S T A T E O F N E W Y O R K

S. 2904--B A. 3350--B

2013-2014 Regular Sessions

S E N A T E - A S S E M B L Y

January 24, 2013

IN SENATE -- Introduced by Sens. LAVALLE, LARKIN -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- recommitted to the Committee on Higher Education in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- Introduced by M. of A. SWEENEY, MILLMAN, PAULIN, GALEF, ROSENTHAL, FAHY -- Multi-Sponsored by -- M. of A. DINOWITZ, HOOPER, MARKEY, WEISENBERG -- read once and referred to the Committee on Higher Education -- recommitted to the Committee on Higher Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to licensing of genetic counselors

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The education law is amended by adding a new article 142 to read as follows:

ARTICLE 142

GENETIC COUNSELING

SECTION 7050. INTRODUCTION.
7051. DEFINITIONS.
7052. PRACTICE OF GENETIC COUNSELING AND USE OF THE TITLE "GENETIC COUNSELOR".
7053. STATE COMMITTEE FOR GENETIC COUNSELING.
7054. REQUIREMENTS FOR A PROFESSIONAL LICENSE.
7055. EXEMPT PERSONS.

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

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7056. LIMITED PERMITS.
7057. SPECIAL PROVISION.
7058. BOUNDARIES OF PROFESSIONAL PRACTICE.
7059. MANDATORY CONTINUING EDUCATION.

S 7050. INTRODUCTION. THIS ARTICLE APPLIES TO THE LICENSING OF GENETIC COUNSELORS. THE GENERAL PROVISIONS FOR ALL PROFESSIONS CONTAINED IN ARTICLE ONE HUNDRED THIRTY OF THIS TITLE APPLY TO THIS ARTICLE.

S 7051. DEFINITIONS. AS USED IN THIS ARTICLE:

1. THE TERM "GENETIC COUNSELOR" SHALL MEAN A HEALTH PROFESSIONAL WHO IS ACADEMICALLY AND CLINICALLY PREPARED TO PROVIDE GENETIC COUNSELING SERVICES TO INDIVIDUALS AND FAMILIES SEEKING INFORMATION ABOUT THE OCCURRENCE, RISK OF OCCURRENCE OR RECURRENCE, OF GENETIC/MEDICAL CONDITIONS AND DISEASES.

2. THE TERM "LICENSED GENETIC COUNSELOR" SHALL MEAN A GENETIC COUNSELOR LICENSED PURSUANT TO THIS ARTICLE.

3. THE TERM "CERTIFIED GENETIC COUNSELOR" SHALL MEAN A GENETIC COUNSELOR WITH A MASTER'S OR DOCTORAL DEGREE IN GENETIC COUNSELING FROM AN ACCREDITED GENETIC COUNSELING PROGRAM OR EQUIVALENT AND WHO HAS PASSED THE CERTIFICATION EXAMINATION IN GENETIC COUNSELING ACCEPTABLE TO THE DEPARTMENT.

S 7052. PRACTICE OF GENETIC COUNSELING AND USE OF THE TITLE "GENETIC COUNSELOR". 1. THE "PRACTICE OF GENETIC COUNSELING" SHALL MEAN THE COMMUNICATION TO AND EDUCATION OF CLIENTS, THEIR FAMILIES, OTHER HEALTH CARE PROFESSIONALS AND THE GENERAL PUBLIC WITH REGARD TO GENETIC TESTING, INDIVIDUAL FAMILY HISTORIES, OR OTHER GENETIC, MEDICAL, AND TECHNICAL INFORMATION ASSOCIATED WITH THE OCCURRENCE, RISK OF OCCURRENCE OR RECURRENCE, OF A GENETIC OR HEREDITARY CONDITION OR BIRTH DEFECT. A PRACTITIONER OF GENETIC COUNSELING SHALL SEEK TO PROMOTE DECISION-MAKING FOR THEIR CLIENT WHICH RESPECTS THE CLIENT'S CULTURE, LANGUAGE, TRADITION, LIFESTYLE, RELIGION, BELIEFS AND VALUES. GENETIC COUNSELING SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING:

