

3570--B

2013-2014 Regular Sessions

I N A S S E M B L Y

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Introduced by M. of A. ROSENTHAL, MILLER, SCARBOROUGH, CLARK, OTIS, SKOUFIS -- Multi-Sponsored by -- M. of A. MAYER -- read once and referred to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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

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 ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The education law is amended by adding a new article 166-A
2 to read as follows:

3 ARTICLE 166-A
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

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

LBD03598-07-4

1 SHALL PRACTICE SCHOOL PSYCHOLOGY OR USE THE TITLE "LICENSED SCHOOL
2 PSYCHOLOGIST".

3 S 8722. DEFINITION OF THE PRACTICE OF SCHOOL PSYCHOLOGY. THE PRACTICE
4 OF SCHOOL PSYCHOLOGY IS:

5 1. THE ASSESSMENT, INCLUDING PSYCHO-EDUCATIONAL, DEVELOPMENTAL AND
6 VOCATIONAL ASSESSMENT, EVALUATION AND INTERPRETATION OF INTELLIGENCE,
7 COGNITIVE PROCESSES, APTITUDES, INTERESTS, ACADEMIC ACHIEVEMENT,
8 ADJUSTMENT, PERSONALITY FACTORS AND MOTIVATIONS, OR ANY OTHER ATTRI-
9 BUTES, TO INDIVIDUAL STUDENTS OR GROUPS OF STUDENTS THAT RELATE TO
10 LEARNING, EDUCATION OR ADJUSTMENT NEEDS;

11 2. THE DEVELOPMENT AND IMPLEMENTATION OF EDUCATIONALLY-RELATED
12 PSYCHOTHERAPEUTIC AND BEHAVIORAL APPROACHES TO INCREASE SCHOOL ADJUST-
13 MENT AND ACADEMIC SUCCESS, COUNSELING AND INTERPRETIVE SERVICES TO
14 REDUCE EDUCATION-RELATED PROBLEMS INCLUDING, BUT NOT LIMITED TO, VERBAL
15 INTERACTION, INTERVIEWING, BEHAVIOR TECHNIQUES, DEVELOPMENTAL AND VOCA-
16 TIONAL INTERVENTION, ENVIRONMENTAL MANAGEMENT AND GROUP PROCESSES;

17 3. CONSULTATION WITH REPRESENTATIVES OF SCHOOLS, AGENCIES AND ORGAN-
18 IZATIONS, FAMILIES OR INDIVIDUALS, INCLUDING PSYCHO-EDUCATIONAL, DEVEL-
19 OPMENTAL AND VOCATIONAL ASSISTANCE OR DIRECT EDUCATIONAL SERVICES,
20 RELATED TO LEARNING PROBLEMS AND ADJUSTMENTS TO THOSE PROBLEMS TO THE
21 BENEFIT OF AN INDIVIDUAL STUDENT OR GROUP OF STUDENTS; AND

22 4. THE DEVELOPMENT OF PROGRAMMING, INCLUDING DESIGNING, IMPLEMENTING
23 OR EVALUATING EDUCATIONALLY AND PSYCHOLOGICALLY SOUND LEARNING ENVIRON-
24 MENTS AND THE FACILITATION OF PSYCHO-EDUCATIONAL DEVELOPMENT OF INDIVID-
25 UALS, FAMILIES OR GROUPS.

26 S 8723. REQUIREMENTS FOR A PROFESSIONAL LICENSE. TO QUALIFY FOR A
27 LICENSE AS A LICENSED SCHOOL PSYCHOLOGIST, AN APPLICANT SHALL FULFILL
28 THE FOLLOWING REQUIREMENTS:

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

30 2. EDUCATION: COMPLETE A MINIMUM OF SIXTY GRADUATE CREDITS AND FULFILL
31 THE REQUIREMENTS OF A MASTER'S OR DOCTORAL DEGREE IN SCHOOL PSYCHOLOGY
32 FROM A PROGRAM REGISTERED BY THE DEPARTMENT, OR DETERMINED BY THE
33 DEPARTMENT TO BE THE SUBSTANTIAL EQUIVALENT IN ACCORDANCE WITH THE
34 COMMISSIONER'S REGULATIONS. THE GRADUATE COURSEWORK SHALL INCLUDE, BUT
35 NOT BE LIMITED TO, THE FOLLOWING AREAS:

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

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

38 (III) ASSESSMENT AND APPRAISAL OF LEARNERS IN HOME AND SCHOOL
39 CONTEXTS;

