

5676

2011-2012 Regular Sessions

I N   S E N A T E

June 10, 2011

---

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

AN ACT to amend the education law and the social services law, in relation to the practice of school psychology

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 167 to  
2     read as follows:

3                                 ARTICLE 167  
4                                 SCHOOL PSYCHOLOGY

5     SECTION 8720. INTRODUCTION.

6             8721. PRACTICE OF SCHOOL PSYCHOLOGY AND USE OF THE TITLE "SCHOOL  
7                 PSYCHOLOGIST".

8             8722. DEFINITION OF THE PRACTICE OF SCHOOL PSYCHOLOGY.

9             8723. REQUIREMENTS FOR A PROFESSIONAL LICENSE.

10            8724. BOUNDARIES OF PROFESSIONAL COMPETENCY.

11            8725. LIMITED PERMITS.

12            8726. EXEMPTIONS.

13            8727. SPECIAL PROVISIONS.

14     S 8720. INTRODUCTION. THIS ARTICLE APPLIES TO THE PROFESSION AND PRAC-  
15     TICE OF SCHOOL PSYCHOLOGY AND TO THE USE OF THE TITLE "LICENSED SCHOOL  
16     PSYCHOLOGIST". THE GENERAL PROVISIONS FOR ALL PROFESSIONS CONTAINED IN  
17     ARTICLE ONE HUNDRED THIRTY OF THIS TITLE APPLY TO THIS ARTICLE.

18     S 8721. PRACTICE OF SCHOOL PSYCHOLOGY AND USE OF THE TITLE "SCHOOL  
19     PSYCHOLOGIST". ONLY A PERSON LICENSED OR EXEMPT UNDER THIS ARTICLE  
20     SHALL PRACTICE SCHOOL PSYCHOLOGY OR USE THE TITLE "LICENSED SCHOOL  
21     PSYCHOLOGIST".

22     S 8722. DEFINITION OF THE PRACTICE OF SCHOOL PSYCHOLOGY. THE PRACTICE  
23     OF SCHOOL PSYCHOLOGY IS:

24     1. THE ASSESSMENT, INCLUDING PSYCHO-EDUCATIONAL, DEVELOPMENTAL AND  
25     VOCATIONAL ASSESSMENT, EVALUATION AND INTERPRETATION OF INTELLIGENCE,

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

LBD00297-01-1

COGNITIVE PROCESSES, APTITUDES, INTERESTS, ACADEMIC ACHIEVEMENT, ADJUSTMENT, PERSONALITY FACTORS AND MOTIVATIONS, OR ANY OTHER ATTRIBUTES, IN INDIVIDUALS OR GROUPS, THAT RELATE TO LEARNING, EDUCATION OR ADJUSTMENT NEEDS;

2. THE DEVELOPMENT AND IMPLEMENTATION OF EDUCATIONALLY-RELATED PSYCHOTHERAPEUTIC AND BEHAVIORAL APPROACHES TO INCREASE SCHOOL ADJUSTMENT AND ACADEMIC SUCCESS, COUNSELING AND INTERPRETIVE SERVICES TO REDUCE EDUCATION-RELATED PROBLEMS INCLUDING, BUT NOT LIMITED TO, VERBAL INTERACTION, INTERVIEWING, BEHAVIOR TECHNIQUES, DEVELOPMENTAL AND VOCATIONAL INTERVENTION, ENVIRONMENTAL MANAGEMENT AND GROUP PROCESSES;

3. CONSULTATION WITH REPRESENTATIVES OF SCHOOLS, AGENCIES AND ORGANIZATIONS, FAMILIES OR INDIVIDUALS, INCLUDING PSYCHO-EDUCATIONAL, DEVELOPMENTAL AND VOCATIONAL ASSISTANCE OR DIRECT EDUCATIONAL SERVICES, RELATED TO LEARNING PROBLEMS AND ADJUSTMENTS TO THOSE PROBLEMS; AND

4. THE DEVELOPMENT OF PROGRAMMING, INCLUDING DESIGNING, IMPLEMENTING OR EVALUATING EDUCATIONALLY AND PSYCHOLOGICALLY SOUND LEARNING ENVIRONMENTS AND THE FACILITATION OF PSYCHO-EDUCATIONAL DEVELOPMENT OF INDIVIDUALS, FAMILIES OR GROUPS.

