

7273

I N S E N A T E

May 2, 2012

Introduced by Sen. LIBOUS -- 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 "REFLEXOLOGIST".

8 7853. STATE BOARD FOR REFLEXOLOGY.

9 7854. REQUIREMENTS FOR A PROFESSIONAL LICENSE.

10 7855. EXEMPT PERSONS.

11 7856. LIMITED PERMITS.

12 7857. SPECIAL PROVISIONS.

13 S 7850. INTRODUCTION. THIS ARTICLE APPLIES TO THE PROFESSION OF
14 REFLEXOLOGY. THE GENERAL PROVISIONS FOR ALL PROFESSIONS CONTAINED IN
15 ARTICLE ONE HUNDRED THIRTY OF THIS TITLE APPLY TO THIS ARTICLE.

16 S 7851. DEFINITIONS. AS USED IN THIS ARTICLE THE FOLLOWING TERMS SHALL
17 HAVE THE FOLLOWING MEANINGS:

18 1. "BOARD" MEANS THE STATE BOARD FOR REFLEXOLOGY CREATED BY SECTION
19 SEVENTY-EIGHT HUNDRED FIFTY-THREE OF THIS ARTICLE.

20 2. "PRACTITIONER" MEANS A PERSON WHO PRACTICES REFLEXOLOGY FOR COMPEN-
21 SATION AND WHO HOLDS CURRENT CERTIFICATION FROM AN ENTITY APPROVED BY
22 THE COMMISSIONER.

23 3. "REFLEXOLOGY" MEANS THE SYSTEMATIC APPLICATION OF ALTERNATING PRES-
24 SURE BY THE USE OF A PRACTITIONER'S HANDS, THUMBS AND FINGERS TO REFLEX
25 POINTS ON AN INDIVIDUAL'S HANDS, FEET, FACE OR EARS, USING ALTERNATING
26 PRESSURE AND SUCH TECHNIQUES AS THUMB AND FINGER WALKING, HOOK AND BACK
27 UP, AND ROTATION ON A REFLEX FOR THE PURPOSE OF HEALTH PROMOTION.

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

LBD15689-01-2

1 S 7852. PRACTICE OF REFLEXOLOGY AND USE OF TITLE "REFLEXOLOGIST". ONLY
2 A PERSON LICENSED OR AUTHORIZED PURSUANT TO THIS ARTICLE SHALL PRACTICE
3 REFLEXOLOGY AND ONLY A PERSON SO LICENSED SHALL USE THE TITLE "REFLEXOL-
4 OGIST". NO PERSON, FIRM, PARTNERSHIP, LIMITED LIABILITY COMPANY OR
5 CORPORATION SHALL DESCRIBE ITS SERVICES IN ANY MANNER UNDER THE TITLE
6 "REFLEXOLOGY" UNLESS SUCH SERVICES ARE PERFORMED BY A PERSON LICENSED OR
7 AUTHORIZED PURSUANT TO THIS ARTICLE.

8 S 7853. STATE BOARD FOR REFLEXOLOGY. 1. A STATE BOARD FOR REFLEXOLOGY
9 SHALL BE ESTABLISHED AND APPOINTED BY THE BOARD OF REGENTS ON THE RECOM-
10 MENDATION OF THE COMMISSIONER FOR THE PURPOSE OF ASSISTING THE BOARD OF
11 REGENTS AND THE DEPARTMENT ON MATTERS OF PROFESSIONAL LICENSING AND
12 PROFESSIONAL CONDUCT IN ACCORDANCE WITH SECTION SIXTY-FIVE HUNDRED EIGHT
13 OF THIS TITLE. THE BOARD SHALL BE COMPOSED OF NOT LESS THAN SEVEN
14 PERSONS, FOUR OF WHOM SHALL HAVE BEEN ENGAGED IN THE TEACHING, RESEARCH
15 OR PRACTICE OF REFLEXOLOGY FOR AT LEAST THREE YEARS, TWO OF WHOM SHALL
16 BE PHYSICIANS OR NURSES LICENSED IN THIS STATE AND ONE WHO SHALL BE A
17 PUBLIC MEMBER REPRESENTING CONSUMERS AND THE COMMUNITY. AN EXECUTIVE
18 SECRETARY TO THE BOARD SHALL BE APPOINTED BY THE BOARD OF REGENTS ON
19 RECOMMENDATION OF THE COMMISSIONER.