40 (IV) CONSULTATION AND COLLABORATION IN FAMILY, SCHOOL AND COMMUNITY
41 SYSTEMS;

42 (V) EFFECTIVE INSTRUCTION AND DEVELOPMENT OF COGNITIVE AND ACADEMIC
43 SKILLS;

44 (VI) PREVENTION AND TREATMENT OF BEHAVIORAL AND EMOTIONAL DISORDERS
45 AND DEFICITS;

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

47 (VIII) RESEARCH AND PROGRAM EVALUATION;

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

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

52 3. EXPERIENCE: COMPLETE A MINIMUM OF TWO THOUSAND FOUR HUNDRED HOURS
53 OF POST-MASTER'S SUPERVISED EXPERIENCE RELEVANT TO THE PRACTICE OF
54 SCHOOL PSYCHOLOGY SATISFACTORY TO THE BOARD AND IN ACCORDANCE WITH THE
55 COMMISSIONER'S REGULATIONS, SUCH SUPERVISED EXPERIENCE WHICH MAY INCLUDE

ONE THOUSAND TWO HUNDRED HOURS COMPLETED AS PART OF A PROGRAM IN SCHOOL PSYCHOLOGY;

4. EXAMINATION: PASS AN EXAMINATION SATISFACTORY TO THE BOARD 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; 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; OR

(C) ENGAGING IN DUAL SETTING PRACTICE, OR OTHERWISE OFFERING OR PROVIDING PRIVATE PRACTICE SERVICES TO A STUDENT OF A SCHOOL OR SPECIAL EDUCATION PROGRAM WHERE THE PRACTITIONER IS CURRENTLY EMPLOYED OR UNDER CONTRACT WITH SUCH SCHOOL OR PROGRAM.

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 1. APPLY TO THE PRACTICE, CONDUCT, ACTIVITIES, SERVICES OR USE OF ANY
2 TITLE BY ANY PERSON LICENSED OR OTHERWISE AUTHORIZED TO PRACTICE MEDI-
3 CINE WITHIN THE STATE PURSUANT TO ARTICLE ONE HUNDRED THIRTY-ONE OF THIS
4 TITLE OR BY ANY PERSON REGISTERED TO PERFORM SERVICES AS A PHYSICIAN
5 ASSISTANT WITHIN THE STATE PURSUANT TO ARTICLE ONE HUNDRED THIRTY-ONE-B
6 OF THIS TITLE OR BY ANY PERSON LICENSED OR OTHERWISE AUTHORIZED TO PRAC-
7 TICE PSYCHOLOGY WITHIN THIS STATE PURSUANT TO ARTICLE ONE HUNDRED
8 FIFTY-THREE OF THIS TITLE OR BY ANY PERSON LICENSED OR OTHERWISE AUTHOR-
9 IZED TO PRACTICE AS A LICENSED CLINICAL SOCIAL WORKER WITHIN THIS STATE
10 PURSUANT TO ARTICLE ONE HUNDRED FIFTY-FOUR OF THIS TITLE, OR BY ANY
11 PERSON LICENSED OR OTHERWISE AUTHORIZED TO PRACTICE NURSING AS A REGIS-
12 TERED PROFESSIONAL NURSE WITHIN THIS STATE PURSUANT TO ARTICLE ONE
13 HUNDRED THIRTY-NINE OF THIS TITLE, OR BY ANY PERSON LICENSED OR OTHER-
14 WISE AUTHORIZED TO PRACTICE MENTAL HEALTH COUNSELING, MARRIAGE AND FAMI-
15 LY THERAPY, CREATIVE ARTS THERAPY, OR PSYCHOANALYSIS WITHIN THE STATE,
16 OR BY ANY PERSON LICENSED OR OTHERWISE AUTHORIZED TO PRACTICE APPLIED
17 BEHAVIOR ANALYSIS WITHIN THE STATE PURSUANT TO ARTICLE ONE HUNDRED
18 SIXTY-SIX-A OF THIS TITLE; PROVIDED, HOWEVER, THAT NO PHYSICIAN, PHYSI-
19 CIAN'S ASSISTANT, REGISTERED PROFESSIONAL NURSE, PSYCHOLOGIST, LICENSED
20 CLINICAL SOCIAL WORKER, LICENSED MENTAL HEALTH COUNSELOR, LICENSED
21 MARRIAGE AND FAMILY THERAPIST, LICENSED CREATIVE ARTS THERAPIST,
22 LICENSED PSYCHOANALYST OR APPLIED BEHAVIOR ANALYST MAY USE THE TITLE
23 UNLESS LICENSED UNDER THIS ARTICLE;