S 8723. REQUIREMENTS FOR A PROFESSIONAL LICENSE. TO QUALIFY FOR A LICENSE AS A LICENSED SCHOOL PSYCHOLOGIST, AN APPLICANT SHALL FULFILL THE FOLLOWING REQUIREMENTS:

1. APPLICATION: FILE AN APPLICATION WITH THE DEPARTMENT;

2. EDUCATION: COMPLETE A MINIMUM OF SIXTY GRADUATE CREDITS AND FULFILL THE REQUIREMENTS OF A MASTER'S OR DOCTORAL DEGREE IN SCHOOL PSYCHOLOGY FROM A PROGRAM REGISTERED BY THE DEPARTMENT, OR DETERMINED BY THE DEPARTMENT TO BE THE SUBSTANTIAL EQUIVALENT IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS. THE GRADUATE COURSEWORK SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING AREAS:

(I) BIOLOGICAL, SOCIAL AND CULTURAL BASES OF DEVELOPMENT;

(II) PSYCHOPATHOLOGY AND EXCEPTIONALITY IN LEARNING AND BEHAVIOR;

(III) ASSESSMENT AND APPRAISAL OF LEARNERS IN HOME AND SCHOOL CONTEXTS;

(IV) CONSULTATION AND COLLABORATION IN FAMILY, SCHOOL AND COMMUNITY SYSTEMS;

(V) EFFECTIVE INSTRUCTION AND DEVELOPMENT OF COGNITIVE AND ACADEMIC SKILLS;

(VI) PREVENTION AND TREATMENT OF BEHAVIORAL AND EMOTIONAL DISORDERS AND DEFICITS;

(VII) SCHOOL ORGANIZATION, CURRICULUM, POLICY AND LAW;

(VIII) RESEARCH AND PROGRAM EVALUATION;

(IX) PROFESSION AND ETHICAL PRACTICE OF PSYCHOLOGY IN SCHOOLS; AND

(X) COMPLETION OF A TWELVE HUNDRED HOUR SUPERVISED INTERNSHIP IN SCHOOL PSYCHOLOGY, WITH NO LESS THAN SIX HUNDRED HOURS COMPLETED WITHIN A SCHOOL SETTING.

3. EXPERIENCE: COMPLETE A MINIMUM OF TWO THOUSAND FOUR HUNDRED HOURS OF POST-MASTER'S SUPERVISED EXPERIENCE RELEVANT TO THE PRACTICE OF SCHOOL PSYCHOLOGY SATISFACTORY TO THE BOARD AND IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS, SUCH SUPERVISED EXPERIENCE WHICH MAY INCLUDE ONE THOUSAND TWO HUNDRED HOURS COMPLETED AS PART OF A PROGRAM IN SCHOOL PSYCHOLOGY;

4. EXAMINATION: PASS AN EXAMINATION SATISFACTORY TO THE BOARD AND IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;

5. AGE: BE AT LEAST TWENTY-ONE YEARS OF AGE;

6. CHARACTER: BE OF GOOD MORAL CHARACTER AS DETERMINED BY THE DEPARTMENT; AND

1 7. FEES: PAY A FEE OF TWO HUNDRED FORTY DOLLARS TO THE DEPARTMENT FOR  
2 ADMISSION TO A DEPARTMENT CONDUCTED EXAMINATION AND FOR AN INITIAL  
3 LICENSE; A FEE OF EIGHTY-FIVE DOLLARS FOR EACH REEXAMINATION; A FEE OF  
4 ONE HUNDRED SEVENTY-FIVE DOLLARS FOR AN INITIAL LICENSE FOR PERSONS NOT  
5 REQUIRING ADMISSION TO A DEPARTMENT CONDUCTED EXAMINATION AND A FEE OF  
6 ONE HUNDRED SEVENTY DOLLARS FOR EACH TRIENNIAL REGISTRATION PERIOD.

