

2599--A

2015-2016 Regular Sessions

I N S E N A T E

January 26, 2015

Introduced by Sens. LATIMER, ADDABBO, AVELLA, BONACIC, PARKER -- 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

AN ACT to amend the education law, in relation to the licensing and regulation of the profession of reflexology

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 155-A
2 to read as follows:

3 ARTICLE 155-A
4 REFLEXOLOGY

5 SECTION 7850. INTRODUCTION.

6 7851. DEFINITIONS.

7 7852. PRACTICE OF REFLEXOLOGY AND USE OF TITLE "REFLEXOLOGIST".

8 7853. STATE BOARD FOR REFLEXOLOGY.

9 7854. REQUIREMENTS FOR A PROFESSIONAL LICENSE.

10 7855. EXEMPT PERSONS.

11 7856. LIMITED PERMITS.

12 7857. SPECIAL PROVISIONS.

13 S 7850. INTRODUCTION. THIS ARTICLE APPLIES TO THE PROFESSION OF
14 REFLEXOLOGY. THE GENERAL PROVISIONS FOR ALL PROFESSIONS CONTAINED IN
15 ARTICLE ONE HUNDRED THIRTY OF THIS TITLE APPLY TO THIS ARTICLE.

16 S 7851. DEFINITIONS. AS USED IN THIS ARTICLE THE FOLLOWING TERMS SHALL
17 HAVE THE FOLLOWING MEANINGS:

18 1. "BOARD" MEANS THE STATE BOARD FOR REFLEXOLOGY CREATED BY SECTION
19 SEVENTY-EIGHT HUNDRED FIFTY-THREE OF THIS ARTICLE.

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

LBD05531-02-6

1 2. "PRACTITIONER" MEANS A PERSON WHO PRACTICES REFLEXOLOGY FOR COMPEN-
2 SATION AND WHO HOLDS CURRENT CERTIFICATION FROM AN ENTITY APPROVED BY
3 THE COMMISSIONER.

4 3. "REFLEXOLOGY" MEANS THE SYSTEMATIC APPLICATION OF ALTERNATING PRES-
5 SURE BY THE USE OF A PRACTITIONER'S HANDS, THUMBS AND FINGERS TO REFLEX
6 POINTS ON AN INDIVIDUAL'S HANDS, FEET, FACE OR EARS, USING ALTERNATING
7 PRESSURE AND SUCH TECHNIQUES AS THUMB AND FINGER WALKING, HOOK AND BACK
8 UP, AND ROTATION ON A REFLEX FOR THE PURPOSE OF HEALTH PROMOTION.

9 S 7852. PRACTICE OF REFLEXOLOGY AND USE OF TITLE "REFLEXOLOGIST". ONLY
10 A PERSON LICENSED OR AUTHORIZED PURSUANT TO THIS ARTICLE SHALL PRACTICE
11 REFLEXOLOGY AND ONLY A PERSON SO LICENSED SHALL USE THE TITLE "REFLEXOL-
12 OGIST". NO PERSON, FIRM, PARTNERSHIP, LIMITED LIABILITY COMPANY OR
13 CORPORATION SHALL DESCRIBE ITS SERVICES IN ANY MANNER UNDER THE TITLE
14 "REFLEXOLOGY" UNLESS SUCH SERVICES ARE PERFORMED BY A PERSON LICENSED OR
15 AUTHORIZED PURSUANT TO THIS ARTICLE.

16 S 7853. STATE BOARD FOR REFLEXOLOGY. 1. A STATE BOARD FOR REFLEXOLOGY
17 SHALL BE ESTABLISHED AND APPOINTED BY THE BOARD OF REGENTS ON THE RECOM-
18 MENDATION OF THE COMMISSIONER FOR THE PURPOSE OF ASSISTING THE BOARD OF
19 REGENTS AND THE DEPARTMENT ON MATTERS OF PROFESSIONAL LICENSING AND
20 PROFESSIONAL CONDUCT IN ACCORDANCE WITH SECTION SIXTY-FIVE HUNDRED EIGHT
21 OF THIS TITLE. THE BOARD SHALL BE COMPOSED OF NOT LESS THAN SEVEN
22 PERSONS, FOUR OF WHOM SHALL HAVE BEEN ENGAGED IN THE TEACHING, RESEARCH
23 OR PRACTICE OF REFLEXOLOGY FOR AT LEAST THREE YEARS, TWO OF WHOM SHALL
24 BE PHYSICIANS OR NURSES LICENSED IN THIS STATE AND ONE WHO SHALL BE A
25 PUBLIC MEMBER REPRESENTING CONSUMERS AND THE COMMUNITY. AN EXECUTIVE
26 SECRETARY TO THE BOARD SHALL BE APPOINTED BY THE BOARD OF REGENTS ON
27 RECOMMENDATION OF THE COMMISSIONER.

