

6783

I N   S E N A T E

February 22, 2016

---

Introduced by Sen. SANDERS -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to continuing education requirements for interior designer certification

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. The education law is amended by adding a new section 8305-a  
2     to read as follows:  
3     S 8305-A. MANDATORY CONTINUING EDUCATION FOR INTERIOR DESIGNERS.     1.  
4     (A) EACH LICENSED INTERIOR DESIGNER REQUIRED UNDER THIS ARTICLE TO  
5     REGISTER TRIENNIALLY WITH THE DEPARTMENT TO PRACTICE IN THE STATE SHALL  
6     COMPLY WITH THE PROVISIONS OF THE MANDATORY CONTINUING EDUCATION  
7     REQUIREMENTS PRESCRIBED IN SUBDIVISION TWO OF THIS SECTION EXCEPT AS SET  
8     FORTH IN PARAGRAPHS (B) AND (C) OF THIS SUBDIVISION. INTERIOR DESIGNERS  
9     WHO DO NOT SATISFY THE MANDATORY CONTINUING EDUCATION REQUIREMENTS SHALL  
10    NOT PRACTICE UNTIL THEY HAVE MET SUCH REQUIREMENTS, AND HAVE BEEN ISSUED  
11    A REGISTRATION CERTIFICATE, EXCEPT THAT AN INTERIOR DESIGNER MAY PRAC-  
12    TICE WITHOUT HAVING MET SUCH REQUIREMENTS IF HE OR SHE IS ISSUED A  
13    CONDITIONAL REGISTRATION CERTIFICATE PURSUANT TO SUBDIVISION THREE OF  
14    THIS SECTION.  
15    (B) IN ACCORD WITH THE INTENT OF THIS SECTION, ADJUSTMENT TO THE  
16    MANDATORY CONTINUING EDUCATION REQUIREMENT MAY BE GRANTED BY THE DEPART-  
17    MENT FOR REASONS OF HEALTH CERTIFIED BY AN APPROPRIATE HEALTH CARE  
18    PROFESSIONAL, FOR EXTENDED ACTIVE DUTY WITH THE ARMED FORCES OF THE  
19    UNITED STATES, OR FOR OTHER GOOD CAUSE ACCEPTABLE TO THE DEPARTMENT  
20    WHICH MAY PREVENT COMPLIANCE.  
21    (C) A LICENSED INTERIOR DESIGNER NOT ENGAGED IN PRACTICE AS DETERMINED  
22    BY THE DEPARTMENT, SHALL BE EXEMPT FROM THE MANDATORY CONTINUING EDUCA-  
23    TION REQUIREMENT UPON THE FILING OF A STATEMENT WITH THE DEPARTMENT  
24    DECLARING SUCH STATUS. ANY LICENSEE WHO RETURNS TO THE PRACTICE OF INTE-  
25    RIOR DESIGN DURING THE TRIENNIAL REGISTRATION PERIOD SHALL NOTIFY THE  
26    DEPARTMENT PRIOR TO THE REENTERING THE PROFESSION AND SHALL MEET SUCH  
27    MANDATORY EDUCATION REQUIREMENTS AS SHALL BE PRESCRIBED BY REGULATIONS  
28    OF THE COMMISSIONER.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

LBD13457-01-5

(D) LICENSED INTERIOR DESIGNERS SHALL BE EXEMPT FROM THE MANDATORY CONTINUING EDUCATION REQUIRED BY THIS SECTION FOR THE TRIENNIAL REGISTRATION PERIOD DURING WHICH THEY ARE FIRST LICENSED.