7 S 8724. BOUNDARIES OF PROFESSIONAL COMPETENCY. 1. IT SHALL BE DEEMED  
8 PRACTICING OUTSIDE THE BOUNDARIES OF HIS OR HER PROFESSIONAL COMPETENCE  
9 FOR A PERSON LICENSED PURSUANT TO THIS ARTICLE, IN THE CASE OF TREATMENT  
10 OF ANY SERIOUS MENTAL ILLNESS, TO PROVIDE ANY MENTAL HEALTH SERVICES  
11 FOR SUCH ILLNESS ON A CONTINUOUS AND SUSTAINED BASIS WITHOUT A MEDICAL  
12 EVALUATION OF THE ILLNESS BY, AND CONSULTATION WITH, A PHYSICIAN REGARD-  
13 ING SUCH ILLNESS. SUCH MEDICAL EVALUATION AND CONSULTATION SHALL BE TO  
14 DETERMINE AND ADVISE WHETHER ANY MEDICAL CARE IS INDICATED FOR SUCH  
15 ILLNESS. FOR PURPOSES OF THIS SECTION, "SERIOUS MENTAL ILLNESS" MEANS  
16 SCHIZOPHRENIA, SCHIZOAFFECTIVE DISORDER, BIPOLAR DISORDER, MAJOR  
17 DEPRESSIVE DISORDER, PANIC DISORDER AND OBSESSIVE-COMPULSIVE DISORDER.  
18 NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PREVENT, LIMIT OR IMPAIR  
19 CONSULTATION WITH ANY OTHER HEALTH OR MENTAL HEALTH PROFESSIONAL. NOTH-  
20 ING HEREIN CONTAINED SHALL LIMIT, MODIFY, RESTRICT OR OTHERWISE AFFECT  
21 THE DEFINITION OF THE PRACTICE OF SCHOOL PSYCHOLOGY AS PROVIDED IN  
22 SECTION EIGHTY-SEVEN HUNDRED TWENTY-TWO OF THIS ARTICLE.

23 2. ANY INDIVIDUAL WHOSE LICENSE OR AUTHORITY TO PRACTICE DERIVES FROM  
24 THE PROVISIONS OF THIS ARTICLE SHALL BE PROHIBITED FROM:

25 (A) PRESCRIBING OR ADMINISTERING DRUGS AS DEFINED IN THIS CHAPTER AS A  
26 TREATMENT, THERAPY, OR PROFESSIONAL SERVICE IN THE PRACTICE OF HIS OR  
27 HER PROFESSION; OR

28 (B) USING INVASIVE PROCEDURES AS A TREATMENT, THERAPY, OR PROFESSIONAL  
29 SERVICE IN THE PRACTICE OF HIS OR HER PROFESSION. FOR PURPOSES OF THIS  
30 SUBDIVISION, "INVASIVE PROCEDURE" MEANS ANY PROCEDURE IN WHICH HUMAN  
31 TISSUE IS CUT, ALTERED, OR OTHERWISE INFILTRATED BY MECHANICAL OR OTHER  
32 MEANS. INVASIVE PROCEDURE INCLUDES SURGERY, LASERS, IONIZING RADIATION,  
33 THERAPEUTIC ULTRASOUND, OR ELECTROCONVULSIVE THERAPY.

34 3. NOTHING IN THIS ARTICLE SHALL BE DEEMED TO AUTHORIZE, GRANT OR  
35 EXTEND HOSPITAL PRIVILEGES TO INDIVIDUALS LICENSED UNDER THIS ARTICLE.

36 S 8725. LIMITED PERMITS. 1. THE DEPARTMENT MAY ISSUE A LIMITED PERMIT  
37 TO AN APPLICANT WHOSE QUALIFICATIONS HAVE BEEN APPROVED FOR ADMISSION TO  
38 THE EXAMINATION IN ACCORDANCE WITH REGULATIONS PROMULGATED THEREFOR.

39 2. LIMITED PERMITS SHALL BE FOR ONE YEAR AND BE RENEWED, AT THE  
40 DISCRETION OF THE DEPARTMENT, FOR ONE ADDITIONAL YEAR.

41 3. THE FEE FOR EACH LIMITED PERMIT AND FOR EACH RENEWAL SHALL BE  
42 SEVENTY DOLLARS.