28 2. THE BOARD OF REGENTS AND THE COMMISSIONER, IN CONSULTATION WITH THE
29 BOARD, SHALL PROMULGATE SUCH RULES AND REGULATIONS AS THEY DEEM NECES-
30 SARY AND APPROPRIATE TO EFFECTUATE THE PROVISIONS OF THIS ARTICLE.

31 S 7854. REQUIREMENTS FOR A PROFESSIONAL LICENSE. 1. TO QUALIFY FOR A
32 LICENSE AS A REFLEXOLOGIST, AN APPLICANT SHALL FULFILL THE FOLLOWING
33 REQUIREMENTS:

34 (A) APPLICATION: FILE AN APPLICATION WITH THE DEPARTMENT;

35 (B) CERTIFICATE: HOLD A CURRENT CERTIFICATE FROM THE AMERICAN REFLEX-
36 OLOGY CERTIFICATION BOARD (ARCB) OR ANY OTHER INDEPENDENT NATIONAL
37 CERTIFICATION PROGRAM APPROVED BY THE BOARD;

38 (C) EDUCATION: HAVE RECEIVED AN EDUCATION, INCLUDING HIGH SCHOOL GRAD-
39 UATION AND GRADUATION FROM A SCHOOL OR INSTITUTE OF REFLEXOLOGY WITH A
40 PROGRAM REGISTERED BY THE DEPARTMENT, OR ITS SUBSTANTIAL EQUIVALENT IN
41 BOTH SUBJECT MATTER AND EXTENT OF TRAINING, PROVIDED THAT THE PROGRAM IN
42 SUCH A SCHOOL OR INSTITUTE SHALL CONSIST OF TRAINING FOR A TOTAL OF NOT
43 LESS THAN SIX HUNDRED TWENTY-FIVE HOURS IN SUBJECTS SATISFACTORY TO THE
44 DEPARTMENT, AT LEAST THREE HUNDRED TWENTY-FIVE OF WHICH SHALL BE IN
45 REFLEXOLOGY EDUCATION, AT LEAST TWO HUNDRED OF WHICH SHALL BE IN ANATOMY
46 AND PHYSIOLOGY, AND AT LEAST ONE HUNDRED OF WHICH SHALL BE IN PATHOLOGY
47 DEALING WITH HANDS AND FEET;

48 (D) EXAMINATION: PASS AN EXAMINATION SATISFACTORY TO THE BOARD AND IN
49 ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;

50 (E) AGE: BE AT LEAST EIGHTEEN YEARS OF AGE;

51 (F) CITIZENSHIP OR IMMIGRATION STATUS: BE A UNITED STATES CITIZEN OR
52 AN ALIEN LAWFULLY ADMITTED FOR PERMANENT RESIDENCE IN THE UNITED STATES;

53 (G) CHARACTER: BE OF GOOD MORAL CHARACTER AS DETERMINED BY THE DEPART-
54 MENT;

55 (H) CRIMINAL BACKGROUND: SUBMIT A STATEMENT CERTIFYING THAT THE APPLI-
56 CANT HAS NOT BEEN CONVICTED IN THIS STATE OR IN ANY OTHER STATE FOR ANY

1 CRIME INVOLVING VIOLENCE INFLICTED ON A PERSON OR THREATENED AGAINST A
2 PERSON, OR ANY SEXUALLY-RELATED CRIME; AND

3 (I) FEES: PAY FEES REQUIRED IN RULES ADOPTED BY THE DEPARTMENT AND THE
4 BOARD OF REGENTS.

5 2. LICENSES SHALL BE VALID FOR FOUR YEARS.

6 S 7855. EXEMPT PERSONS. NOTHING CONTAINED IN THIS ARTICLE SHALL BE
7 CONSTRUED TO PROHIBIT:

8 1. THE PRACTICE OF REFLEXOLOGY BY ANY PERSON WHO IS AUTHORIZED TO
9 PRACTICE MEDICINE, NURSING, OSTEOPATHY, CHIROPRACTIC, PHYSIOTHERAPY,
10 PODIATRY OR MASSAGE THERAPY IN ACCORDANCE WITH THE PROVISIONS OF THIS
11 TITLE.

12 2. THE PRACTICE OF THAT FORM OF MASSAGE WHICH IS CUSTOMARILY GIVEN IN
13 BARBER SHOPS OR BEAUTY PARLORS FOR THE PURPOSE OF BEAUTIFICATION BY ANY
14 LICENSED BARBER OR COSMETOLOGIST.

