

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:

1 Section 1. The education law is amended by adding a new article 139-A
2 to read as follows:

3 ARTICLE 139-A

4 NEUROFEEDBACK THERAPY PRACTICES

5 SECTION 6920. DEFINITION OF PRACTICE OF NEUROFEEDBACK THERAPY.

6 6921. AUTHORIZED PRACTICE.

7 6922. STATE BOARD OF NEUROFEEDBACK THERAPY.

8 6923. REQUIREMENTS FOR A LICENSE.

9 6924. LIMITED PERMITS.

10 6925. EXEMPT PERSONS.

11 6926. SPECIAL PROVISIONS.

12 6927. PRACTICE RESTRICTIONS.

13 S 6920. DEFINITION OF PRACTICE OF NEUROFEEDBACK THERAPY. THE PRACTICE
14 OF NEUROFEEDBACK THERAPY IS THE USE OF SENSITIVE INSTRUMENTS TO MEASURE
15 ELECTROPHYSIOLOGICAL PROCESSES WITH THE PURPOSE OF REPORTING RESULTS TO
16 THE PERSON BEING MEASURED TO ASSIST SUCH PERSON IN CONTROLLING THESE
17 PROCESSES. THIS CAN BE A WAY TO LEARN STRESS MANAGEMENT AND RELAXATION
18 TO PREVENT STRESS RELATED DISORDERS, OR TO REDUCE OR ELIMINATE THE SYMP-
19 TOMS OF MANY SYNDROMES. IN ADDITION TO TEACHING SELF-REGULATION BY THE
20 USE OF SUCH INSTRUMENTS, OTHER METHODS PROMOTING HEALTH AND COPING
21 SKILLS TAUGHT BY THE NEUROFEEDBACK THERAPIST INCLUDE, BUT ARE NOT LIMIT-
22 ED TO, DIAPHRAGMATIC BREATHING, PROGRESSIVE RELAXATION, AUTOGENIC TRAIN-
23 ING, 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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1 S 6921. AUTHORIZED PRACTICE. ONLY A PERSON LICENSED OR AUTHORIZED
2 PURSUANT TO THIS ARTICLE TO PRACTICE NEUROFEEDBACK SHALL USE THE TITLE
3 "NEUROFEEDBACK THERAPIST".

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

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

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

18 A. APPLICATION: FILE AN APPLICATION WITH THE DEPARTMENT.

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

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

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

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

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

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

34 2. AN APPLICANT WHO HAS SATISFIED THE REQUIREMENTS OF SUBDIVISION ONE
35 OF THIS SECTION, OTHER THAN EDUCATION, MAY BE LICENSED AS A NEUROFEED-
36 BACK TECHNICIAN UPON OBTAINING A BACHELOR'S DEGREE FROM AN ACCREDITED
37 INSTITUTION OF HIGHER LEARNING IN EDUCATION, A HEALTH CARE RELATED
38 FIELD, OR HOLD CERTIFICATION FROM A NATIONALLY RECOGNIZED BODY SATISFAC-
39 TORY TO THE BOARD OF REGENTS. SUCH TECHNICIAN WOULD BE REQUIRED TO PRAC-
40 TICE UNDER THE DIRECTION OF A LICENSED NEUROFEEDBACK THERAPIST.

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

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

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

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

3 S 6927. PRACTICE RESTRICTIONS. NOTHING CONTAINED IN THIS ARTICLE SHALL
4 BE CONSTRUED TO CONFER THE AUTHORITY TO PRACTICE MEDICINE BY NEUROFEED-
5 BACK THERAPISTS.

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