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

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

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

35 5. PROHIBIT OR LIMIT INDIVIDUALS, CHURCHES, SCHOOLS, TEACHERS, ORGAN-
36 IZATIONS, OR NOT-FOR-PROFIT BUSINESSES, FROM PROVIDING INSTRUCTION,
37 ADVICE, SUPPORT, ENCOURAGEMENT, OR INFORMATION TO INDIVIDUALS, FAMILIES,
38 AND RELATIONAL GROUPS;

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

41 7. AFFECT OR PREVENT THE ACTIVITIES OR SERVICES ON THE PART OF A
42 PERSON IN THE EMPLOY OF A FEDERAL, STATE, COUNTY, OR MUNICIPAL AGENCY,
43 OTHER POLITICAL SUBDIVISION, OR A CHARTERED ELEMENTARY OR SECONDARY
44 SCHOOL OR DEGREE-GRANTING EDUCATIONAL INSTITUTION INSOFAR AS SUCH ACTIV-
45 ITIES AND SERVICES ARE A PART OF THE DUTIES OF SUCH PERSON'S SALARIED
46 POSITION.

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

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

54 (B) IF SUCH PERSON MEETS THE REQUIREMENTS FOR A LICENSE ESTABLISHED
55 WITHIN THIS ARTICLE, EXCEPT FOR EXAMINATION, AND HAS BEEN CERTIFIED OR
56 REGISTERED BY A NATIONAL CERTIFYING OR REGISTERING BODY HAVING CERTIF-

ICATION OR REGISTRATION STANDARDS ACCEPTABLE TO THE COMMISSIONER, THE DEPARTMENT SHALL LICENSE WITHOUT EXAMINATION.

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

(A) MET THE EDUCATIONAL REQUIREMENTS AS DEFINED IN SECTION EIGHTY-SEVEN HUNDRED TWENTY-THREE OF THIS ARTICLE AND PERFORMED THE DUTIES OF A SCHOOL PSYCHOLOGIST FOR TWO OF THE PAST FIVE YEARS PRIOR TO THE EFFECTIVE DATE OF THIS ARTICLE; OR

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

3. ANY PERSON LICENSED PURSUANT TO THIS ARTICLE MAY USE ACCEPTED CODES AND CLASSIFICATIONS OF SIGNS, SYMPTOMS, DYSFUNCTIONS AND DISORDERS, AS APPROVED IN ACCORDANCE WITH REGULATIONS PROMULGATED BY THE DEPARTMENT, IN THE PRACTICE OF SUCH LICENSED PROFESSION.

4. NOTHING IN THIS ARTICLE SHALL BE DEEMED TO ALTER, MODIFY OR AFFECT THE PROVISIONS OF SECTION THREE THOUSAND TWELVE OR TWENTY-FIVE HUNDRED TEN OF THIS CHAPTER OR OTHERWISE AFFECT THE CERTIFICATION OF A SCHOOL PSYCHOLOGIST.

S 2. Paragraph a of subdivision 3 of section 6507 of the education law, as amended by chapter 554 of the laws of 2013, is amended to read as follows:

a. Establish standards for preprofessional and professional education, experience and licensing examinations as required to implement the article for each profession. Notwithstanding any other provision of law, the commissioner shall establish standards requiring that all persons applying, on or after January first, nineteen hundred ninety-one, initially, or for the renewal of, a license, registration or limited permit to be a physician, chiropractor, dentist, registered nurse, podiatrist, optometrist, psychiatrist, psychologist, LICENSED SCHOOL PSYCHOLOGIST, licensed master social worker, licensed clinical social worker, licensed creative arts therapist, licensed marriage and family therapist, licensed mental health counselor, licensed psychoanalyst, dental hygienist, licensed behavior analyst, or certified behavior analyst assistant shall, in addition to all the other licensure, certification or permit requirements, have completed two hours of coursework or training regarding the identification and reporting of child abuse and maltreatment. The coursework or training shall be obtained from an institution or provider which has been approved by the department to provide such coursework or training. The coursework or training shall include information regarding the physical and behavioral indicators of child abuse and maltreatment and the statutory reporting requirements set out in sections four hundred thirteen through four hundred twenty of the social services law, including but not limited to, when and how a report must be made, what other actions the reporter is mandated or authorized to take, the legal protections afforded reporters, and the consequences for failing to report. Such coursework or training may also include information regarding the physical and behavioral indicators of the abuse of individuals with mental retardation and other developmental disabilities and voluntary reporting of abused or neglected adults to the office of mental retardation and developmental disabilities or the local adult protective services unit. Each applicant shall provide the department with documentation showing that he or she has completed the required training. The department shall provide an exemption from the child abuse and maltreatment training requirements to any applicant who requests

