

3012

2011-2012 Regular Sessions

I N A S S E M B L Y

January 21, 2011

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

AN ACT to amend the education law, in relation to the practice of biofeedback therapy

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 139-A
2 to read as follows:

3 ARTICLE 139-A

4 BIOFEEDBACK THERAPY PRACTICES ACT

5 SECTION 6920. DEFINITION OF PRACTICE OF BIOFEEDBACK THERAPY.

6 6921. AUTHORIZED PRACTICE.

7 6922. STATE BOARD OF BIOFEEDBACK THERAPY.

8 6923. REQUIREMENTS FOR A LICENSE.

9 6924. LIMITED PERMITS.

10 6925. EXEMPT PERSONS.

11 6926. SPECIAL PROVISIONS.

12 6927. PRACTICE RESTRICTIONS.

13 S 6920. DEFINITION OF PRACTICE OF BIOFEEDBACK THERAPY. THE PRACTICE OF
14 BIOFEEDBACK THERAPY IS THE USE OF SENSITIVE INSTRUMENTS TO MEASURE BODI-
15 LY PROCESSES WITH THE PURPOSE OF REPORTING RESULTS TO THE PERSON BEING
16 MEASURED TO ASSIST SUCH PERSON IN CONTROLLING THESE PROCESSES. THIS CAN
17 BE A WAY TO LEARN STRESS MANAGEMENT AND RELAXATION TO PREVENT STRESS
18 RELATED DISORDERS, OR TO REDUCE OR ELIMINATE THE SYMPTOMS OF MANY
19 SYNDROMES. IN ADDITION TO TEACHING SELF-REGULATION BY THE USE OF SUCH
20 INSTRUMENTS, OTHER METHODS PROMOTING HEALTH AND COPING SKILLS TAUGHT BY
21 THE BIOFEEDBACK THERAPIST INCLUDE, BUT ARE NOT LIMITED TO, DIAPHRAGMATIC
22 BREATHING, PROGRESSIVE RELAXATION, AUTOGENIC TRAINING, IMAGERY, PSYCHO-
23 PHYSIOLOGICAL THERAPY AND COGNITIVE RESTRUCTURING.

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

LBD02481-01-1

1 S 6921. AUTHORIZED PRACTICE. ONLY A PERSON LICENSED OR AUTHORIZED
2 PURSUANT TO THIS ARTICLE TO PRACTICE BIOFEEDBACK SHALL USE THE TITLE
3 "BIOFEEDBACK THERAPIST".

4 S 6922. STATE BOARD OF BIOFEEDBACK THERAPY. 1. THE STATE BOARD OF
5 BIOFEEDBACK THERAPY SHALL BE APPOINTED BY THE BOARD OF REGENTS ON RECOM-
6 MENDATION OF THE COMMISSIONER FOR THE PURPOSE OF ASSISTING THE BOARD OF
7 REGENTS ON MATTERS OF LICENSING AND CONDUCT. THE STATE BOARD OF BIOFEED-
8 BACK THERAPY SHALL BE COMPOSED OF SEVEN MEMBERS. INITIAL APPOINTMENTS TO
9 THE STATE BOARD OF BIOFEEDBACK THERAPY SHALL BE SUCH THAT THE TERMS
10 SHALL BE STAGGERED. NO MEMBER SHALL SERVE MORE THAN TWO TERMS.

11 2. SIX MEMBERS SO APPOINTED SHALL BE PERSONS LICENSED OR EXEMPT PURSU-
12 ANT TO THIS ARTICLE, AND ONE MEMBER SO APPOINTED SHALL BE AN INDIVIDUAL
13 LICENSED IN THIS STATE AS A PHYSICIAN WHO IS PRACTICING.

14 S 6923. REQUIREMENTS FOR A LICENSE. 1. TO QUALIFY FOR A LICENSE AS A
15 BIOFEEDBACK THERAPIST AN APPLICANT SHALL FULFILL THE FOLLOWING REQUIRE-
16 MENTS:

17 A. APPLICATION: FILE AN APPLICATION WITH THE DEPARTMENT.

18 B. EDUCATION: HAVE AT LEAST A MASTER'S DEGREE FROM AN ACCREDITED
19 INSTITUTION OF HIGHER LEARNING IN A HEALTH CARE RELATED FIELD SATISFAC-
20 TORY TO THE BOARD OF REGENTS, PLUS AT LEAST FIFTY HOURS OF DIDACTIC
21 BIOFEEDBACK EDUCATION.

