



New York Mental Health Counselors Association

Judith Ritterman, LMHC, LMFT, Executive Director

Steven DiMarzo, LMHC, President

<https://nymhca.org/>

MEMORANDUM OF OPPOSITION

A8464-A Gunther/S8765-A Bailey – an act to amend the mental hygiene law, in relation to qualified mental health associates.

The New York Mental Health Counselors Association (NYMHCA) opposes A8464-A/S8765A which would create a certification within the Office of Mental Health toward a “Qualified Mental Health Associate (QMHA)”

While the legislation states that the credentialed individual would not be authorized to do any scope of practice activities that currently require a license, the legislation includes several competency areas that require further clarification. For example, the legislation states that the individual would show competency to “promote recovery,” “provide psychosocial skills development,” and “implement interventions” but does not indicate how such individual would accomplish such competencies without engaging in counseling, psychotherapy, or treatment, all of which are scope protected activities. In addition, the inclusion of “medication management and health monitoring” is undefined and concerning.

NYMHCA is also concerned about establishing a process for credentialing mental health professionals outside the purview of the Office of the Professions (OP) within the NYS Education Department (NYSED). The development of new professions – even credentialed paraprofessionals – should be coordinated with the existing licensed professionals approved and regulated by the OP. Establishing a separate board with separate oversight and misconduct procedures is inefficient and ineffective in ensuring that clients/patients are being served by qualified individuals. Any new credentialed paraprofessional should be considered within the context of the existing board structure and professional misconduct regulations long established by the NYSED.

NYMHCA understands that there is an extensive need for qualified licensed professionals to provide mental health services throughout New York. We appreciate the sponsors’ efforts to address this need. However, NYMHCA believes it is critical to ensure that anyone who provides mental health services is thoroughly qualified. Credentialed individuals may have the best intentions and the best interests of individuals in mind but if they are insufficiently educated and trained, they can inadvertently cause harm that may not be identified until there is a crisis.

For these reasons, NYMHCA strongly opposes A8464-A Gunther/S8765-A Bailey and looks forward to an opportunity to work with the sponsors to identify strategies to increase the counseling workforce while maintaining quality and accountability.

NYMHCA is the advocacy organization representing New York’s licensed mental health counselors. Mental health counselors are licensed in New York by the Office of the Professions in the NYS Education Department. There are over 10,000 LMHCs in NYS.