(A) OBTAIN AND EVALUATE INDIVIDUAL, FAMILY, AND MEDICAL HISTORIES TO DETERMINE GENETIC RISK FOR GENETIC/MEDICAL CONDITIONS AND DISEASES IN A PATIENT, HIS OR HER OFFSPRING, AND OTHER FAMILY MEMBERS;

(B) DISCUSS THE FEATURES, NATURAL HISTORY, MEANS OF DIAGNOSIS, GENETIC AND ENVIRONMENTAL FACTORS, AND MANAGEMENT OF RISK FOR GENETIC/MEDICAL CONDITIONS AND DISEASES;

(C) IDENTIFY AND COORDINATE GENETIC LABORATORY TESTS AND OTHER DIAGNOSTIC STUDIES AS APPROPRIATE FOR THE GENETIC ASSESSMENT;

(D) INTEGRATE GENETIC LABORATORY TEST RESULTS AND OTHER DIAGNOSTIC STUDIES WITH PERSONAL AND FAMILY MEDICAL HISTORY TO ASSESS AND COMMUNICATE RISK FACTORS FOR GENETIC/MEDICAL CONDITIONS AND DISEASES;

(E) EXPLAIN THE CLINICAL IMPLICATIONS OF GENETIC LABORATORY TESTS AND OTHER DIAGNOSTIC STUDIES AND THEIR RESULTS;

(F) EVALUATE THE CLIENT'S OR FAMILY'S RESPONSES TO THE CONDITION OR RISK OF RECURRENCE AND PROVIDE CLIENT-CENTERED COUNSELING AND ANTICIPATORY GUIDANCE;

(G) IDENTIFY AND UTILIZE COMMUNITY RESOURCES THAT PROVIDE MEDICAL, EDUCATIONAL, FINANCIAL, AND PSYCHOSOCIAL SUPPORT AND ADVOCACY; AND

(H) PROVIDE WRITTEN DOCUMENTATION OF MEDICAL, GENETIC, AND COUNSELING INFORMATION FOR PATIENTS AND HEALTH CARE PROFESSIONALS.

2. NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO AUTHORIZE A LICENSED GENETIC COUNSELOR TO DIAGNOSE OR TREAT ANY GENETIC DISEASE OR MEDICAL CONDITION.

3. IF IN THE COURSE OF PROVIDING GENETIC COUNSELING TO ANY PATIENT, A GENETIC COUNSELOR FINDS ANY INDICATION OF DISEASE OR CONDITION THAT

REQUIRES MEDICAL ASSESSMENT, THE GENETIC COUNSELOR SHALL REFER THAT PATIENT TO A LICENSED PHYSICIAN.

4. ONLY A PERSON LICENSED, OR WITH A LIMITED PERMIT OR EXEMPT UNDER THIS ARTICLE SHALL PRACTICE GENETIC COUNSELING. ONLY A PERSON LICENSED OR HOLDING A LIMITED PERMIT UNDER THIS ARTICLE SHALL USE THE TITLE "LICENSED GENETIC COUNSELOR" AND USE THE LETTERS "L.G.C." AFTER HIS OR HER NAME. ANY PERSON WHO DOES NOT HAVE A VALID LICENSE OR LIMITED PERMIT AS A GENETIC COUNSELOR SHALL NOT USE IN CONNECTION WITH HIS OR HER NAME OR PLACE OF BUSINESS THE TITLE "GENETIC COUNSELOR", "LICENSED GENETIC COUNSELOR", "GENE COUNSELOR", "GENOMIC COUNSELOR", "GENETIC ASSOCIATE", OR ANY WORDS OR LETTERS, ABBREVIATIONS OR INSIGNIA INDICATING OR IMPLYING THAT A PERSON HAS MET THE QUALIFICATIONS FOR OR HAS THE LICENSE ISSUED PURSUANT TO THE PROVISIONS OF THIS ARTICLE.

