

4247

2011-2012 Regular Sessions

I N S E N A T E

March 25, 2011

Introduced by Sen. PERKINS -- 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 licensure of reflexology practitioners

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" IS THE STATE BOARD FOR REFLEXOLOGY AS 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.

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

LBD00310-02-1

1 3. "REFLEXOLOGY" IS THE SYSTEMATIC APPLICATION OF ALTERNATING PRESSURE
2 BY THE USE OF THE PRACTITIONER'S HANDS, THUMBS AND FINGERS TO REFLEX
3 POINTS ON AN INDIVIDUAL'S HANDS, FEET, FACE OR EARS, USING ALTERNATING
4 PRESSURE AND SUCH TECHNIQUES AS THUMB AND FINGER WALKING, HOOK AND BACK
5 UP, AND ROTATION ON A REFLEX FOR THE PURPOSE OF HEALTH PROMOTION.

6 S 7852. PRACTICE OF REFLEXOLOGY AND USE OF TITLE "REFLEXOLOGIST". ONLY
7 A PERSON LICENSED OR AUTHORIZED PURSUANT TO THIS ARTICLE SHALL PRACTICE
8 REFLEXOLOGY AND ONLY A PERSON SO LICENSED SHALL USE THE TITLE "REFLEXOL-
9 OGIST". NO PERSON, FIRM, PARTNERSHIP, OR CORPORATION SHALL DESCRIBE ITS
10 SERVICES IN ANY MANNER UNDER THE TITLE "REFLEXOLOGY" UNLESS SUCH
11 SERVICES AS DEFINED BY SUBDIVISION THREE OF SECTION SEVENTY-EIGHT
12 HUNDRED FIFTY-ONE OF THIS ARTICLE ARE PERFORMED BY A PERSON LICENSED OR
13 AUTHORIZED PURSUANT TO THIS ARTICLE.

14 S 7853. STATE BOARD FOR REFLEXOLOGY. 1. A STATE BOARD FOR REFLEXOLOGY
15 SHALL BE APPOINTED BY THE BOARD OF REGENTS ON THE RECOMMENDATION OF THE
16 COMMISSIONER FOR THE PURPOSE OF ASSISTING THE BOARD OF REGENTS AND THE
17 DEPARTMENT ON MATTERS OF PROFESSIONAL LICENSING AND PROFESSIONAL CONDUCT
18 IN ACCORDANCE WITH SECTION SIXTY-FIVE HUNDRED EIGHT OF THIS TITLE. THE
19 BOARD SHALL BE COMPOSED OF NOT LESS THAN SEVEN PERSONS, FOUR OF WHOM
20 SHALL HAVE BEEN ENGAGED IN THE TEACHING, RESEARCH OR PRACTICE OF REFLEX-
21 OLOGY FOR AT LEAST THREE YEARS, TWO OF WHOM SHALL BE PHYSICIANS OR NURS-
22 ES LICENSED IN THIS STATE AND ONE WHO SHALL BE A PUBLIC MEMBER REPRES-
23 ENTING THE CONSUMER AND COMMUNITY. AN EXECUTIVE SECRETARY TO THE BOARD
24 SHALL BE APPOINTED BY THE BOARD OF REGENTS ON RECOMMENDATION OF THE
25 COMMISSIONER.

26 2. THE BOARD OF REGENTS AND THE COMMISSIONER, IN CONSULTATION WITH THE
27 STATE BOARD OF REFLEXOLOGY, SHALL PROMULGATE SUCH RULES AND REGULATIONS
28 AS THEY DEEM NECESSARY AND APPROPRIATE TO EFFECTUATE THE PROVISIONS OF
29 THIS ARTICLE.