43 S 8726. EXEMPTIONS. NOTHING CONTAINED IN THIS ARTICLE SHALL BE  
44 CONSTRUED TO:

45 1. APPLY TO THE PRACTICE, CONDUCT, ACTIVITIES, SERVICES OR USE OF ANY  
46 TITLE BY ANY PERSON LICENSED OR OTHERWISE AUTHORIZED TO PRACTICE MEDI-  
47 CINE WITHIN THE STATE PURSUANT TO ARTICLE ONE HUNDRED THIRTY-ONE OF THIS  
48 TITLE OR BY ANY PERSON REGISTERED TO PERFORM SERVICES AS A PHYSICIAN  
49 ASSISTANT WITHIN THE STATE PURSUANT TO ARTICLE ONE HUNDRED THIRTY-ONE-B  
50 OF THIS TITLE OR BY ANY PERSON LICENSED OR OTHERWISE AUTHORIZED TO PRAC-  
51 TICE PSYCHOLOGY WITHIN THIS STATE PURSUANT TO ARTICLE ONE HUNDRED  
52 FIFTY-THREE OF THIS TITLE OR BY ANY PERSON LICENSED OR OTHERWISE AUTHOR-  
53 IZED TO PRACTICE AS A LICENSED CLINICAL SOCIAL WORKER WITHIN THIS STATE  
54 PURSUANT TO ARTICLE ONE HUNDRED FIFTY-FOUR OF THIS TITLE, OR BY ANY  
55 PERSON LICENSED OR OTHERWISE AUTHORIZED TO PRACTICE NURSING AS A REGIS-  
56 TERED PROFESSIONAL NURSE WITHIN THIS STATE PURSUANT TO ARTICLE ONE

HUNDRED THIRTY-NINE OF THIS TITLE, OR BY ANY PERSON LICENSED OR OTHERWISE AUTHORIZED TO PRACTICE MENTAL HEALTH COUNSELING, MARRIAGE AND FAMILY THERAPY, CREATIVE ARTS THERAPY, OR PSYCHOANALYSIS WITHIN THE STATE PURSUANT TO ARTICLE ONE HUNDRED SIXTY-THREE OF THIS TITLE; PROVIDED, HOWEVER, THAT NO PHYSICIAN, PHYSICIAN'S ASSISTANT, REGISTERED PROFESSIONAL NURSE, PSYCHOLOGIST, LICENSED CLINICAL SOCIAL WORKER, LICENSED MENTAL HEALTH COUNSELOR, LICENSED MARRIAGE AND FAMILY THERAPIST, LICENSED CREATIVE ARTS THERAPIST OR LICENSED PSYCHOANALYST MAY USE THE TITLE UNLESS LICENSED UNDER THIS ARTICLE;

2. PROHIBIT OR LIMIT ANY INDIVIDUAL WHO IS CREDENTIALLED UNDER ANY LAW, INCLUDING ATTORNEYS, RAPE CRISIS COUNSELORS, CERTIFIED ALCOHOLISM COUNSELORS AND CERTIFIED SUBSTANCE ABUSE COUNSELORS FROM PROVIDING MENTAL HEALTH SERVICES WITHIN THEIR RESPECTIVE ESTABLISHED AUTHORITIES;

3. PROHIBIT OR LIMIT THE PRACTICE OF A PROFESSION LICENSED PURSUANT TO THIS ARTICLE BY A STUDENT, INTERN OR RESIDENT IN, AND AS A PART OF, A SUPERVISED EDUCATIONAL PROGRAM IN AN INSTITUTION APPROVED BY THE DEPARTMENT;

4. PROHIBIT OR LIMIT THE PROVISION OF PASTORAL COUNSELING SERVICES BY ANY MEMBER OF THE CLERGY OR CHRISTIAN SCIENCE PRACTITIONER, WITHIN THE CONTEXT OF HIS OR HER MINISTERIAL CHARGE OR OBLIGATION;

5. PROHIBIT OR LIMIT INDIVIDUALS, CHURCHES, SCHOOLS, TEACHERS, ORGANIZATIONS, OR NOT-FOR-PROFIT BUSINESSES, FROM PROVIDING INSTRUCTION, ADVICE, SUPPORT, ENCOURAGEMENT, OR INFORMATION TO INDIVIDUALS, FAMILIES, AND RELATIONAL GROUPS; OR

6. PROHIBIT OR LIMIT AN OCCUPATIONAL THERAPIST FROM PERFORMING WORK CONSISTENT WITH ARTICLE ONE HUNDRED FIFTY-SIX OF THIS TITLE.

S 8727. SPECIAL PROVISIONS. 1. ANY NONEXEMPT PERSON PRACTICING THE PROFESSION OF SCHOOL PSYCHOLOGY SHALL APPLY FOR A LICENSE OF SUCH PROFESSION WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS SECTION.

