

STATE OF NEW YORK

5464

2017-2018 Regular Sessions

IN SENATE

March 29, 2017

Introduced by Sen. LATIMER -- 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 the licensing and regulation of the profession of reflexology

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 article 155-A
2 to read as follows:

3 ARTICLE 155-A
4 REFLEXOLOGY

5 Section 7850. Introduction.

6 7851. Definitions.

7 7852. Practice of reflexology and use of title "licensed reflex-
8 ologist".

9 7853. Reflexology seat on the state board for massage therapy.

10 7854. Requirements for a professional license.

11 7855. Exempt persons.

12 7856. Limited permits.

13 7857. Special provisions.

14 § 7850. Introduction. This article applies to the profession of
15 reflexology. The effectiveness of reflexology is recognized by various
16 national health institutions and the public at large as a distinct
17 complementary practice within the holistic health field. The general
18 provisions for all professions contained in article one hundred thirty
19 of this title apply to this article.

20 § 7851. Definitions. As used in this article the following terms shall
21 have the following meanings:

22 1. "Licensed reflexologist" means a person who practices reflexology
23 and who is licensed by the department or from an entity approved by the
24 commissioner.

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

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2. "Reflexology" means a protocol of manual techniques, such as thumb and finger-walking, hook and backup and rotating-on-a-point, applied to specific reflex areas predominantly on the feet and hands to stimulate the complex neural pathways linking body systems and support the body's efforts to function optimally.

3. "Department" means the department of education.

§ 7852. Practice of reflexology and use of title "licensed reflexologist". Only a person licensed or authorized pursuant to this article shall practice reflexology and only a person so licensed shall use the title "licensed reflexologist". No person, firm, partnership, limited liability company or corporation shall describe its services in any manner under the title "reflexology" unless such services are performed by a person licensed or authorized pursuant to this article.

§ 7853. Reflexology seat on the state board for massage therapy. 1. The state board for massage therapy shall establish a seat on such board for reflexology and a member shall be appointed by the board of regents on the recommendation of the commissioner for the purpose of assisting the board of regents and the department on matters of professional licensing and professional conduct in accordance with section sixty-five hundred eight of this title. The board member shall have practiced reflexology for at least three years.

2. The massage therapy board, in consultation with an advisory committee of five reflexologists currently engaged in the practice of reflexology appointed by the board of regents, shall advise, assist and make recommendations regarding the promulgation of such rules and regulations as deemed necessary and appropriate to effectuate the provisions of this article; provided, however, that the advisory committee shall be dissolved one hundred eighty days after the effective date of this section.

§ 7854. Requirements for a professional license. 1. To qualify for a license as a reflexologist, an applicant shall fulfill the following requirements:

(a) Application: file an application with the department;

(b) Education: have received an education, including high school graduation or its equivalent and graduation from a school or institute of reflexology with a program registered by the department, or its substantial equivalent in both subject matter and extent of training, by actual class attendance provided that the program in such a school or institute shall consist of a training program acceptable to the department;

(c) Examination: pass an examination satisfactory to the board and in accordance with the commissioner's regulations;

(d) Age: be at least eighteen years of age;

(e) Character: be of good moral character as determined by the department; and

(f) Fees: pay fees required in rules adopted by the department and the board of regents.

2. Licenses shall be valid for three years. The practitioner must re-register with the department every three years thereafter to maintain active licensing status.

§ 7855. Exempt persons. Nothing contained in this article shall be construed to prohibit:

1. The practice of reflexology by any person who is authorized to practice medicine, nursing, chiropractic, physical therapy, podiatry or massage therapy in accordance with the provisions of this title.

1 2. The practice of massage which is customarily given in barber shops
2 or beauty parlors for the purpose of beautification by any licensed
3 barber or cosmetologist.

4 3. The practice of reflexology by any person enrolled in the program
5 of a school or institute of reflexology registered by the department or
6 enrolled in a program which satisfies the requirements of section seven-
7 ty-eight hundred fifty-four of this article, provided that such person
8 is under the on-site supervision of a person licensed to practice
9 reflexology or authorized to practice reflexology pursuant to subdivi-
10 sion one of this section.

11 § 7856. Limited permits. 1. The department may issue a limited permit
12 to practice reflexology as a licensed reflexologist to a person who has
13 not previously held such a permit and who fulfills all requirements
14 except the examination for a license, provided however that a permit
15 shall not be issued to a person who has failed the state licensing exam-
16 ination.

17 2. The department shall limit the number of times a person may take
18 the examination in a given year.

19 3. The limited permit shall be valid for a period of not more than
20 twelve months or renewed once for one year at the discretion of the
21 board until the results of the next licensing examination for which the
22 person is eligible are officially available, whichever comes first.

23 4. A limited permit shall entitle the holder to practice reflexology
24 only under the personal supervision of a person currently licensed to
25 practice reflexology in this state.

26 5. The fee for a limited permit shall be required and shall be as
27 adopted in the rules of the department and the board of regents.

28 § 7857. Special provisions. 1. Notwithstanding the requirements of
29 sections seventy-eight hundred fifty-four and seventy-eight hundred
30 fifty-six of this article, an individual currently engaging in the prac-
31 tice of reflexology may continue to practice after the effective date of
32 this article, when an individual fulfills all except the certification
33 and application requirements of section seventy-eight hundred fifty-four
34 of this article. Such individual shall have eighteen months from the
35 effective date of this section to apply to the department for examina-
36 tion and/or a license to practice reflexology and may practice in the
37 interim.

38 2. For a limited time period of three years from the effective date of
39 this section the department may certify an applicant as a reflexologist
40 without examination if the applicant:

41 (a) files an application with the department; and

42 (b) is at least eighteen years of age; and

43 (c) has completed a reflexology program with a minimum of two hundred
44 hours of in-class training; and

45 (d) provides documentation demonstrating that the applicant has prac-
46 ticed reflexology for at least fifteen hours per week for at least three
47 years prior to the application; or

48 (e) is certified by a national certifying board with a psychometrical-
49 ly valid exam for reflexology approved by the department; or

50 (f) applies for certification within eighteen months from the effec-
51 tive date of this section.

52 3. For the purposes of subdivision one of this section, it shall be
53 determined that the filing of an application with the department on or
54 before the expiration of the eighteen month period shall qualify for
55 purposes of such subdivision, regardless of the time period required for
56 reviewing and processing such application.

1 § 2. This act shall take effect two years after it shall have become a
2 law; provided, however, that effective immediately, the addition and/or
3 repeal of any rule or regulation necessary for the implementation of
4 this act on its effective date are authorized and directed to be made
5 and completed on or before such effective date.