15 3. THE PRACTICE OF REFLEXOLOGY BY ANY PERSON EMPLOYED IN A MEDICAL
16 INSTITUTION LICENSED OR CHARTERED BY THE STATE OF NEW YORK, PROVIDED
17 THAT SUCH PERSON IS UNDER THE ON-SITE SUPERVISION OF THE PERSON LICENSED
18 TO PRACTICE REFLEXOLOGY OR AUTHORIZED TO PRACTICE REFLEXOLOGY PURSUANT
19 TO SUBDIVISION ONE OF THIS SECTION OR BY ANY PERSON ENROLLED IN THE
20 PROGRAM OF A SCHOOL OR INSTITUTE OF REFLEXOLOGY REGISTERED BY THE
21 DEPARTMENT OR ENROLLED IN A PROGRAM WHICH SATISFIES THE REQUIREMENTS OF
22 SECTION SEVENTY-EIGHT HUNDRED FIFTY-FOUR OF THIS ARTICLE, PROVIDED THAT
23 SUCH PERSON IS UNDER THE ON-SITE SUPERVISION OF A PERSON LICENSED TO
24 PRACTICE REFLEXOLOGY OR AUTHORIZED TO PRACTICE REFLEXOLOGY PURSUANT TO
25 SUBDIVISION ONE OF THIS SECTION.

26 S 7856. LIMITED PERMITS. 1. THE DEPARTMENT MAY ISSUE A LIMITED PERMIT
27 TO PRACTICE REFLEXOLOGY AS A LICENSED REFLEXOLOGIST TO A PERSON WHO HAS
28 NOT PREVIOUSLY HELD SUCH A PERMIT AND WHO FULFILLS ALL EXCEPT THE EXAM-
29 INATION AND CITIZENSHIP REQUIREMENTS FOR A LICENSE, PROVIDED HOWEVER
30 THAT A PERMIT SHALL NOT BE ISSUED TO A PERSON WHO HAS FAILED THE STATE
31 LICENSING EXAMINATION.

32 2. THE LIMITED PERMIT SHALL BE VALID FOR A PERIOD OF NOT MORE THAN
33 TWELVE MONTHS OR UNTIL THE RESULTS OF THE NEXT LICENSING EXAMINATION FOR
34 WHICH THE PERSON IS ELIGIBLE ARE OFFICIALLY AVAILABLE, WHICHEVER COMES
35 FIRST.

36 3. A LIMITED PERMIT SHALL ENTITLE THE HOLDER TO PRACTICE REFLEXOLOGY
37 ONLY UNDER THE PERSONAL SUPERVISION OF A PERSON CURRENTLY LICENSED TO
38 PRACTICE REFLEXOLOGY IN THIS STATE.

39 4. THE FEE FOR A LIMITED PERMIT SHALL BE REQUIRED AND SHALL BE AS
40 ADOPTED IN THE RULES OF THE DEPARTMENT AND THE BOARD OF REGENTS.

41 S 7857. SPECIAL PROVISIONS. 1. NOTWITHSTANDING THE REQUIREMENTS OF
42 SECTIONS SEVENTY-EIGHT HUNDRED FIFTY-FOUR AND SEVENTY-EIGHT HUNDRED
43 FIFTY-SIX OF THIS ARTICLE, AN INDIVIDUAL CURRENTLY ENGAGING IN THE PRAC-
44 TICE OF REFLEXOLOGY MAY CONTINUE TO PRACTICE AFTER THE EFFECTIVE DATE OF
45 THIS ARTICLE, WHEN AN INDIVIDUAL FULFILLS ALL EXCEPT THE CERTIFICATION
46 AND APPLICATION REQUIREMENTS OF SECTION SEVENTY-EIGHT HUNDRED FIFTY-FOUR
47 OF THIS ARTICLE. SUCH INDIVIDUAL SHALL HAVE EIGHTEEN MONTHS TO ATTAIN
48 SUCH CERTIFICATION FROM THE AMERICAN REFLEXOLOGY CERTIFICATION BOARD AND
49 APPLY FOR A LICENSE TO PRACTICE REFLEXOLOGY.

50 2. FOR THE PURPOSES OF SUBDIVISION ONE OF THIS SECTION, IT SHALL BE
51 DETERMINED THAT THE FILING OF AN APPLICATION WITH THE DEPARTMENT ON OR
52 BEFORE THE EXPIRATION OF THE EIGHTEEN MONTH PERIOD SHALL QUALIFY FOR
53 PURPOSES OF SUCH SUBDIVISION, REGARDLESS OF THE TIME PERIOD REQUIRED FOR
54 PROCESSING SUCH APPLICATION.

55 3. ANY CERTIFICATION FROM THE AMERICAN REFLEXOLOGY CERTIFICATION BOARD
56 WHICH HAS BEEN ISSUED PRIOR TO THE EFFECTIVE DATE OF THIS ARTICLE SHALL

1 BE DEEMED VOID AND INVALID IF THE HOLDER HAS NOT MET THE EDUCATIONAL
2 REQUIREMENTS OF SECTION SEVENTY-EIGHT HUNDRED FIFTY-FOUR OF THIS ARTI-
3 CLE.

4 S 2. The department of education shall transmit to the state comp-
5 troller for deposit in the special revenues account of the department of
6 education all fees submitted to such department pursuant to sections
7 7854 and 7855 of the education law as added by section one of this act.

8 S 3. This act shall take effect on the sixtieth day after it shall
9 have become a law.