S 7053. STATE COMMITTEE FOR GENETIC COUNSELING. 1. A STATE COMMITTEE FOR GENETIC COUNSELING SHALL BE APPOINTED BY THE BOARD OF REGENTS UPON THE RECOMMENDATION OF THE COMMISSIONER AND SHALL ASSIST ON MATTERS OF LICENSURE AND PROFESSIONAL CONDUCT IN ACCORDANCE WITH SECTION SIXTY-FIVE HUNDRED EIGHT OF THIS TITLE. NOTWITHSTANDING THE PROVISIONS OF SECTION SIXTY-FIVE HUNDRED EIGHT OF THIS TITLE, THE COMMITTEE SHALL ASSIST THE BOARD FOR MEDICINE SOLELY IN GENETIC COUNSELING MATTERS. MEMBERS OF THE FIRST COMMITTEE NEED NOT BE LICENSED PRIOR TO THEIR APPOINTMENT TO SUCH COMMITTEE. THE TERMS OF THE FIRST APPOINTED MEMBERS SHALL BE STAGGERED SO THAT TWO MEMBERS ARE APPOINTED FOR THREE YEARS, THREE MEMBERS ARE APPOINTED FOR FOUR YEARS AND TWO MEMBERS ARE APPOINTED FOR FIVE YEARS. AN EXECUTIVE SECRETARY TO THE COMMITTEE SHALL BE APPOINTED BY THE BOARD OF REGENTS ON THE RECOMMENDATION OF THE COMMISSIONER.

2. THE COMMITTEE SHALL CONSIST OF SEVEN INDIVIDUALS, TO BE COMPOSED OF THE FOLLOWING:

(A) FIVE LICENSED GENETIC COUNSELORS,

(B) ONE LICENSED PHYSICIAN, AND

(C) A REPRESENTATIVE OF THE PUBLIC AT LARGE WHO IS NOT INVOLVED IN THE ORGANIZATION, FINANCING OR DELIVERY OF THE PROFESSION.

3. COMMITTEE MEMBERS SHALL BE APPOINTED FOR TERMS OF FIVE YEARS.

S 7054. REQUIREMENTS FOR A PROFESSIONAL LICENSE. TO QUALIFY FOR A LICENSE AS A "LICENSED GENETIC COUNSELOR", AN APPLICANT SHALL FULFILL THE FOLLOWING REQUIREMENTS:

1. APPLICATION: FILE AN APPLICATION WITH THE DEPARTMENT;

2. EDUCATION: HAVE RECEIVED A MASTER'S OR DOCTORAL DEGREE IN GENETIC COUNSELING FROM A PROGRAM REGISTERED BY THE DEPARTMENT, OR DETERMINED BY THE DEPARTMENT TO BE THE SUBSTANTIAL EQUIVALENT, IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS. APPROPRIATE COURSEWORK SHALL BE DETERMINED IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS ON RECOMMENDATIONS OF THE STATE COMMITTEE FOR GENETIC COUNSELING;

3. EXPERIENCE: EXPERIENCE ACCEPTABLE TO THE DEPARTMENT;

4. EXAMINATION: PASS A GENETIC COUNSELING EXAMINATION SATISFACTORY TO THE COMMITTEE 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;

7. FEES: PAY A FEE OF THREE HUNDRED DOLLARS TO THE DEPARTMENT FOR AN INITIAL LICENSE AND TWO HUNDRED DOLLARS FOR EACH SUBSEQUENT TRIENNIAL RE-REGISTRATION OF A LICENSE.

