



AMERICAN COUNSELING
ASSOCIATION *of* NEW YORK
A Branch of the American Counseling Association

Standing Committee on Mental Health

New York State Assembly

Re: Licensed Mental Health Counselor Diagnostic Authority Bill

Thank you for the opportunity to address the current situation regarding Licensed Mental Health Counselors (LMHC) and our ability to provide services to the citizens of New York.

The American Counseling Association of New York (ACA-NY) is a state branch of The American Counseling Association, the largest organization focused on the counseling profession in the United States. Members of the ACA-NY include licensed mental health counselors, clinical supervisors and directors in New York State hospitals and Office of Mental Health facilities, current students in counseling programs, and educators charged with the development of competent, highly trained, mental health practitioners.

While COVID-19 has presented the state and mental health practitioners with many mental health challenges, the primary issue is not the professional competence of Licensed Mental Health Counselors, but the roadblocks in place preventing LMHCs from providing the services to citizens in need of mental health interventions and support. The lack of specific diagnostic authority for LMHCs is a consequential gap in the provision of mental health services to those in need. The primary issues are as follows:

- ❖ Licensed Mental Health Counselors are highly trained with a primary focus on providing psychotherapy services to clients. Counseling programs focus on the development of counseling skills, crisis counseling, addiction counseling psychopathology, and diagnosis. **All Mental Health Counselors in New York must pass a test, the National Clinical Mental Health Counselor Exam, that is specifically about diagnosis** in order to become licensed in the state of New York. Under current law, Mental Health Counselors are required to be competent in diagnosis but are not allowed to provide diagnoses for people in need of mental health services. This is particularly troublesome in **rural areas**, where mental health clinicians are already in short supply.
- ❖ The New York State Office of Mental Health (OMH), Office of Children and Family Services (OCFS), Office for People With Developmental Disabilities (OPWDD) and Office of Addiction Services and Supports (OASAS), are losing their exemption for licensure in the summer of 2021. These offices will no longer be able to hire Licensed Mental Health Counselors for any job that

requires diagnostic authority. The exemption has been in place since licensure was implemented in 2009. Current employees (even those who have bachelor level training or are paraprofessionals) will continue to be able to diagnose, but new employees without diagnostic authority will not. **All of these organizations are in favor of passing the counselor diagnostic authority bill currently in the Committee for Higher Education.** There will not be enough mental health practitioners to fill these roles after the sunset of the exemption.

- ❖ Many Licensed Mental Health Counselors are military veterans. They would like to provide mental health services for the VA. Currently, they must acquire a license from out of state (Massachusetts, New Jersey, etc.) that allows diagnostic authority, **in order to provide services to veterans in New York.** The VA requires that Licensed Mental Health Counselors have diagnostic authority in order to practice within the system. The VA is currently hiring Licensed Mental Health Counselors to address the shortage of mental health clinicians serving veterans, but are unable to employ Licensed Mental Health Counselors with New York licensure.
- ❖ The American Counseling Association (ACA) is currently developing a state-by-state compact that will allow for greater portability of licensure for Licensed Mental Health Counselors. The compact will be designed regionally and will have a great impact on the ability of counselors to continue providing services via telemental health to clients who are no longer commuting across state lines. Only states that acknowledge diagnostic authority for Licensed Mental Health Counselors will be included in this compact. While Massachusetts, New Jersey, Pennsylvania, Vermont, and Connecticut will be included in that compact, **counselors in New York will be specifically excluded from participation.**
- ❖ **Insurance companies require psychotherapists to provide a diagnosis in order to cover costs of services, whether in-network or out-of-network.** As a result, Licensed Mental Health Counselors are in a predicament that requires them to diagnose, regardless of the state's scope of practice. At times, they require a medical provider to confirm the diagnosis, even though the medical provider (often primary care) referred the client to the counselor for a mental health assessment and treatment.
- ❖ Occasionally, conflicting information about the training and competence of Licensed Mental Health Counselors has been submitted to legislators. This is unfortunate. However, the members of the American Counseling Association -NY, which includes experts in the field of counselor education and clinical supervision are more than happy to provide a detailed guide to how counselors are educated and trained. That would include the rigorous requirements counselors must complete in order to achieve licensure, including direct supervision of clinical encounters and the comprehensive test on diagnosis and best counseling practices, as well as national accreditation standards for graduate counseling programs. **Our training matches that of other Masters level practitioners in the state and exceeds other disciplines' training in direct psychotherapy services for clients.**

We ask the committee to change New York law to allow Licensed Mental Health Counselors diagnostic authority within their scope of practice. The mental health needs of the citizens of New York is our primary concern – please allow us to do the jobs for which we have been trained.