(A) IF SUCH PERSON DOES NOT MEET THE REQUIREMENTS FOR A LICENSE ESTABLISHED WITHIN THIS ARTICLE, SUCH PERSON MAY MEET ALTERNATIVE CRITERIA DETERMINED BY THE DEPARTMENT TO BE THE SUBSTANTIAL EQUIVALENT OF SUCH CRITERIA.

(B) IF SUCH PERSON MEETS THE REQUIREMENTS FOR A LICENSE ESTABLISHED WITHIN THIS ARTICLE, EXCEPT FOR EXAMINATION, AND HAS BEEN CERTIFIED OR REGISTERED BY A NATIONAL CERTIFYING OR REGISTERING BODY HAVING CERTIFICATION OR REGISTRATION STANDARDS ACCEPTABLE TO THE COMMISSIONER, THE DEPARTMENT SHALL LICENSE WITHOUT EXAMINATION.

2. NOTWITHSTANDING THE REQUIREMENTS OF SECTION EIGHTY-SEVEN HUNDRED TWENTY-THREE OF THIS ARTICLE, AND FOR A PERIOD OF TIME NOT TO EXCEED TWO YEARS FROM THE EFFECTIVE DATE OF THIS ARTICLE, AN INDIVIDUAL MAY BE LICENSED AS A SCHOOL PSYCHOLOGIST PROVIDED SUCH PERSON HAS EITHER:

(A) MET THE EDUCATIONAL REQUIREMENTS AS DEFINED IN SECTION EIGHTY-SEVEN HUNDRED TWENTY-THREE OF THIS ARTICLE AND PERFORMED THE DUTIES OF A SCHOOL PSYCHOLOGIST FOR TWO OF THE PAST FIVE YEARS PRIOR TO THE EFFECTIVE DATE OF THIS ARTICLE; OR

(B) PERFORMED THE DUTIES OF A SCHOOL PSYCHOLOGIST FOR AT LEAST FIVE YEARS PRIOR TO THE EFFECTIVE DATE OF THIS ARTICLE.

3. ANY PERSON LICENSED PURSUANT TO THIS ARTICLE MAY USE ACCEPTED CLASSIFICATIONS OF SIGNS, SYMPTOMS, DYSFUNCTIONS AND DISORDERS, AS APPROVED IN ACCORDANCE WITH REGULATIONS PROMULGATED BY THE DEPARTMENT, IN THE PRACTICE OF SUCH LICENSED PROFESSION.

S 2. Paragraph a of subdivision 3 of section 6507 of the education law, as amended by chapter 356 of the laws of 2006, is amended to read as follows:

1 a. Establish standards for preprofessional and professional education,  
2 experience and licensing examinations as required to implement the arti-  
3 cle for each profession. Notwithstanding any other provision of law, the  
4 commissioner shall establish standards requiring that all persons apply-  
5 ing, on or after January first, nineteen hundred ninety-one, initially,  
6 or for the renewal of, a license, registration or limited permit to be a  
7 physician, chiropractor, dentist, registered nurse, podiatrist, optome-  
8 trist, psychiatrist, psychologist, LICENSED SCHOOL PSYCHOLOGIST,  
9 licensed master social worker, licensed clinical social worker, licensed  
10 creative arts therapist, licensed marriage and family therapist,  
11 licensed mental health counselor, licensed psychoanalyst, or dental  
12 hygienist shall, in addition to all the other licensure, certification  
13 or permit requirements, have completed two hours of coursework or train-  
14 ing regarding the identification and reporting of child abuse and  
15 maltreatment. The coursework or training shall be obtained from an  
16 institution or provider which has been approved by the department to  
17 provide such coursework or training. The coursework or training shall  
18 include information regarding the physical and behavioral indicators of  
19 child abuse and maltreatment and the statutory reporting requirements  
20 set out in sections four hundred thirteen through four hundred twenty of  
21 the social services law, including but not limited to, when and how a  
22 report must be made, what other actions the reporter is mandated or  
23 authorized to take, the legal protections afforded reporters, and the  
24 consequences for failing to report. Such coursework or training may also  
25 include information regarding the physical and behavioral indicators of  
26 the abuse of individuals with mental retardation and other developmental  
27 disabilities and voluntary reporting of abused or neglected adults to  
28 the office of mental retardation and developmental disabilities or the  
29 local adult protective services unit. Each applicant shall provide the  
30 department with documentation showing that he or she has completed the  
31 required training. The department shall provide an exemption from the  
32 child abuse and maltreatment training requirements to any applicant who  
33 requests such an exemption and who shows, to the department's satisfac-  
34 tion, that there would be no need because of the nature of his or her  
35 practice for him or her to complete such training;

