

3570

2013-2014 Regular Sessions

I N A S S E M B L Y

January 28, 2013

Introduced by M. of A. ROSENTHAL -- read once and referred 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 ASSEM-
BLY, 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.

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1 COGNITIVE PROCESSES, APTITUDES, INTERESTS, ACADEMIC ACHIEVEMENT,
2 ADJUSTMENT, PERSONALITY FACTORS AND MOTIVATIONS, OR ANY OTHER ATTRI-
3 BUTES, IN INDIVIDUALS OR GROUPS, THAT RELATE TO LEARNING, EDUCATION OR
4 ADJUSTMENT NEEDS;

5 2. THE DEVELOPMENT AND IMPLEMENTATION OF EDUCATIONALLY-RELATED
6 PSYCHOTHERAPEUTIC AND BEHAVIORAL APPROACHES TO INCREASE SCHOOL ADJUST-
7 MENT AND ACADEMIC SUCCESS, COUNSELING AND INTERPRETIVE SERVICES TO
8 REDUCE EDUCATION-RELATED PROBLEMS INCLUDING, BUT NOT LIMITED TO, VERBAL
9 INTERACTION, INTERVIEWING, BEHAVIOR TECHNIQUES, DEVELOPMENTAL AND VOCA-
10 TIONAL INTERVENTION, ENVIRONMENTAL MANAGEMENT AND GROUP PROCESSES;

11 3. CONSULTATION WITH REPRESENTATIVES OF SCHOOLS, AGENCIES AND ORGAN-
12 IZATIONS, FAMILIES OR INDIVIDUALS, INCLUDING PSYCHO-EDUCATIONAL, DEVEL-
13 OPMENTAL AND VOCATIONAL ASSISTANCE OR DIRECT EDUCATIONAL SERVICES,
14 RELATED TO LEARNING PROBLEMS AND ADJUSTMENTS TO THOSE PROBLEMS; AND

15 4. THE DEVELOPMENT OF PROGRAMMING, INCLUDING DESIGNING, IMPLEMENTING
16 OR EVALUATING EDUCATIONALLY AND PSYCHOLOGICALLY SOUND LEARNING ENVIRON-
17 MENTS AND THE FACILITATION OF PSYCHO-EDUCATIONAL DEVELOPMENT OF INDIVID-
18 UALS, FAMILIES OR GROUPS.

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

22 1. APPLICATION: FILE AN APPLICATION WITH THE DEPARTMENT;

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

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

30 (II) PSYCHOPATHOLOGY AND EXCEPTIONALITY IN LEARNING AND BEHAVIOR;

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

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

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

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

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

40 (VIII) RESEARCH AND PROGRAM EVALUATION;

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

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

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

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

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

54 6. CHARACTER: BE OF GOOD MORAL CHARACTER AS DETERMINED BY THE DEPART-
55 MENT; AND

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

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

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

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

(B) 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.

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

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

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

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

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

1. APPLY TO THE PRACTICE, CONDUCT, ACTIVITIES, SERVICES OR USE OF ANY TITLE BY ANY PERSON LICENSED OR OTHERWISE AUTHORIZED TO PRACTICE MEDICINE WITHIN THE STATE PURSUANT TO ARTICLE ONE HUNDRED THIRTY-ONE OF THIS TITLE OR BY ANY PERSON REGISTERED TO PERFORM SERVICES AS A PHYSICIAN ASSISTANT WITHIN THE STATE PURSUANT TO ARTICLE ONE HUNDRED THIRTY-ONE-B OF THIS TITLE OR BY ANY PERSON LICENSED OR OTHERWISE AUTHORIZED TO PRACTICE PSYCHOLOGY WITHIN THIS STATE PURSUANT TO ARTICLE ONE HUNDRED FIFTY-THREE OF THIS TITLE OR BY ANY PERSON LICENSED OR OTHERWISE AUTHORIZED TO PRACTICE AS A LICENSED CLINICAL SOCIAL WORKER WITHIN THIS STATE PURSUANT TO ARTICLE ONE HUNDRED FIFTY-FOUR OF THIS TITLE, OR BY ANY PERSON LICENSED OR OTHERWISE AUTHORIZED TO PRACTICE NURSING AS A REGISTERED PROFESSIONAL NURSE WITHIN THIS STATE PURSUANT TO ARTICLE ONE