1 such an exemption and who shows, to the department's satisfaction, that
2 there would be no need because of the nature of his or her practice for
3 him or her to complete such training;

4 S 3. Paragraph (a) of subdivision 1 of section 413 of the social
5 services law, as amended by chapter 554 of the laws of 2013, is amended
6 to read as follows:

7 (a) The following persons and officials are required to report or
8 cause a report to be made in accordance with this title when they have
9 reasonable cause to suspect that a child coming before them in their
10 professional or official capacity is an abused or maltreated child, or
11 when they have reasonable cause to suspect that a child is an abused or
12 maltreated child where the parent, guardian, custodian or other person
13 legally responsible for such child comes before them in their profes-
14 sional or official capacity and states from personal knowledge facts,
15 conditions or circumstances which, if correct, would render the child an
16 abused or maltreated child: any physician; registered physician assist-
17 ant; surgeon; medical examiner; coroner; dentist; dental hygienist;
18 osteopath; optometrist; chiropractor; podiatrist; resident; intern;
19 psychologist; SCHOOL PSYCHOLOGIST; registered nurse; social worker;
20 emergency medical technician; licensed creative arts therapist; licensed
21 marriage and family therapist; licensed mental health counselor;
22 licensed psychoanalyst; licensed behavior analyst; certified behavior
23 analyst assistant; hospital personnel engaged in the admission, examina-
24 tion, care or treatment of persons; a Christian Science practitioner;
25 school official, which includes but is not limited to school teacher,
26 school guidance counselor, school psychologist, school social worker,
27 school nurse, school administrator or other school personnel required to
28 hold a teaching or administrative license or certificate; social
29 services worker; director of a children's overnight camp, summer day
30 camp or traveling summer day camp, as such camps are defined in section
31 thirteen hundred ninety-two of the public health law; day care center
32 worker; school-age child care worker; provider of family or group family
33 day care; or any other child care or foster care worker; mental health
34 professional; substance abuse counselor; alcoholism counselor; all
35 persons credentialed by the office of alcoholism and substance abuse
36 services; peace officer; police officer; district attorney or assistant
37 district attorney; investigator employed in the office of a district
38 attorney; or other law enforcement official.

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

41 S 7602. State board for psychology. A state board for psychology
42 shall be appointed by the board of regents on recommendation of the
43 commissioner for the purpose of assisting the board of regents and the
44 department on matters of professional licensing and professional conduct
45 in accordance with section sixty-five hundred eight of this title. The
46 board shall be composed of not less than eleven [psychologists licensed
47 in this state] MEMBERS, A NUMBER OF WHOM SHALL BE LICENSED SCHOOL
48 PSYCHOLOGISTS SUFFICIENT TO ASSURE MEANINGFUL PARTICIPATION IN BOARD
49 ACTIVITIES. An executive secretary to the board shall be appointed by
50 the board of regents upon the recommendation of the commissioner and
51 shall be a psychologist, licensed in this state.

52 S 5. Severability. If any clause, sentence, paragraph, section or part
53 of this act shall be adjudged by any court of competent jurisdiction to
54 be invalid, the judgment shall not affect, impair, or invalidate the
55 remainder thereof, but shall be confined in its operation to the clause,

1 sentence, paragraph, section or part thereof directly involved in the
2 controversy in which the judgment shall have been rendered.
3 S 6. This act shall take effect January 1, 2016; provided that if
4 section 11 of chapter 554 of the laws of 2013 shall not have taken
5 effect on or before such date, then section two of this act shall take
6 effect on the same date and in the same manner as such section 11 takes
7 effect; provided that if section 12 of chapter 554 of the laws of 2013
8 shall not have taken effect on or before such date then section three of
9 this act shall take effect on the same date and in the same manner as
10 such section 12 takes effect; provided further that the department of
11 education is authorized to promulgate any and all rules and regulations
12 and take any other measure necessary to implement this act on or before
13 its effective date, including, but not limited to, the appointment of
14 the state board for psychology, the acceptance and processing of appli-
15 cations for licensure and the issuance of licenses; provided further
16 that the provisions of article 166-A of the education law, as added by
17 section one of this act, requiring a license or limited permit to prac-
18 tice under such article shall not be enforced until January 1, 2017.