20 2. THE BOARD OF REGENTS AND THE COMMISSIONER, IN CONSULTATION WITH THE
21 BOARD, SHALL PROMULGATE SUCH RULES AND REGULATIONS AS THEY DEEM NECES-
22 SARY AND APPROPRIATE TO EFFECTUATE THE PROVISIONS OF THIS ARTICLE.

23 S 7854. REQUIREMENTS FOR A PROFESSIONAL LICENSE. 1. TO QUALIFY FOR A
24 LICENSE AS A REFLEXOLOGIST, AN APPLICANT SHALL FULFILL THE FOLLOWING
25 REQUIREMENTS:

26 (A) APPLICATION: FILE AN APPLICATION WITH THE DEPARTMENT;

27 (B) CERTIFICATE: HOLD A CURRENT CERTIFICATE FROM THE AMERICAN REFLEX-
28 OLOGY CERTIFICATION BOARD (ARCB) OR ANY OTHER INDEPENDENT NATIONAL
29 CERTIFICATION PROGRAM APPROVED BY THE BOARD;

30 (C) EDUCATION: HAVE RECEIVED AN EDUCATION, INCLUDING HIGH SCHOOL GRAD-
31 UATION AND GRADUATION FROM A SCHOOL OR INSTITUTE OF REFLEXOLOGY WITH A
32 PROGRAM REGISTERED BY THE DEPARTMENT, OR ITS SUBSTANTIAL EQUIVALENT IN
33 BOTH SUBJECT MATTER AND EXTENT OF TRAINING, PROVIDED THAT THE PROGRAM IN
34 SUCH A SCHOOL OR INSTITUTE SHALL CONSIST OF TRAINING FOR A TOTAL OF NOT
35 LESS THAN TWO HUNDRED HOURS IN SUBJECTS SATISFACTORY TO THE DEPARTMENT;

36 (D) EXAMINATION: PASS AN EXAMINATION SATISFACTORY TO THE BOARD AND IN
37 ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;

38 (E) AGE: BE AT LEAST EIGHTEEN YEARS OF AGE;

39 (F) CITIZENSHIP OR IMMIGRATION STATUS: BE A UNITED STATES CITIZEN OR
40 AN ALIEN LAWFULLY ADMITTED FOR PERMANENT RESIDENCE IN THE UNITED STATES;

41 (G) CHARACTER: BE OF GOOD MORAL CHARACTER AS DETERMINED BY THE DEPART-
42 MENT;

43 (H) CRIMINAL BACKGROUND: SUBMIT A STATEMENT CERTIFYING THAT THE APPLI-
44 CANT HAS NOT BEEN CONVICTED IN THIS STATE OR IN ANY OTHER STATE FOR ANY
45 CRIME INVOLVING VIOLENCE INFLICTED ON A PERSON OR THREATENED AGAINST A
46 PERSON, OR ANY SEXUALLY-RELATED CRIME; AND

47 (I) FEES: PAY FEES REQUIRED IN RULES ADOPTED BY THE DEPARTMENT AND THE
48 BOARD OF REGENTS.

49 2. LICENSES SHALL BE VALID FOR FOUR YEARS.

50 S 7855. EXEMPT PERSONS. NOTHING CONTAINED IN THIS ARTICLE SHALL BE
51 CONSTRUED TO PROHIBIT:

52 1. THE PRACTICE OF REFLEXOLOGY BY ANY PERSON WHO IS AUTHORIZED TO
53 PRACTICE MEDICINE, NURSING, OSTEOPATHY, CHIROPRACTIC, PHYSIOTHERAPY,
54 PODIATRY OR MASSAGE THERAPY IN ACCORDANCE WITH THE PROVISIONS OF THIS
55 TITLE.

2. THE PRACTICE OF THAT FORM OF MASSAGE WHICH IS CUSTOMARILY GIVEN IN BARBER SHOPS OR BEAUTY PARLORS FOR THE PURPOSE OF BEAUTIFICATION BY ANY LICENSED BARBER OR COSMETOLOGIST.