2. DURING EACH TRIENNIAL REGISTRATION PERIOD AN APPLICANT FOR REGISTRATION SHALL COMPLETE A MINIMUM OF TWENTY HOURS OF ACCEPTABLE CONTINUING EDUCATION, AS SPECIFIED IN SUBDIVISION FOUR OF THIS SECTION, PROVIDED, HOWEVER, THAT A MINIMUM OF SIXTEEN HOURS OF SUCH CONTINUING EDUCATION SHALL CONSIST OF COURSES IN THE STATE BUILDING CODE AND FIRE SAFETY CODE AND RELATED SUBJECTS. ANY INTERIOR DESIGNER WHOSE FIRST REGISTRATION DATE FOLLOWING THE EFFECTIVE DATE OF THIS SECTION OCCURS LESS THAN THREE YEARS FROM SUCH EFFECTIVE DATE, BUT ON OR AFTER JANUARY FIRST, TWO THOUSAND SEVENTEEN, SHALL COMPLETE CONTINUING EDUCATION HOURS ON A PRORATED BASIS AT THE RATE OF ONE HOUR PER MONTH FOR THE PERIOD BEGINNING JANUARY FIRST, TWO THOUSAND SIXTEEN UP TO THE FIRST REGISTRATION DATE THEREAFTER. A LICENSEE WHO HAS NOT SATISFIED THE MANDATORY CONTINUING EDUCATION REQUIREMENTS SHALL NOT BE ISSUED A TRIENNIAL REGISTRATION CERTIFICATE BY THE DEPARTMENT AND SHALL NOT PRACTICE UNLESS AND UNTIL A CONDITIONAL REGISTRATION CERTIFICATE IS ISSUED AS PROVIDED FOR IN SUBDIVISION THREE OF THIS SECTION. WITH THE EXCEPTION OF CONTINUING EDUCATION HOURS TAKEN DURING THE REGISTRATION PERIOD IMMEDIATELY PRECEDING THE EFFECTIVE DATE OF THIS SECTION, CONTINUING EDUCATION HOURS TAKEN DURING ONE TRIENNIUM MAY NOT BE TRANSFERRED TO A SUBSEQUENT TRIENNIUM.

3. THE DEPARTMENT, IN ITS DISCRETION, MAY ISSUE A CONDITIONAL REGISTRATION TO A LICENSEE WHO FAILS TO MEET THE CONTINUING EDUCATION REQUIREMENTS ESTABLISHED IN SUBDIVISION TWO OF THIS SECTION BUT WHO AGREES TO MAKE UP ANY DEFICIENCIES AND COMPLETE ANY ADDITIONAL EDUCATION WHICH THE DEPARTMENT MAY REQUIRE. THE FEE FOR SUCH A CONDITIONAL REGISTRATION SHALL BE THE SAME AS, AND IN ADDITION TO, THE FEE FOR THE TRIENNIAL REGISTRATION. THE DURATION OF SUCH CONDITIONAL REGISTRATION SHALL BE DETERMINED BY THE DEPARTMENT BUT SHALL NOT EXCEED ONE YEAR. ANY LICENSEE WHO IS NOTIFIED OF THE DENIAL OF REGISTRATION FOR FAILURE TO SUBMIT EVIDENCE, SATISFACTORY TO THE DEPARTMENT, OF REQUIRED CONTINUING EDUCATION AND WHO PRACTICES INTERIOR DESIGN WITHOUT SUCH REGISTRATION, SHALL BE SUBJECT TO DISCIPLINARY PROCEEDINGS PURSUANT TO SECTION SIXTY-FIVE HUNDRED TEN OF THIS TITLE.

4. AS USED IN SUBDIVISION TWO OF THIS SECTION, "ACCEPTABLE CONTINUING EDUCATION" SHALL MEAN COURSES OF LEARNING AND OTHER ACTIVITIES WHICH CONTRIBUTE TO THE PROFESSION OR PRACTICE OF INTERIOR DESIGN AND WHICH MEET THE REGULATIONS OF THE COMMISSIONER. THE DEPARTMENT MAY, IN ITS DISCRETION AND AS NEEDED TO CONTRIBUTE TO THE HEALTH AND WELFARE OF THE PUBLIC, REQUIRE THE COMPLETION OF CONTINUING EDUCATION COURSES IN SPECIFIC SUBJECTS. SUCH COURSES OF LEARNING MUST BE TAKEN FROM A SPONSOR APPROVED BY THE DEPARTMENT, PURSUANT TO REGULATIONS OF THE COMMISSIONER.

5. INTERIOR DESIGNERS SHALL MAINTAIN ADEQUATE DOCUMENTATION OF COMPLETION OF ACCEPTABLE CONTINUING EDUCATION AND SHALL PROVIDE SUCH DOCUMENTATION AT THE REQUEST OF THE DEPARTMENT.

6. THE MANDATORY CONTINUING EDUCATION FEE SHALL BE THIRTY DOLLARS AND SHALL BE PAYABLE ON OR BEFORE THE FIRST DAY OF EACH TRIENNIAL REGISTRATION PERIOD, AND SHALL BE PAID IN ADDITION TO THE TRIENNIAL REGISTRATION FEE REQUIRED BY PARAGRAPH (H) OF SUBDIVISION ONE OF SECTION EIGHTY-THREE HUNDRED FIVE OF THIS ARTICLE.

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.