

1751

2009-2010 Regular Sessions

I N   A S S E M B L Y

January 9, 2009

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Introduced by M. of A. GOTTFRIED -- read once and referred to the  
Committee on Higher Education

AN ACT to amend the education law, in relation to neuro-psychology technicians employed by psychologists

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 7603-a  
2     to read as follows:  
3     S 7603-A. NEURO-PSYCHOLOGY TECHNICIANS EMPLOYED BY PSYCHOLOGISTS. 1.  
4     EMPLOYMENT OF NEURO-PSYCHOLOGY TECHNICIANS. (A) AN INDIVIDUAL MAY BE  
5     EMPLOYED AS A NEURO-PSYCHOLOGY TECHNICIAN BY A QUALIFIED PSYCHOLOGIST TO  
6     PROVIDE SUPPORTIVE SERVICES RELATING TO NEURO-PSYCHOLOGICAL TESTING. FOR  
7     THE PURPOSES OF THIS SECTION, A "QUALIFIED PSYCHOLOGIST" SHALL MEAN A  
8     PSYCHOLOGIST LICENSED UNDER THIS ARTICLE WHO HAS ADEQUATE EDUCATION,  
9     TRAINING, AND EXPERIENCE IN NEURO-PSYCHOLOGICAL TESTING AND WHO HAS  
10    ADEQUATE TRAINING, KNOWLEDGE AND SKILL TO SUPERVISE AND RENDER COMPE-  
11    TENTLY ANY NEURO-PSYCHOLOGICAL TEST WHICH AN EMPLOYED NEURO-PSYCHOLOGY  
12    TECHNICIAN UNDERTAKES. FOR THE PURPOSES OF THIS SECTION, "NEURO-PSYCHO-  
13    LOGICAL TESTING" SHALL MEAN AN EVALUATION THE PRIMARY PURPOSE OF WHICH  
14    IS THE DIAGNOSIS OF NEURO-DEVELOPMENTAL, NEURO-DEGENERATIVE, AND  
15    ACQUIRED DISORDERS OF BRAIN FUNCTION, INTELLECTUAL COMPROMISE, COGNITIVE  
16    AND NEURO-BEHAVIORAL DYSFUNCTION THAT INVOLVE, BUT ARE NOT RESTRICTED  
17    TO, MEMORY DEFICITS, LANGUAGE DISORDERS, LEARNING DISABILITIES, PERVA-  
18    SIVE DEVELOPMENTAL DISORDERS, IMPAIRMENTS OF ORGANIZATION AND PLANNING,  
19    DIFFICULTY WITH COGNITION, AND PERCEPTUAL ABNORMALITIES, CONSISTING OF  
20    THE ADMINISTRATION OF STANDARDIZED TESTS THAT ARE RELIABLE AND VALID  
21    WITH RESPECT TO ASSESSING IMPAIRMENTS IN BRAIN FUNCTION.  
22    (B) A NEURO-PSYCHOLOGY TECHNICIAN'S ACTIVITIES SHALL BE RESTRICTED TO  
23    THE ADMINISTRATION AND SCORING OF STANDARDIZED OBJECTIVE TESTS WHICH  
24    HAVE SPECIFIED MECHANICAL ADMINISTRATION PROCEDURES AND WHICH, AS  
25    PROVIDED IN THE TEST MANUAL OR OTHER MATERIALS PROMULGATED BY THE

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

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1 PUBLISHER, DO NOT REQUIRE OR PERMIT INTERPRETATION, QUERYING OF EXAMI-  
2 NEES ABOUT INDIVIDUAL ITEMS, OR OTHER JUDGMENTS. SPECIFICALLY EXCLUDED  
3 FROM THE SCOPE OF ACTIVITIES OF THE NEURO-PSYCHOLOGY TECHNICIAN ARE THE  
4 ADMINISTRATION AND SCORING OF INDIVIDUALLY ADMINISTERED INTELLIGENCE  
5 TESTS AND THE ADMINISTRATION AND SCORING OF PROJECTIVE TESTS AND TECH-  
6 Niques. THE ROLE OF THE NEURO-PSYCHOLOGY TECHNICIAN IS STRICTLY LIMITED  
7 TO THE ADMINISTRATION AND SCORING OF TESTS THAT ARE SELECTED AND INTER-  
8 PRETED BY THE QUALIFIED PSYCHOLOGIST, AND THE RESULTS OF WHICH ARE  
9 COMMUNICATED BY THE QUALIFIED PSYCHOLOGIST. TEST SELECTION, DATA ANALY-  
10 SIS, INTERPRETATION AND COMMUNICATION OF RESULTS ARE PROFESSIONAL ACTIV-  
11 ITIES PERFORMED ONLY BY THE QUALIFIED PSYCHOLOGIST. EXCEPT FOR THE  
12 ADMINISTRATION AND SCORING OF SUCH TESTS AS PROVIDED FOR IN THIS PARA-  
13 GRAPH, NOTHING IN THIS SUBDIVISION SHALL BE CONSTRUED TO ALLOW A NEURO-  
14 PSYCHOLOGY TECHNICIAN TO PROVIDE ANY OTHER SERVICE WHICH CONSTITUTES THE  
15 PRACTICE OF PSYCHOLOGY AS DEFINED IN THIS ARTICLE.