1 HUNDRED THIRTY-NINE OF THIS TITLE, OR BY ANY PERSON LICENSED OR OTHER-
2 WISE AUTHORIZED TO PRACTICE MENTAL HEALTH COUNSELING, MARRIAGE AND FAMI-
3 LY THERAPY, CREATIVE ARTS THERAPY, OR PSYCHOANALYSIS WITHIN THE STATE
4 PURSUANT TO ARTICLE ONE HUNDRED SIXTY-THREE OF THIS TITLE; PROVIDED,
5 HOWEVER, THAT NO PHYSICIAN, PHYSICIAN'S ASSISTANT, REGISTERED PROFES-
6 SIONAL NURSE, PSYCHOLOGIST, LICENSED CLINICAL SOCIAL WORKER, LICENSED
7 MENTAL HEALTH COUNSELOR, LICENSED MARRIAGE AND FAMILY THERAPIST,
8 LICENSED CREATIVE ARTS THERAPIST OR LICENSED PSYCHOANALYST MAY USE THE
9 TITLE UNLESS LICENSED UNDER THIS ARTICLE;

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

14 3. PROHIBIT OR LIMIT THE PRACTICE OF A PROFESSION LICENSED PURSUANT
15 TO THIS ARTICLE BY A STUDENT, INTERN OR RESIDENT IN, AND AS A PART OF, A
16 SUPERVISED EDUCATIONAL PROGRAM IN AN INSTITUTION APPROVED BY THE DEPART-
17 MENT;

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

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

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

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

30 (A) IF SUCH PERSON DOES NOT MEET THE REQUIREMENTS FOR A LICENSE ESTAB-
31 LISHED WITHIN THIS ARTICLE, SUCH PERSON MAY MEET ALTERNATIVE CRITERIA
32 DETERMINED BY THE DEPARTMENT TO BE THE SUBSTANTIAL EQUIVALENT OF SUCH
33 CRITERIA.

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

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

43 (A) MET THE EDUCATIONAL REQUIREMENTS AS DEFINED IN SECTION EIGHTY-SEV-
44 EN HUNDRED TWENTY-THREE OF THIS ARTICLE AND PERFORMED THE DUTIES OF A
45 SCHOOL PSYCHOLOGIST FOR TWO OF THE PAST FIVE YEARS PRIOR TO THE EFFEC-
46 TIVE DATE OF THIS ARTICLE; OR

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

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

53 S 2. Paragraph a of subdivision 3 of section 6507 of the education
54 law, as amended by chapter 356 of the laws of 2006, is amended to read
55 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 amended by section 3 of part D of chapter 501 of the
38 laws of 2012, 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; director of a children's overnight camp, summer
5 day camp or traveling summer day camp, as such camps are defined in
6 section thirteen hundred ninety-two of the public health law; day care
7 center worker; school-age child care worker; provider of family or group
8 family day care; or any other child care or foster care worker; mental
9 health professional; substance abuse counselor; alcoholism counselor;
10 all persons credentialed by the office of alcoholism and substance abuse
11 services; peace officer; police officer; district attorney or assistant
12 district attorney; investigator employed in the office of a district
13 attorney; or other law enforcement official.

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

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

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

33 S 6. This act shall take effect January 1, 2014; provided, however,
34 that if section 3 of part D of chapter 501 of the laws of 2012 is not in
35 effect on such effective date, then the amendments made to paragraph (a)
36 of subdivision 1 of section 413 of the social services law by section
37 three of this act shall take effect on the same date and same manner as
38 section 3 of part D of chapter 501 of the laws of 2012, as amended,
39 takes effect; provided that the department of education is authorized to
40 promulgate any and all rules and regulations and take any other measure
41 necessary to implement this act on or before its effective date, includ-
42 ing, but not limited to, the appointment of the state board for psychol-
43 ogy, the acceptance and processing of applications for licensure and the
44 issuance of licenses; provided further that the provisions of article
45 167 of the education law, as added by section one of this act, requiring
46 a license or limited permit to practice under such article shall not be
47 enforced until January 1, 2015.