

The University of the State of New York  
State Education Department  
Office of the Professions

**State Board for Mental Health Practitioners  
Meeting Minutes (Draft)**

**Friday, October 13, 2023**

This meeting was held in-person via WebEx at the following locations:

State Education Building, 89 Washington Avenue, EB 201, Albany, NY 12234  
Office of the Professions, 1411 Broadway, 10th Floor, New York, NY 10018  
Syracuse Regional Office, 333 East Washington Street, Suite 211, Syracuse, NY 13202  
Rochester Regional Office, 109 S. Union Street 2<sup>nd</sup> Floor, Rochester, NY 14607

**Board members present:**

Susan Boxer Kappel (New York)  
Angela Musolino (New York)  
Helena Boersma (Rochester)  
Renee Jones (Rochester)  
Ann Canastra (Syracuse)  
Christopher Smith (New York)  
Thomas Biglin (New York)  
Timothy Mooney (Albany)  
Michele “Mikki” Meyer (Albany)  
John/Jay Cerio (public board member) (Rochester?)

**Board members absent:**

Jasmine Thomas (New York)

**Staff present:**

Evan Seiden, Executive Secretary (New York)  
Sarah Benson, Deputy Commissioner (Albany)  
David Hamilton, Assistant Commissioner of Professional Licensing & Practice (Albany)  
Owen Donovan, Executive Coordinator for Professional Practice (Albany)  
Kate Letzelter, Associate in Professional Education (Albany)  
Michele Govertsen, Senior Administrative Analyst (Albany)  
Henry Phillips, Education Program Assistant (Albany)

**Welcome and Review of the Agenda**

Evan Seiden called the meeting to order at 10:03 AM. Board members and staff introduced themselves. New Board Office staff member Kate Letzelter, Associate in Professional Education was welcomed. There were no changes in the agenda.

## **Interstate Licensure Compacts – Presentation by Sarah Benson Deputy Commissioner**

Department of Education Deputy Commissioner Sarah Benson began by thanking board members for their service; gave recognition of their important role in the field of Mental Health Practitioners.

Deputy Commissioner proceeded to give a presentation to the Board on Interstate Licensure Compacts and the development of the Mental Health Counselors Compact. Deputy Commissioner offered basic definition of licensure compacts; Deputy Commissioner noted that to join a compact is a complex and a complicated process. In addition, more legislative analysis is needed to evaluate effects on resources; the ongoing SED modernization program and the needs of the current and future systems continue to be a factor.

Board member questions were answered by the Deputy Commissioner. Some of the complexities were discussed such as access to services not available in other jurisdictions: alongside financial complexities. The Board also discussed the complexities in handling illegality and misconduct across state lines with differing laws.

## **Review of the June 23, 2023 Board Meeting Minutes**

The minutes of the June 23, 2023 Board meeting were reviewed. There were no changes made. A quorum of members was present. A motion was made and seconded to approve the previous meetings' minutes; motion was passed unanimously. Minutes accepted.

## **Executive Secretary's Report**

Evan Seiden noted the queue for experience reviews and Limited Permit applications are both about 3 weeks out, which is well within the timeframe of 6 to 8 weeks given to applicants. The Processing Unit reported 15 to 16% higher volume of Limited Permit applications (over previous year). The number of Continuing Education providers has increased from a year ago. Executive Secretary noted the eventual implementation of the Diagnostic Privilege law will increase office workload – new queues will most likely be added for permit reviews and experience reviews.

Board actively in the process of recruiting new members – looking for 2 Psychoanalysts, 1 LCAT, and 1 LMHC or LMFT. Nomination forms for potential Board members are being reviewed and additional candidates continue to be recruited. Board nomination forms can be found on the NYSED website. Executive Secretary noted that all Executive Orders relating to MHP have expired.

## **Legislation and Regulation affecting Mental Health Practice: Mental Health Practitioners' Diagnosis Privilege (Chapter 230 of the Laws of 2022)**

Assistant Commissioner of Professional Licensing & Practice David Hamilton gave an update of the status of adoption and implementation of forthcoming diagnostic privilege. Regulations changes were recommended – and will be out for a 45-day comment period. Adoption of regulations are potentially expected in early 2024.

Schools and institutes are working with PEPR to provide courses and programs to meet requirements.

Assistant Commissioner fielded questions from the Board. Board asked if “D” privilege laws are available online. Assistant Commissioner informed the Board the laws are on the Board of Regents website.

### **Discussion: Tele- Supervision**

Board noted that tele-supervision is still being accepted – current regulation allows tele-supervision. Discussion of tele-supervision implementation and possible methods and requirements was continued. Board noted virtual supervision can be effective. Virtual supervision at the discretion of the supervisor – relationship can be assessed on an ongoing basis. Board noted assessment of virtual arrangements is recommended. Board noted evidence of negative outcomes for clients with practitioners utilizing tele-supervision is minimal. Board noted that counseling relationships – relationship between psychotherapist and client – are often virtual. Board noted that tele-supervision broadens the reach of supervision. Prior to tele-supervision being allowed/in use, programs closed when licensees were not available in-person; Tele-supervision allows programs to remain open expanding access.

### **Other Business**

The Board discussed having future Board meetings on Fridays. Board continues to prefer Fridays.

### **Closing Remarks and Adjournment**

Evan Seiden thanked the Board for their participation in the meeting. The next Board meeting will be scheduled for a date in early 2024. The meeting was adjourned at 11:54am by Board Chair Susan Boxer Kappel.