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

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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 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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:

Section 1. Section 7605 of the education law is amended by adding a new subdivision 11 to read as follows:

11. THE CONDUCT, ACTIVITIES OR SERVICES OF A TECHNICIAN TO ADMINISTER AND SCORE STANDARDIZED OBJECTIVE (NON-PROJECTIVE) PSYCHOLOGICAL OR NEUROPSYCHOLOGICAL TESTS WHICH HAVE SPECIFIC PREDETERMINED AND MANUALIZED ADMINISTRATIVE PROCEDURES WHICH ENTAIL OBSERVING AND DESCRIBING TEST BEHAVIOR AND TEST RESPONSES, AND WHICH DO NOT REQUIRE EVALUATION, INTERPRETATION OR OTHER JUDGMENTS; PROVIDED, HOWEVER, THAT SUCH TECHNICIAN SHALL: (I) HOLD NO LESS THAN A BACHELOR'S DEGREE IN PSYCHOLOGY OR A RELATED FIELD; (II) UNDERGO A PROCESS OF REGULAR TRAINING BY A LICENSED PSYCHOLOGIST, WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO A MINIMUM OF EIGHTY TOTAL HOURS OF (A) PROFESSIONAL ETHICS, (B) STUDYING AND MASTERING INFORMATION FROM TEST MANUALS, AND (C) DIRECT OBSERVATION OF A LICENSED PSYCHOLOGIST OR TRAINED TECHNICIAN ADMINISTERING AND SCORING TESTS, IN ADDITION TO A MINIMUM OF FORTY TOTAL HOURS OF ADMINISTERING AND SCORING TESTS IN THE PRESENCE OF A LICENSED PSYCHOLOGIST OR TRAINED TECHNICIAN, PROVIDED SUCH INTERACTION WITH THE LICENSED PSYCHOLOGIST EQUALS OR EXCEEDS FIFTY PERCENT OF THE TOTAL TRAINING TIME; (III) BE UNDER THE DIRECT AND ONGOING SUPERVISION OF A LICENSED PSYCHOLOGIST IN NO GREATER THAN A 3:1 RATIO OR THE PART TIME EQUIVALENT THERETO; (IV)

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

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NOT BE EMPLOYED WITHIN A SCHOOL SETTING AND (V) NOT SELECT TESTS, ANALYZE PATIENT DATA OR COMMUNICATE RESULTS TO PATIENTS. THE SUPERVISING LICENSED PSYCHOLOGIST MUST SUBMIT, PURSUANT TO A FORM TO BE PRESCRIBED AND DEVELOPED WITHIN NINETY DAYS OF THE EFFECTIVE DATE OF THIS SUBDIVISION BY THE DEPARTMENT, A SWORN STATEMENT DETAILING COMPLIANCE WITH THE ABOVE REQUIREMENTS. THE LICENSED PSYCHOLOGIST'S USE OF SUCH INDIVIDUAL PURSUANT TO THE TERMS OF THIS SUBDIVISION SHALL BE UNDERTAKEN ONLY WITH SPECIAL CARE AND PROFESSIONAL JUDGMENT IN ORDER TO ENSURE THE SAFETY AND WELL-BEING OF THE PATIENT CONSIDERING THE SEVERITY OF THE SYMPTOMS, THE AGE OF THE PATIENT AND THE LENGTH OF THE EXAMINATION PROCESS, AND SHALL INCLUDE APPROPRIATE ONGOING CONTACT WITH THE LICENSED PSYCHOLOGIST AT APPROPRIATE INTERVALS. SUCH USE SHALL BE SUBJECT TO THE FULL DISCIPLINARY AND REGULATORY AUTHORITY OF THE BOARD OF REGENTS AND THE DEPARTMENT PURSUANT TO THIS TITLE. THE LICENSED PSYCHOLOGIST MUST NOTIFY THE PATIENT OR DESIGNATED HEALTH CARE SURROGATE THAT THE LICENSED PSYCHOLOGIST MAY UTILIZE THE SERVICES OF A TECHNICIAN TO ADMINISTER CERTAIN EXAMS, AND MUST PROVIDE THE PATIENT OR DESIGNATED HEALTH CARE SURROGATE THE OPPORTUNITY TO OBJECT TO THE LICENSED PSYCHOLOGIST'S PLAN TO UTILIZE A TECHNICIAN.

S 2. This act shall take effect immediately.