30 S 7854. REQUIREMENTS FOR A PROFESSIONAL LICENSE. 1. TO QUALIFY FOR A
31 LICENSE AS A REFLEXOLOGIST, AN APPLICANT SHALL FULFILL THE FOLLOWING
32 REQUIREMENTS:

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

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

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

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

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

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

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

50 (H) CRIMINAL BACKGROUND: SUBMIT A STATEMENT CERTIFYING THAT THE APPLI-
51 CANT HAS NOT BEEN CONVICTED IN NEW YORK OR IN ANY OTHER STATE FOR ANY
52 CRIME INVOLVING VIOLENCE INFLICTED ON A PERSON OR THREATENED AGAINST A
53 PERSON, OR ANY SEXUALLY-RELATED CRIME; AND

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

56 2. LICENSES SHALL BE VALID FOR FOUR YEARS.

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

3 1. THE PRACTICE OF REFLEXOLOGY BY ANY PERSON WHO IS AUTHORIZED TO
4 PRACTICE MEDICINE, NURSING, OSTEOPATHY, CHIROPRACTIC, PHYSIOTHERAPY,
5 PODIATRY, OR MASSAGE THERAPY IN ACCORDANCE WITH THE PROVISIONS OF THIS
6 TITLE.

7 THE PRACTICE OF THAT FORM OF MASSAGE WHICH IS CUSTOMARILY GIVEN IN
8 BARBER SHOPS OR BEAUTY PARLORS FOR THE PURPOSE OF BEAUTIFICATION BY ANY
9 LICENSED BARBER OR BEAUTY CULTURIST.

10 2. THE PRACTICE OF REFLEXOLOGY BY ANY PERSON EMPLOYED IN THE MEDICAL
11 INSTITUTION LICENSED OR CHARTERED BY THE STATE OF NEW YORK, PROVIDED
12 THAT SUCH PERSON IS UNDER THE ON-SITE SUPERVISION OF THE PERSON LICENSED
13 TO PRACTICE REFLEXOLOGY OR AUTHORIZED TO PRACTICE REFLEXOLOGY BY SUBDI-
14 VISION ONE OF THIS SECTION OR BY ANY PERSON ENROLLED IN THE PROGRAM OF A
15 SCHOOL OR INSTITUTE OF REFLEXOLOGY REGISTERED BY THE DEPARTMENT OR
16 ENROLLED IN A PROGRAM WHICH SATISFIES THE REQUIREMENTS OF SECTION SEVEN-
17 TY-EIGHT HUNDRED FIFTY-FOUR OF THIS ARTICLE, PROVIDED THAT SUCH PERSON
18 IS UNDER THE ON-SITE SUPERVISION OF A PERSON LICENSED TO PRACTICE
19 REFLEXOLOGY OR AUTHORIZED TO PRACTICE REFLEXOLOGY BY SUBDIVISION ONE OF
20 THIS SECTION.

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

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

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

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

36 S 7857. SPECIAL PROVISIONS. 1. NOTWITHSTANDING THE REQUIREMENTS OF
37 SECTIONS SEVENTY-EIGHT HUNDRED FIFTY-FOUR AND SEVENTY-EIGHT HUNDRED
38 FIFTY-SIX OF THIS ARTICLE, AN INDIVIDUAL CURRENTLY ENGAGING IN THE PRAC-
39 TICE OF REFLEXOLOGY MAY CONTINUE TO PRACTICE AFTER THE EFFECTIVE DATE OF
40 THIS ARTICLE, AS FOLLOWS:

41 IN THE CASE OF AN INDIVIDUAL WHO FULFILLS ALL EXCEPT THE CERTIFICATION
42 AND APPLICATION REQUIREMENTS OF SECTION SEVENTY-EIGHT HUNDRED FIFTY-FOUR
43 OF THIS ARTICLE, SUCH PERSON SHALL HAVE EIGHTEEN MONTHS TO ATTAIN SUCH
44 CERTIFICATION FROM THE ARCB AND APPLY FOR A LICENSE TO PRACTICE REFLEX-
45 OLOGY.

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

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

55 S 2. The department of education shall transmit to the state comp-
56 troller for deposit in the special revenues account of such department

1 of education all fees submitted to such department pursuant to sections
2 7854 and 7855 of the education law as added by section one of this act.
3 S 3. This act shall take effect immediately.