semester hours or the clock hour equivalent as defined in section 79-12.1 of this Subpart, and clinical content as defined in paragraph (2) of this subdivision, acceptable to the department.

(2) Clinical coursework. An applicant must demonstrate satisfactory completion of at least 12 semester hours or the clock work equivalent of coursework that prepares the individual to diagnose and develop assessment-based treatment plans, acceptable to the department that includes coursework such as:

(i) diagnosis and assessment-based treatment planning in the practice of psychoanalysis and psychotherapy;

(ii) assessment, evaluation and diagnosis using accepted classification systems in the practice of psychoanalysis;

(iii) developing and implementing assessment-based treatment plans for the provision of psychoanalysis services; and

(iv) clinical psychoanalysis interventions with diverse populations.

(3) Where an applicant has received a master's or higher degree pursuant to paragraph (1) of this subdivision but has not completed the clinical coursework hours required by paragraph (2) of this subdivision, such applicant may satisfy such requirement by taking post-graduate courses to remedy deficiencies.

(f) Acceptable experience. To meet the experience requirement for the diagnostic privilege an applicant shall complete supervised experience, in accordance with subdivision (d) of this section in an acceptable setting, as set forth in section 79-12.3(d) of this Subpart, that satisfies the following:

(1) An applicant who is licensed as a psychoanalyst shall cause to be submitted, in a form and format acceptable to the department verification of the completion of at least 2,000 hours of supervised, direct client contact that shall include, but not be limited to, diagnosis, psychotherapy and the development of assessment-based treatment plans.

(2) Notwithstanding paragraph (1) of this subdivision, an applicant who is licensed as a psychoanalyst prior to June 24, 2024 may also satisfy the experience requirement of this subdivision by submitting, in a form and format acceptable to the department, an attestation from a supervisor that such licensee has at least three years of experience engaged in direct client contact that shall include diagnosis, psychotherapy and the development of assessment-based treatment plans. Such licensee shall submit the privilege application, fee and all required documentation to the department on or before June 24, 2027.

(g) Application. An applicant for the diagnostic privilege shall:

(1) Submit the application and pay the \$175 fee for issuance of a privilege;

(2) Submit verification of licensure as a psychoanalyst in New York;

(3) Cause to be submitted verification of acceptable clinical education, as defined in subdivision (e) of this section; and

(4) Cause to be submitted verification or attestation, as applicable, of supervised experience in diagnosis and assessment-based treatment plans, as defined in subdivision (f) of this section.

(h) Registration. The holder of a privilege issued under this section shall register with the department as a privilege holder in the same manner and subject to the same provisions as required of a licensee pursuant to Education Law section 6502, provided that, at the time of each registration, the privilege holder shall certify that he or she continues to meet the requirements for the diagnostic privilege set forth in this section. The fee for such registration shall be \$175 which shall be paid in addition to the triennial registration fee for the

license. The registration period for a privilege holder shall be coterminous with his or her license registration.

(i) A privilege issued under this section shall be valid for the life of the holder, unless revoked, annulled, or suspended by the Board of Regents. Such a privilege shall be subject to the same oversight and disciplinary provisions as licenses issued under this Title VIII of the Education Law.