16 (C) THE QUALIFIED PSYCHOLOGIST SHALL HAVE SUFFICIENT FACE-TO-FACE  
17 CONTACT IN CONDUCTING PATIENT AND COLLATERAL INTERVIEWS, AND PERSONAL  
18 ADMINISTRATION OF THE TESTING PROCEDURES, SO THAT THE QUALIFIED PSYCHOL-  
19 OGIST MAY FORMULATE DIAGNOSTIC AND/OR EVALUATIVE CONCLUSIONS. FOR  
20 NEURO-PSYCHOLOGICAL EVALUATIONS THAT FORM THE BASIS FOR SPECIAL EDUCA-  
21 TION ELIGIBILITY DETERMINATION, EDUCATIONAL PLACEMENT OR PLANNING, THE  
22 QUALIFIED PSYCHOLOGIST SHALL HAVE CONDUCTED SUFFICIENT OBSERVATION AND  
23 PERSONAL ADMINISTRATION OF ASSESSMENT MEASURES TO FORM DIAGNOSTIC  
24 CONCLUSIONS AND RECOMMENDATIONS INDEPENDENTLY OF THE DATA THAT IS  
25 OBTAINED BY THE TECHNICIAN. NEURO-PSYCHOLOGICAL TESTS SHALL NOT BE  
26 ADMINISTERED OR SCORED BY A NEURO-PSYCHOLOGY TECHNICIAN FOR ANY SCHOOL  
27 DISTRICT IN THIS STATE.

28 2. SUPERVISION OF NEURO-PSYCHOLOGY TECHNICIANS. (A) THE ADMINISTRATION  
29 AND SCORING OF NEURO-PSYCHOLOGICAL TESTS BY A NEURO-PSYCHOLOGY TECHNI-  
30 CIAN SHALL BE PERFORMED ONLY UNDER THE DIRECT SUPERVISION OF A QUALIFIED  
31 PSYCHOLOGIST. IN NO INSTANCE SHALL THE RATIO OF QUALIFIED PSYCHOLOGIST  
32 TO NEURO-PSYCHOLOGY TECHNICIAN EXCEED ONE TO THREE. THE QUALIFIED  
33 PSYCHOLOGIST SHALL BE ETHICALLY AND LEGALLY RESPONSIBLE FOR THE  
34 SELECTION AND INTERPRETATION OF NEURO-PSYCHOLOGICAL TESTS, THE PROFES-  
35 SIONAL ACTIVITIES OF THE NEURO-PSYCHOLOGY TECHNICIAN AND FOR THE CARE  
36 AND TREATMENT OF THE PATIENT. PROVIDED FURTHER, A QUALIFIED PSYCHOLOGIST  
37 MAY NOT PERMIT A NEURO-PSYCHOLOGY TECHNICIAN TO ENGAGE IN ANY PRACTICE  
38 THAT CANNOT BE PERFORMED AND SUPERVISED COMPETENTLY BY SUCH QUALIFIED  
39 PSYCHOLOGIST. AT NO TIME SHALL A NEURO-PSYCHOLOGY TECHNICIAN ENGAGE IN  
40 THE SCOPE OF THEIR ACTIVITIES, AS PROVIDED FOR IN SUBDIVISION ONE OF  
41 THIS SECTION, WITHOUT THE DIRECT SUPERVISION OF A QUALIFIED PSYCHOLOGIST  
42 AS DEFINED IN SUBDIVISION ONE OF THIS SECTION. PROVIDED FURTHER, A  
43 QUALIFIED PSYCHOLOGIST SHALL INTERRUPT OR TERMINATE A NEURO-PSYCHOLOGY  
44 TECHNICIAN'S ACTIVITIES WHENEVER NECESSARY TO ENSURE PATIENT SAFETY AND  
45 SHALL PROVIDE TWENTY-FOUR HOUR AVAILABILITY TO THE NEURO-PSYCHOLOGY  
46 TECHNICIAN AND TO THE PATIENT WHO IS BEING TESTED BY SUCH NEURO-PSYCHOL-  
47 OGY TECHNICIAN FOR EMERGENCY CONSULTATION AND INTERVENTION.