3. THE PRACTICE OF REFLEXOLOGY BY ANY PERSON EMPLOYED IN A MEDICAL INSTITUTION LICENSED OR CHARTERED BY THE STATE OF NEW YORK, PROVIDED THAT SUCH PERSON IS UNDER THE ON-SITE SUPERVISION OF THE PERSON LICENSED TO PRACTICE REFLEXOLOGY OR AUTHORIZED TO PRACTICE REFLEXOLOGY PURSUANT TO SUBDIVISION ONE OF THIS SECTION OR BY ANY PERSON ENROLLED IN THE PROGRAM OF A SCHOOL OR INSTITUTE OF REFLEXOLOGY REGISTERED BY THE DEPARTMENT OR ENROLLED IN A PROGRAM WHICH SATISFIES THE REQUIREMENTS OF SECTION SEVENTY-EIGHT HUNDRED FIFTY-FOUR OF THIS ARTICLE, PROVIDED THAT SUCH PERSON IS UNDER THE ON-SITE SUPERVISION OF A PERSON LICENSED TO PRACTICE REFLEXOLOGY OR AUTHORIZED TO PRACTICE REFLEXOLOGY PURSUANT TO SUBDIVISION ONE OF THIS SECTION.

S 7856. LIMITED PERMITS. 1. THE DEPARTMENT MAY ISSUE A LIMITED PERMIT TO PRACTICE REFLEXOLOGY AS A LICENSED REFLEXOLOGIST TO A PERSON WHO HAS NOT PREVIOUSLY HELD SUCH A PERMIT AND WHO FULFILLS ALL EXCEPT THE EXAMINATION AND CITIZENSHIP REQUIREMENTS FOR A LICENSE, PROVIDED HOWEVER THAT A PERMIT SHALL NOT BE ISSUED TO A PERSON WHO HAS FAILED THE STATE LICENSING EXAMINATION.

2. THE LIMITED PERMIT SHALL BE VALID FOR A PERIOD OF NOT MORE THAN TWELVE MONTHS OR UNTIL THE RESULTS OF THE NEXT LICENSING EXAMINATION FOR WHICH THE PERSON IS ELIGIBLE ARE OFFICIALLY AVAILABLE, WHICHEVER COMES FIRST.

3. A LIMITED PERMIT SHALL ENTITLE THE HOLDER TO PRACTICE REFLEXOLOGY ONLY UNDER THE PERSONAL SUPERVISION OF A PERSON CURRENTLY LICENSED TO PRACTICE REFLEXOLOGY IN THIS STATE.

4. THE FEE FOR A LIMITED PERMIT SHALL BE REQUIRED AND SHALL BE AS ADOPTED IN THE RULES OF THE DEPARTMENT AND THE BOARD OF REGENTS.

S 7857. SPECIAL PROVISIONS. 1. NOTWITHSTANDING THE REQUIREMENTS OF SECTIONS SEVENTY-EIGHT HUNDRED FIFTY-FOUR AND SEVENTY-EIGHT HUNDRED FIFTY-SIX OF THIS ARTICLE, AN INDIVIDUAL CURRENTLY ENGAGING IN THE PRACTICE OF REFLEXOLOGY MAY CONTINUE TO PRACTICE AFTER THE EFFECTIVE DATE OF THIS ARTICLE, WHEN AN INDIVIDUAL FULFILLS ALL EXCEPT THE CERTIFICATION AND APPLICATION REQUIREMENTS OF SECTION SEVENTY-EIGHT HUNDRED FIFTY-FOUR OF THIS ARTICLE. SUCH INDIVIDUAL SHALL HAVE EIGHTEEN MONTHS TO ATTAIN SUCH CERTIFICATION FROM THE AMERICAN REFLEXOLOGY CERTIFICATION BOARD AND APPLY FOR A LICENSE TO PRACTICE REFLEXOLOGY.

2. FOR THE PURPOSES OF SUBDIVISION ONE OF THIS SECTION, IT SHALL BE DETERMINED THAT THE FILING OF AN APPLICATION WITH THE DEPARTMENT ON OR BEFORE THE EXPIRATION OF THE EIGHTEEN MONTH PERIOD SHALL QUALIFY FOR PURPOSES OF SUCH SUBDIVISION, REGARDLESS OF THE TIME PERIOD REQUIRED FOR PROCESSING SUCH APPLICATION.

3. ANY CERTIFICATION FROM THE AMERICAN REFLEXOLOGY CERTIFICATION BOARD WHICH HAS BEEN ISSUED PRIOR TO THE EFFECTIVE DATE OF THIS ARTICLE SHALL BE DEEMED VOID AND INVALID IF THE HOLDER HAS NOT MET THE EDUCATIONAL REQUIREMENTS OF SECTION SEVENTY-EIGHT HUNDRED FIFTY-FOUR OF THIS ARTICLE.

S 2. The department of education shall transmit to the state comptroller for deposit in the special revenues account of the department of education all fees submitted to such department pursuant to sections 7854 and 7855 of the education law as added by section one of this act.

S 3. This act shall take effect on the sixtieth day after it shall have become a law.