S 7055. EXEMPT PERSONS. THIS ARTICLE DOES NOT PROHIBIT THE PRACTICE OF GENETIC COUNSELING BY LICENSED PHYSICIANS OR OTHER LICENSED PROFESSIONALS PURSUANT TO TITLE EIGHT OF THIS CHAPTER TO OPERATE WITHIN THE SCOPE OF THEIR PROFESSION'S LICENSE. SUCH EXEMPT PERSONS ARE PROHIBITED

FROM USING THE TITLE "GENETIC COUNSELOR" OR "LICENSED GENETIC COUNSELOR" AS PROVIDED FOR IN THIS ARTICLE. THE FOLLOWING INDIVIDUALS MAY ENGAGE IN THE PRACTICE OF GENETIC COUNSELING WITHOUT BEING LICENSED UNDER THIS ARTICLE:

1. A LICENSED HEALTH CARE PROFESSIONAL PRACTICING WITHIN THE PROFESSIONAL'S SCOPE OF PRACTICE;

2. A STUDENT OR INTERN ENROLLED IN AN APPROVED ACADEMIC PROGRAM ENGAGED IN ACTIVITIES CONSTITUTING THE PRACTICE OF A REGULATED OCCUPATION OR PROFESSION; PROVIDED, HOWEVER, SUCH ACTIVITIES SHALL BE PART OF A SUPERVISED TRAINING PROGRAM;

3. AN EMPLOYEE OF THE STATE DEPARTMENT OF HEALTH IN THE PROVISION OF EDUCATION REGARDING SINGLE GENE CONDITIONS, INCLUDING SICKLE CELL, CYSTIC FIBROSIS, AND HEMOGLOBINOPATHIES;

4. NOTHING IN THIS ARTICLE SHALL BE CONSTRUED AS PROHIBITING SERVICES PROVIDED BY AN ATTORNEY, RAPE CRISIS COUNSELOR, OR CLERGY MEMBER WORKING WITHIN HIS OR HER MINISTERIAL CHARGE OF OBLIGATION, PROVIDED SUCH SERVICES ARE NOT WITHIN THE SCOPE OF PRACTICE FOR GENETIC COUNSELING.

S 7056. LIMITED PERMITS. PERMITS LIMITED AS TO ELIGIBILITY, PRACTICE AND DURATION SHALL BE ISSUED BY THE DEPARTMENT TO ELIGIBLE APPLICANTS, AS FOLLOWS:

1. THE DEPARTMENT MAY ISSUE A LIMITED PERMIT TO AN APPLICANT WHO MEETS ALL QUALIFICATIONS FOR LICENSURE AS A GENETIC COUNSELOR, EXCEPT THOSE RELATING TO THE EXAMINATION.

2. LIMITED PERMITS SHALL BE FOR ONE YEAR. LIMITED PERMITS MAY BE RE-REGISTERED, AT THE DISCRETION OF THE DEPARTMENT, FOR ONE ADDITIONAL YEAR.

3. THE FEE FOR EACH LIMITED PERMIT AND FOR EACH RE-REGISTRATION SHALL BE SEVENTY DOLLARS.

S 7057. SPECIAL PROVISION. ANY PERSON WHO POSSESSES A MASTER'S OR DOCTORAL DEGREE OF GENETIC COUNSELING SATISFACTORY TO THE DEPARTMENT, ON THE EFFECTIVE DATE OF THIS SECTION, WHO HAS FIFTEEN YEARS POST-GRADUATE GENETIC COUNSELOR EMPLOYMENT AND MEETS THE REQUIREMENTS FOR A LICENSE PURSUANT TO THIS ARTICLE, EXCEPT FOR EXAMINATION, AND WHO FILES WITH THE DEPARTMENT WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS SECTION SHALL BE LICENSED AS A LICENSED GENETIC COUNSELOR.

S 7058. BOUNDARIES OF PROFESSIONAL PRACTICE. ANY INDIVIDUAL WHOSE LICENSE OR AUTHORITY TO PRACTICE DERIVES FROM THE PROVISIONS OF THIS ARTICLE SHALL BE PROHIBITED FROM:

1. PRESCRIBING OR ADMINISTERING DRUGS AS DEFINED IN THIS CHAPTER OR AS A TREATMENT, THERAPY, OR PROFESSIONAL SERVICE IN THE PRACTICE OF HIS OR HER PROFESSION;