48 (B) THE EMPLOYING QUALIFIED PSYCHOLOGIST SHALL PROVIDE AN ACCEPTABLE  
49 WORK SETTING FOR A NEURO-PSYCHOLOGY TECHNICIAN THAT PROVIDES ONGOING  
50 NEURO-PSYCHOLOGICAL SERVICES OR SCIENTIFIC RESEARCH IN A WELL-DEFINED  
51 AND ESTABLISHED PROGRAM. SUCH WORK SETTING SHALL MEET THE BROAD AND  
52 SPECIALIZED NEEDS OF THE NEURO-PSYCHOLOGY TECHNICIAN THAT ARE CONGRUENT  
53 WITH THE NEURO-PSYCHOLOGY TECHNICIAN'S JOB DESCRIPTION. SUCH JOB  
54 DESCRIPTION SHALL BE DEVELOPED BY THE QUALIFIED PSYCHOLOGIST AT THE  
55 INCEPTION OF THE NEURO-PSYCHOLOGY TECHNICIAN'S EMPLOYMENT, AND SHALL BE  
56 A WRITTEN, INDIVIDUALIZED JOB DESCRIPTION THAT SPECIFIES THE ADMINISTRA-

1 TIVE POLICIES AND THE ROLES, GOALS, OBJECTIVES, AND LIMITS OF THE  
2 NEURO-PSYCHOLOGY TECHNICIAN'S POSITION AND THE REQUIREMENTS OF THE WORK  
3 SETTING.

4 3. EDUCATION. THE MINIMUM EDUCATION REQUIREMENTS FOR A NEURO-PSYCHOLO-  
5 GY TECHNICIAN SHALL BE A BACCALAUREATE DEGREE WITH A MAJOR IN PSYCHOLOGY  
6 OR RELATED FIELD FROM A REGIONALLY ACCREDITED INSTITUTION WHICH SHALL  
7 INCLUDE THE SUCCESSFUL COMPLETION OF COURSEWORK IN:

8 (A) ABNORMAL PSYCHOLOGY;

9 (B) PERSONALITY;

10 (C) PSYCHOLOGICAL STATISTICS; AND

11 (D) PSYCHOLOGICAL TESTING OR THE THEORY AND PRINCIPLES OF PSYCHOLOG-  
12 ICAL ASSESSMENT.

13 4. CERTIFICATION. NEURO-PSYCHOLOGY TECHNICIANS SHALL BE CERTIFIED BY  
14 THE DEPARTMENT PURSUANT TO REGULATIONS DULY ADOPTED AND PROMULGATED BY  
15 THE COMMISSIONER.

16 5. ADDITIONAL TRAINING. THE QUALIFIED PSYCHOLOGIST SHALL PROVIDE ADDI-  
17 TIONAL TRAINING TO THE NEURO-PSYCHOLOGY TECHNICIAN WHICH SHALL INCLUDE:

18 (A) THE GOALS OF NEURO-PSYCHOLOGICAL EXAMINATION AND THE NEURO-PSY-  
19 CHOLOGY TECHNICIAN'S ROLE IN ACHIEVING THOSE GOALS;

20 (B) TRAINING IN INSTITUTIONAL EMERGENCY PROCEDURES TO DEAL WITH VARI-  
21 OUS PATIENT MEDICAL EMERGENCIES SUCH AS HEART ATTACK, RESPIRATORY  
22 ARREST, SEIZURES AND OTHER RELEVANT INFORMATION;

23 (C) TRAINING AND INFORMATION ON RECOMMENDED PROCEDURES FOR DEALING  
24 WITH INCOMPETENT OR ADJUDICATED PATIENTS WHO ATTEMPT TO LEAVE THE TEST-  
25 ING SETTING WITHOUT AUTHORIZATION;

26 (D) TRAINING THE NEURO-PSYCHOLOGY TECHNICIAN TO BE SENSITIVE TO SUBTLE  
27 OR OVERT SUICIDAL OR HOMICIDAL THREATS OR INNUENDOS MADE DURING TEST-  
28 ING;

29 (E) TRAINING ON HOW TO HANDLE AGGRESSIVE OR SEXUALLY EXPLICIT BEHAVIOR  
30 ON THE PART OF THE PATIENT;

