

1865--A

2015-2016 Regular Sessions

I N S E N A T E

January 15, 2015

Introduced by Sens. VALESKY, AVELLA, CARLUCCI, DeFRANCISCO, FUNKE, RITCHIE, ROBACH -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to exempt persons under the profession of psychology

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 7605 of the education law is amended by adding a
2 new subdivision 11 to read as follows:
3 11. THE CONDUCT, ACTIVITIES OR SERVICES OF A TECHNICIAN TO ADMINISTER
4 AND SCORE STANDARDIZED OBJECTIVE (NON-PROJECTIVE) PSYCHOLOGICAL OR
5 NEUROPSYCHOLOGICAL TESTS WHICH HAVE SPECIFIC PREDETERMINED AND MANUAL-
6 IZED ADMINISTRATIVE PROCEDURES WHICH ENTAIL OBSERVING AND DESCRIBING
7 TEST BEHAVIOR AND TEST RESPONSES, AND WHICH DO NOT REQUIRE EVALUATION,
8 INTERPRETATION OR OTHER JUDGMENTS; PROVIDED, HOWEVER, THAT SUCH TECHNI-
9 CIAN SHALL: (I) HOLD NO LESS THAN A BACHELOR'S DEGREE IN PSYCHOLOGY OR A
10 RELATED FIELD; (II) UNDERGO A PROCESS OF REGULAR TRAINING BY A LICENSED
11 PSYCHOLOGIST, WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO A MINIMUM OF
12 EIGHTY TOTAL HOURS OF (A) PROFESSIONAL ETHICS, (B) STUDYING AND MASTER-
13 ING INFORMATION FROM TEST MANUALS, (C) DIRECT OBSERVATION OF A LICENSED
14 PSYCHOLOGIST OR TRAINED TECHNICIAN ADMINISTERING AND SCORING TESTS, AND
15 (D) ADMINISTERING AND SCORING TESTS IN THE PRESENCE OF A LICENSED
16 PSYCHOLOGIST OR TRAINED TECHNICIAN, PROVIDED SUCH INTERACTION WITH THE
17 LICENSED PSYCHOLOGIST EQUALS OR EXCEEDS FIFTY PERCENT OF THE TOTAL
18 TRAINING TIME; (III) BE UNDER THE DIRECT AND ONGOING SUPERVISION OF A
19 LICENSED PSYCHOLOGIST IN NO GREATER THAN A 3:1 RATIO OR THE PART TIME
20 EQUIVALENT THERETO; (IV) NOT BE EMPLOYED WITHIN A SCHOOL SETTING AND (V)
21 NOT SELECT TESTS, ANALYZE PATIENT DATA OR COMMUNICATE RESULTS TO
22 PATIENTS. THE SUPERVISING LICENSED PSYCHOLOGIST MUST SUBMIT, PURSUANT TO

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

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1 A FORM TO BE PRESCRIBED AND DEVELOPED WITHIN NINETY DAYS OF THE EFFEC-
2 TIVE DATE OF THIS SUBDIVISION BY THE DEPARTMENT, A SWORN STATEMENT
3 DETAILING COMPLIANCE WITH THE ABOVE REQUIREMENTS. THE LICENSED PSYCHOL-
4 OGIST'S USE OF SUCH INDIVIDUAL PURSUANT TO THE TERMS OF THIS SUBDIVISION
5 SHALL BE UNDERTAKEN ONLY WITH SPECIAL CARE AND PROFESSIONAL JUDGMENT IN
6 ORDER TO ENSURE THE SAFETY AND WELL-BEING OF THE PATIENT CONSIDERING THE
7 SEVERITY OF THE SYMPTOMS, THE AGE OF THE PATIENT AND THE LENGTH OF THE
8 EXAMINATION PROCESS, AND SHALL INCLUDE APPROPRIATE ONGOING CONTACT WITH
9 THE LICENSED PSYCHOLOGIST AT APPROPRIATE INTERVALS. SUCH USE SHALL BE
10 SUBJECT TO THE FULL DISCIPLINARY AND REGULATORY AUTHORITY OF THE BOARD
11 OF REGENTS AND THE DEPARTMENT PURSUANT TO THIS TITLE. THE LICENSED
12 PSYCHOLOGIST MUST NOTIFY THE PATIENT OR DESIGNATED HEALTH CARE SURROGATE
13 THAT THE LICENSED PSYCHOLOGIST MAY UTILIZE THE SERVICES OF A TECHNICIAN
14 TO ADMINISTER CERTAIN EXAMS, AND MUST PROVIDE THE PATIENT OR DESIGNATED
15 HEALTH CARE SURROGATE THE OPPORTUNITY TO OBJECT TO THE LICENSED PSYCHOL-
16 OGIST'S PLAN TO UTILIZE A TECHNICIAN.

17 S 2. This act shall take effect immediately.