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

3. PROVIDING PSYCHOTHERAPY OUTSIDE THE SCOPE OF PRACTICE OF A LICENSED GENETIC COUNSELOR.

S 7059. MANDATORY CONTINUING EDUCATION. 1. A. EACH LICENSED GENETIC COUNSELOR REQUIRED UNDER THIS ARTICLE TO REGISTER TRIENNIALLY WITH THE DEPARTMENT TO PRACTICE IN THE STATE, SHALL COMPLY WITH PROVISIONS OF THE MANDATORY CONTINUING EDUCATION REQUIREMENTS PRESCRIBED IN SUBDIVISION TWO OF THIS SECTION EXCEPT AS SET FORTH IN PARAGRAPHS B AND C OF THIS SUBDIVISION. LICENSED GENETIC COUNSELORS WHO DO NOT SATISFY THE MANDATORY CONTINUING EDUCATION REQUIREMENTS SHALL NOT PRACTICE UNTIL THEY HAVE

MET SUCH REQUIREMENTS, AND THEY HAVE BEEN ISSUED A REGISTRATION CERTIFICATE, EXCEPT THAT A LICENSED GENETIC COUNSELOR MAY PRACTICE WITHOUT HAVING MET SUCH REQUIREMENTS IF HE OR SHE IS ISSUED A CONDITIONAL REGISTRATION CERTIFICATE PURSUANT TO SUBDIVISION THREE OF THIS SECTION.

B. IN ACCORD WITH THE INTENT OF THIS SECTION, ADJUSTMENT TO THE MANDATORY CONTINUING EDUCATION REQUIREMENT MAY BE GRANTED BY THE DEPARTMENT FOR REASONS OF HEALTH CERTIFIED BY AN APPROPRIATE HEALTH CARE PROFESSIONAL, FOR EXTENDED ACTIVE DUTY WITH THE ARMED FORCES OF THE UNITED STATES, OR FOR OTHER GOOD CAUSE ACCEPTABLE TO THE DEPARTMENT WHICH MAY PREVENT COMPLIANCE.

C. A LICENSED GENETIC COUNSELOR NOT ENGAGED IN PRACTICE AS DETERMINED BY THE DEPARTMENT, SHALL BE EXEMPT FROM THE MANDATORY CONTINUING EDUCATION REQUIREMENT UPON THE FILING OF A STATEMENT WITH THE DEPARTMENT DECLARING SUCH STATUS. ANY LICENSEE WHO RETURNS TO THE PRACTICE OF GENETIC COUNSELING DURING THE TRIENNIAL REGISTRATION PERIOD SHALL NOTIFY THE DEPARTMENT PRIOR TO REENTERING THE PROFESSION AND SHALL MEET SUCH MANDATORY EDUCATION REQUIREMENTS AS SHALL BE PRESCRIBED BY REGULATIONS OF THE COMMISSIONER.

2. DURING EACH TRIENNIAL REGISTRATION PERIOD AN APPLICANT FOR REGISTRATION AS A LICENSED GENETIC COUNSELOR SHALL COMPLETE A MINIMUM OF FORTY-FIVE HOURS OF ACCEPTABLE FORMAL CONTINUING EDUCATION. ANY LICENSED GENETIC COUNSELOR WHOSE FIRST REGISTRATION DATE FOLLOWING THE EFFECTIVE DATE OF THIS SECTION OCCURS LESS THAN THREE YEARS FROM SUCH EFFECTIVE DATE, SHALL COMPLETE CONTINUING EDUCATION HOURS ON A PRORATED BASIS. A LICENSEE WHO HAS NOT SATISFIED THE MANDATORY CONTINUING EDUCATION REQUIREMENT SHALL NOT BE ISSUED A TRIENNIAL REGISTRATION CERTIFICATE BY THE DEPARTMENT AND SHALL NOT PRACTICE UNLESS AND UNTIL A CONDITIONAL REGISTRATION IS ISSUED AS PROVIDED FOR IN SUBDIVISION THREE OF THIS SECTION. CONTINUING EDUCATION HOURS TAKEN DURING ONE TRIENNIUM MAY NOT BE TRANSFERRED TO THE SUBSEQUENT TRIENNIUM.