22 C. TRAINING AND SUPERVISION: HAVE AT LEAST ONE HUNDRED HOURS OF CLIN-
23 ICAL EXPERIENCE IN THE PRACTICE OF BIOFEEDBACK THERAPY UNDER THE SUPER-
24 VISION OF A PERSON WHO, BECAUSE OF EDUCATION AND EXPERIENCE WOULD BE
25 ELIGIBLE FOR LICENSURE OR IS LICENSED AS A BIOFEEDBACK THERAPIST.

26 D. EXAMINATION: PASS A WRITTEN AND PRACTICAL EXAMINATION SATISFACTORY
27 TO THE BOARD OF REGENTS.

28 E. AGE: BE AT LEAST TWENTY-ONE YEARS OF AGE.

29 F. CHARACTER: BE OF GOOD MORAL CHARACTER AS DETERMINED BY THE BOARD OF
30 REGENTS.

31 G. FEES: PAY A FEE OF ONE HUNDRED SEVENTY-FIVE DOLLARS TO THE DEPART-
32 MENT FOR AN INITIAL LICENSE, AND AN ANNUAL FEE OF FIFTY DOLLARS THERE-
33 AFTER.

34 2. AN APPLICANT WHO HAS SATISFIED THE REQUIREMENTS OF SUBDIVISION ONE
35 OF THIS SECTION, OTHER THAN EDUCATION, MAY BE LICENSED AS A BIOFEEDBACK
36 TECHNICIAN UPON OBTAINING AN ASSOCIATE'S DEGREE FROM AN ACCREDITED
37 INSTITUTION OF HIGHER LEARNING IN A HEALTH CARE RELATED FIELD SATISFAC-
38 TORY TO THE BOARD OF REGENTS. SUCH TECHNICIAN WOULD BE REQUIRED TO PRAC-
39 TICE UNDER THE DIRECTION OF A LICENSED BIOFEEDBACK THERAPIST.

40 S 6924. LIMITED PERMITS. THE DEPARTMENT MAY ISSUE A LIMITED PERMIT TO
41 AN APPLICANT WHO MEETS ALL REQUIREMENTS FOR LICENSURE. THE FEE FOR EACH
42 LIMITED PERMIT AND EACH RENEWAL SHALL BE SEVENTY DOLLARS.

43 S 6925. EXEMPT PERSONS. NOTHING CONTAINED IN THIS ARTICLE SHALL BE
44 CONSTRUED TO PROHIBIT THE PRACTICE OF BIOFEEDBACK THERAPY BY QUALIFIED
45 HEALTH CARE PROFESSIONALS LICENSED IN THIS STATE, OR BY STUDENTS OR
46 INTERNS IN HEALTH CARE EDUCATIONAL PROGRAMS. NOTHING CONTAINED IN THIS
47 ARTICLE SHALL BE CONSTRUED TO PROHIBIT THE PRACTICE OF BIOFEEDBACK THER-
48 APY BY QUALIFIED PARA-PROFESSIONALS WHO ARE SUPERVISED BY LICENSED
49 HEALTH CARE PROFESSIONALS QUALIFIED TO PRACTICE BIOFEEDBACK THERAPY.

50 S 6926. SPECIAL PROVISIONS. ANY PERSON PRACTICING BIOFEEDBACK THERAPY
51 ON THE EFFECTIVE DATE OF THIS ARTICLE, NOT OTHERWISE EXEMPT, SHALL APPLY
52 FOR A LICENSE AS A BIOFEEDBACK THERAPIST WITHIN ONE YEAR OF SUCH DATE.
53 PENDING LICENSURE, SUCH PERSON SHALL BE ELIGIBLE FOR A LIMITED PERMIT AS
54 PROVIDED IN SECTION SIXTY-NINE HUNDRED TWENTY-FOUR OF THIS ARTICLE. ANY
55 PERSON WHO MEETS THE APPROPRIATE REQUIREMENTS AND HAS BEEN CERTIFIED BY

1 A NATIONAL CERTIFYING BODY HAVING STANDARDS ACCEPTABLE TO THE BOARD OF
2 REGENTS SHALL BE GRANTED A LICENSE.

3 S 6927. PRACTICE RESTRICTIONS. NOTHING CONTAINED IN THIS ARTICLE SHALL
4 BE CONSTRUED TO CONFER THE AUTHORITY TO PRACTICE MEDICINE BY BIOFEEDBACK
5 THERAPISTS.

6 S 2. This act shall take effect on the one hundred eightieth day after
7 it shall have become a law.