31 (F) CLEARLY COMMUNICATING THE DELINEATION OF LINES OF AUTHORITY  
32 BETWEEN THE QUALIFIED PSYCHOLOGIST AND THE NEURO-PSYCHOLOGY TECHNICIAN  
33 AND MAKING SURE THAT THE NEURO-PSYCHOLOGY TECHNICIAN HAS AN EXPLICIT  
34 UNDERSTANDING OF THE LIMITED NATURE OF THE NEURO-PSYCHOLOGY TECHNICIAN'S  
35 ROLE IN NEURO-PSYCHOLOGICAL TESTING;

36 (G) EXPLICIT GUIDANCE AND TRAINING REGARDING ETHICAL ISSUES THAT  
37 PERTAIN TO THE ACTIVITIES OF A NEURO-PSYCHOLOGY TECHNICIAN IN NEURO-PSY-  
38 CHOLOGICAL TESTING WHICH SHALL INCLUDE:

39 (I) PROTECTION OF PATIENT CONFIDENTIALITY;

40 (II) PROTECTION OF THE CONFIDENTIALITY OF TEST INFORMATION REGARDING  
41 PATIENTS;

42 (III) MAINTENANCE AND PROTECTION OF TEST SECURITY;

43 (IV) CONSTRAINTS REGARDING DUAL RELATIONSHIPS WITH PATIENTS OR SUPER-  
44 VISORS;

45 (V) THE LIMITS OF THE NEURO-PSYCHOLOGY TECHNICIAN'S ROLE AND COMPETEN-  
46 CY; AND

47 (H) TRAINING IN THE ADMINISTRATION AND SCORING OF ESTABLISHED OBJEC-  
48 TIVE TESTS, INCLUDING ANY AMENDMENTS OR REVISIONS TO THE TESTS, AND IN  
49 THE ADMINISTRATION AND SCORING OF ANY TESTS WHICH ARE SUBSEQUENTLY ADDED  
50 OR INCLUDED IN THE BATTERY OF TESTS SELECTED BY THE QUALIFIED PSYCHOL-  
51 OGIST TO BE ADMINISTERED AND SCORED BY THE NEURO-PSYCHOLOGY TECHNICIAN.

52 6. TRAINING QUALIFICATIONS. (A) THE QUALIFIED PSYCHOLOGIST MAY REQUIRE  
53 THAT ANY OF THE TRAINING TO WHICH REFERENCE IS MADE IN SUBDIVISION FIVE  
54 OF THIS SECTION BE CARRIED OUT IN A FORMAL OR STRUCTURED SETTING INCLUD-  
55 ING, WITHOUT LIMITATION, SPECIAL CLASSES AND ORGANIZED WORKSHOPS.

(B) WRITTEN DOCUMENTATION SHALL BE MAINTAINED BY THE QUALIFIED PSYCHOLOGIST DESCRIBING THE NATURE AND DURATION OF TRAINING OF THE NEURO-PSYCHOLOGY TECHNICIAN, AND WHICH INDICATES THAT THE NEURO-PSYCHOLOGY TECHNICIAN HAS SUCCESSFULLY COMPLETED THE TRAINING. SUCH DOCUMENTATION SHALL IDENTIFY THE SPECIFIC TESTS IN WHICH THE NEURO-PSYCHOLOGY TECHNICIAN HAS ATTAINED COMPETENCE IN ADMINISTRATION AND SCORING.

7. REGISTRATION. EACH QUALIFIED PSYCHOLOGIST WHO EMPLOYS A NEURO-PSYCHOLOGY TECHNICIAN SHALL REGISTER EACH TECHNICIAN WITH THE DEPARTMENT AND SUBMIT A STATEMENT OF SUPERVISION OUTLINING THE PROCESS USED TO SUPERVISE EVERY NEURO-PSYCHOLOGY TECHNICIAN UNDER THEIR EMPLOY.

8. DISCLOSURE. A QUALIFIED PSYCHOLOGIST WHO EMPLOYS A NEURO-PSYCHOLOGY TECHNICIAN OR TECHNICIANS SHALL PROVIDE WRITTEN DISCLOSURE CONCERNING THE LIMITED ROLE OF NEURO-PSYCHOLOGY TECHNICIANS TO PATIENTS, LEGAL GUARDIANS OF MINORS AND TO THIRD-PARTY PAYORS. REPORTS OF NEURO-PSYCHOLOGICAL TESTING SHALL CLEARLY INDICATE WHICH TESTS WERE ADMINISTERED AND SCORED BY THE NEURO-PSYCHOLOGY TECHNICIAN AND WHICH TESTS WERE ADMINISTERED AND SCORED BY THE QUALIFIED PSYCHOLOGIST.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.