36 S 3. Paragraph (a) of subdivision 1 of section 413 of the social  
37 services law, as separately amended by chapters 323 and 366 of the laws  
38 of 2008, is amended to read as follows:

39 (a) The following persons and officials are required to report or  
40 cause a report to be made in accordance with this title when they have  
41 reasonable cause to suspect that a child coming before them in their  
42 professional or official capacity is an abused or maltreated child, or  
43 when they have reasonable cause to suspect that a child is an abused or  
44 maltreated child where the parent, guardian, custodian or other person  
45 legally responsible for such child comes before them in their profes-  
46 sional or official capacity and states from personal knowledge facts,  
47 conditions or circumstances which, if correct, would render the child an  
48 abused or maltreated child: any physician; registered physician assist-  
49 ant; surgeon; medical examiner; coroner; dentist; dental hygienist;  
50 osteopath; optometrist; chiropractor; podiatrist; resident; intern;  
51 psychologist; SCHOOL PSYCHOLOGIST; registered nurse; social worker;  
52 emergency medical technician; licensed creative arts therapist; licensed  
53 marriage and family therapist; licensed mental health counselor;  
54 licensed psychoanalyst; hospital personnel engaged in the admission,  
55 examination, care or treatment of persons; a Christian Science practi-  
56 tioner; school official, which includes but is not limited to school

1 teacher, school guidance counselor, school psychologist, school social  
2 worker, school nurse, school administrator or other school personnel  
3 required to hold a teaching or administrative license or certificate;  
4 social services worker; day care center worker; school-age child care  
5 worker; provider of family or group family day care; employee or volun-  
6 teer in a residential care facility defined in subdivision four of  
7 section four hundred twelve-a of this title or any other child care or  
8 foster care worker; mental health professional; substance abuse counse-  
9 lor; alcoholism counselor; all persons credentialed by the office of  
10 alcoholism and substance abuse services; peace officer; police officer;  
11 district attorney or assistant district attorney; investigator employed  
12 in the office of a district attorney; or other law enforcement official.

13 S 4. Section 7602 of the education law, as added by chapter 987 of the  
14 laws of 1971, is amended to read as follows:

15 S 7602. State board for psychology. A state board for psychology  
16 shall be appointed by the board of regents on recommendation of the  
17 commissioner for the purpose of assisting the board of regents and the  
18 department on matters of professional licensing and professional conduct  
19 in accordance with section sixty-five hundred eight of this title. The  
20 board shall be composed of not less than eleven [psychologists licensed  
21 in this state] MEMBERS, A NUMBER OF WHOM SHALL BE LICENSED SCHOOL  
22 PSYCHOLOGISTS SUFFICIENT TO ASSURE MEANINGFUL PARTICIPATION IN BOARD  
23 ACTIVITIES. An executive secretary to the board shall be appointed by  
24 the board of regents upon the recommendation of the commissioner and  
25 shall be a psychologist, licensed in this state.

26 S 5. Severability. If any clause, sentence, paragraph, section or part  
27 of this act shall be adjudged by any court of competent jurisdiction to  
28 be invalid, the judgment shall not affect, impair, or invalidate the  
29 remainder thereof, but shall be confined in its operation to the clause,  
30 sentence, paragraph, section or part thereof directly involved in the  
31 controversy in which the judgment shall have been rendered.

32 S 6. This act shall take effect January 1, 2012; provided that the  
33 department of education is authorized to promulgate any and all rules  
34 and regulations and take any other measure necessary to implement this  
35 act on or before its effective date, including, but not limited to, the  
36 appointment of the state board for psychology, the acceptance and proc-  
37 essing of applications for licensure and the issuance of licenses;  
38 provided further that the provisions of article 167 of the education  
39 law, as added by section one of this act, requiring a license or limited  
40 permit to practice under such article shall not be enforced until Janu-  
41 ary 1, 2013.