3. THE DEPARTMENT, IN ITS DISCRETION, MAY ISSUE A CONDITIONAL REGISTRATION TO A LICENSEE WHO FAILS TO MEET THE CONTINUING EDUCATION REQUIREMENTS ESTABLISHED IN SUBDIVISION TWO OF THIS SECTION BUT WHO AGREES TO MAKE UP ANY DEFICIENCIES AND COMPLETE ANY ADDITIONAL EDUCATION WHICH THE DEPARTMENT MAY REQUIRE. THE FEE FOR SUCH A CONDITIONAL REGISTRATION SHALL BE THE SAME AS, AND IN ADDITION TO, THE FEE FOR THE TRIENNIAL REGISTRATION. THE DURATION OF SUCH CONDITIONAL REGISTRATION SHALL BE DETERMINED BY THE DEPARTMENT BUT SHALL NOT EXCEED ONE YEAR. ANY LICENSEE WHO IS NOTIFIED OF THE DENIAL OF REGISTRATION FOR FAILURE TO SUBMIT EVIDENCE, SATISFACTORY TO THE DEPARTMENT, OF REQUIRED CONTINUING EDUCATION AND WHO PRACTICES GENETIC COUNSELING WITHOUT SUCH REGISTRATION, MAY BE SUBJECT TO THE DISCIPLINARY PROCEEDINGS PURSUANT TO SECTION SIXTY-FIVE HUNDRED TEN OF THIS CHAPTER.

4. FOR THE PURPOSES OF THIS SECTION, "ACCEPTABLE FORMAL CONTINUING EDUCATION" SHALL MEAN FORMAL COURSES OF LEARNING WHICH CONTRIBUTE TO PROFESSIONAL PRACTICE IN GENETIC COUNSELING AND WHICH MEET THE STANDARDS PRESCRIBED BY REGULATIONS OF THE COMMISSIONER. THE DEPARTMENT MAY, IN ITS DISCRETION AND AS NEEDED TO CONTRIBUTE TO THE HEALTH AND WELFARE OF THE PUBLIC, REQUIRE THE COMPLETION OF CONTINUING EDUCATION COURSES IN SPECIFIC SUBJECTS. TO FULFILL THIS MANDATORY CONTINUING EDUCATION REQUIREMENT, COURSES MUST BE TAKEN FROM A SPONSOR APPROVED BY THE DEPARTMENT, PURSUANT TO THE REGULATIONS OF THE COMMISSIONER.

5. LICENSED GENETIC COUNSELORS SHALL MAINTAIN ADEQUATE DOCUMENTATION OF COMPLETION OF ACCEPTABLE FORMAL CONTINUING EDUCATION AND SHALL PROVIDE SUCH DOCUMENTATION AT THE REQUEST OF THE DEPARTMENT. FAILURE TO PROVIDE SUCH DOCUMENTATION UPON THE REQUEST OF THE DEPARTMENT SHALL BE

AN ACT OF MISCONDUCT SUBJECT TO DISCIPLINARY PROCEEDINGS PURSUANT TO SECTION SIXTY-FIVE HUNDRED TEN OF THIS CHAPTER.

THE MANDATORY CONTINUING EDUCATION FEE SHALL BE FORTY-FIVE DOLLARS, SHALL BE PAYABLE ON OR BEFORE THE FIRST DAY OF EACH TRIENNIAL REGISTRATION PERIOD, AND SHALL BE PAID IN ADDITION TO THE TRIENNIAL REGISTRATION FEE REQUIRED BY SECTION SIXTY-EIGHT HUNDRED FIVE OF THIS ARTICLE.

S 2. Severability. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid and after exhaustion of all further judicial review, the judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part of this act directly involved in the controversy in which the judgment shall have been rendered.

S 3. This act shall take effect eighteen months after it shall have become a law; provided, however, that the state education department is authorized to promulgate any and all rules and regulations and take any other measure necessary to implement this act on or before its effective date, and provided further that section 7059 of article 142 of the education law, as added by section one of this act shall take effect three years after the effective date of this act.