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

1688

2015-2016 Regular Sessions

I N S E N A T E

January 14, 2015

Introduced by Sen. SEWARD -- 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 practice of neurofeedback therapy

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 139-A to read as follows:

ARTICLE 139-A

NEUROFEEDBACK THERAPY PRACTICES

SECTION 6920. DEFINITION OF PRACTICE OF NEUROFEEDBACK THERAPY.
6921. AUTHORIZED PRACTICE.
6922. STATE BOARD OF NEUROFEEDBACK THERAPY.
6923. REQUIREMENTS FOR A LICENSE.
6924. LIMITED PERMITS.
6925. EXEMPT PERSONS.
6926. SPECIAL PROVISIONS.
6927. PRACTICE RESTRICTIONS.

S 6920. DEFINITION OF PRACTICE OF NEUROFEEDBACK THERAPY. THE PRACTICE OF NEUROFEEDBACK THERAPY IS THE USE OF SENSITIVE INSTRUMENTS TO MEASURE ELECTROPHYSIOLOGICAL PROCESSES WITH THE PURPOSE OF REPORTING RESULTS TO THE PERSON BEING MEASURED TO ASSIST SUCH PERSON IN CONTROLLING THESE PROCESSES. THIS CAN BE A WAY TO LEARN STRESS MANAGEMENT AND RELAXATION TO PREVENT STRESS RELATED DISORDERS, OR TO REDUCE OR ELIMINATE THE SYMPTOMS OF MANY SYNDROMES. IN ADDITION TO TEACHING SELF-REGULATION BY THE USE OF SUCH INSTRUMENTS, OTHER METHODS PROMOTING HEALTH AND COPING SKILLS TAUGHT BY THE NEUROFEEDBACK THERAPIST INCLUDE, BUT ARE NOT LIMITED TO, DIAPHRAGMATIC BREATHING, PROGRESSIVE RELAXATION, AUTOGENIC TRAINING, IMAGERY, PSYCHOPHYSIOLOGICAL THERAPY AND COGNITIVE RESTRUCTURING.

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

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

S 6922. STATE BOARD OF NEUROFEEDBACK THERAPY. 1. THE STATE BOARD OF NEUROFEEDBACK THERAPY SHALL BE APPOINTED BY THE BOARD OF REGENTS ON RECOMMENDATION OF THE COMMISSIONER FOR THE PURPOSE OF ASSISTING THE BOARD OF REGENTS ON MATTERS OF LICENSING AND CONDUCT. THE STATE BOARD OF NEUROFEEDBACK THERAPY SHALL BE COMPOSED OF SEVEN MEMBERS. INITIAL APPOINTMENTS TO THE STATE BOARD OF NEUROFEEDBACK THERAPY SHALL BE SUCH THAT THE TERMS SHALL BE STAGGERED. NO MEMBER SHALL SERVE MORE THAN TWO TERMS.

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

S 6923. REQUIREMENTS FOR A LICENSE. 1. TO QUALIFY FOR A LICENSE AS A NEUROFEEDBACK THERAPIST AN APPLICANT SHALL FULFILL THE FOLLOWING REQUIREMENTS:

A. APPLICATION: FILE AN APPLICATION WITH THE DEPARTMENT.

B. EDUCATION: HAVE AT LEAST A MASTER'S DEGREE FROM AN ACCREDITED INSTITUTION OF HIGHER LEARNING IN EDUCATION OR A HEALTH CARE RELATED FIELD SATISFACTORY TO THE BOARD OF REGENTS, PLUS AT LEAST FIFTY HOURS OF DIDACTIC NEUROFEEDBACK EDUCATION.

C. TRAINING AND SUPERVISION: HAVE AT LEAST ONE HUNDRED HOURS OF CLINICAL EXPERIENCE IN THE PRACTICE OF NEUROFEEDBACK THERAPY UNDER THE SUPERVISION OF A PERSON WHO, BECAUSE OF EDUCATION AND EXPERIENCE WOULD BE ELIGIBLE FOR LICENSURE OR IS LICENSED AS A NEUROFEEDBACK THERAPIST.

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

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

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

G. FEES: PAY A FEE OF TWO HUNDRED FIFTY DOLLARS TO THE DEPARTMENT FOR AN INITIAL LICENSE, AND AN ANNUAL FEE OF FIFTY DOLLARS THEREAFTER.

2. AN APPLICANT WHO HAS SATISFIED THE REQUIREMENTS OF SUBDIVISION ONE OF THIS SECTION, OTHER THAN EDUCATION, MAY BE LICENSED AS A NEUROFEEDBACK TECHNICIAN UPON OBTAINING A BACHELOR'S DEGREE FROM AN ACCREDITED INSTITUTION OF HIGHER LEARNING IN EDUCATION, A HEALTH CARE RELATED FIELD, OR HOLD CERTIFICATION FROM A NATIONALLY RECOGNIZED BODY SATISFACTORY TO THE BOARD OF REGENTS. SUCH TECHNICIAN WOULD BE REQUIRED TO PRACTICE UNDER THE DIRECTION OF A LICENSED NEUROFEEDBACK THERAPIST.

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

S 6925. EXEMPT PERSONS. NOTHING CONTAINED IN THIS ARTICLE SHALL BE CONSTRUED TO PROHIBIT THE PRACTICE OF NEUROFEEDBACK THERAPY BY QUALIFIED HEALTH CARE PROFESSIONALS LICENSED IN THIS STATE, OR BY STUDENTS OR INTERNS IN HEALTH CARE EDUCATIONAL PROGRAMS. NOTHING CONTAINED IN THIS ARTICLE SHALL BE CONSTRUED TO PROHIBIT THE PRACTICE OF NEUROFEEDBACK THERAPY BY QUALIFIED PARA-PROFESSIONALS WHO ARE SUPERVISED BY LICENSED HEALTH CARE PROFESSIONALS QUALIFIED TO PRACTICE NEUROFEEDBACK THERAPY.

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

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

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

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