

STATE OF NEW YORK

8036

2017-2018 Regular Sessions

IN ASSEMBLY

May 25, 2017

Introduced by M. of A. FAHY -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to mandatory continuing education for psychologists

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 section 7607
2 to read as follows:

3 § 7607. Mandatory continuing education. 1. (a) Each psychologist
4 required under this article to register triennially with the department
5 to practice in this state, shall comply with the provisions for mandato-
6 ry continuing education prescribed in subdivision two of this section,
7 except as set forth in paragraphs (b) and (c) of this subdivision.
8 Psychologists who do not satisfy the provisions for mandatory continuing
9 education shall not practice until they have met such requirements and
10 they have been issued a registration certificate, except that a psychol-
11 ogist may practice without having met such requirements if he or she is
12 issued a conditional registration certificate pursuant to subdivision
13 three of this section.

14 (b) Each psychologist shall be exempt from the mandatory continuing
15 education requirements for the triennial registration period during
16 which they are first licensed. In accordance with the intent of this
17 section, adjustment to the provisions for mandatory continuing education
18 may be granted by the department for reasons of health that are certi-
19 fied by an appropriate health care professional, for extended active
20 duty with the armed forces of the United States, or for other good cause
21 acceptable to the department which may prevent compliance.

22 (c) A psychologist not engaged in practice, as determined by the
23 department, shall be exempt from mandatory continuing education upon the
24 filing of a statement with the department declaring such status. Any
25 licensee who returns to the practice of psychology during the triennial

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

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1 registration period shall notify the department prior to reentering the
2 profession and shall meet such continuing education requirements as
3 shall be prescribed by regulations of the commissioner.

4 2. During each triennial registration period, an applicant for regis-
5 tration as a psychologist shall complete a minimum of fifty-four hours
6 of acceptable formal continuing education, a minimum of nine hours of
7 which shall be course work in the area of professional ethics. Any
8 psychologist whose first registration date following the effective date
9 of this section occurs less than three years from such effective date,
10 but on or after January first, two thousand nineteen, shall complete
11 continuing education hours on a prorated basis at the rate of one hour
12 per month for the period beginning January first, two thousand nineteen
13 up to the first registration date thereafter. A psychologist who has not
14 satisfied the mandatory continuing education requirement shall not be
15 issued a triennial registration certificate by the department and shall
16 not practice unless and until a conditional registration is issued as
17 provided for in subdivision three of this section. Continuing education
18 hours taken during one triennium may not be transferred to the subse-
19 quent triennium.

20 3. (a) The department, in its discretion, may issue a conditional
21 registration to a psychologist who fails to meet the continuing educa-
22 tion requirements established in subdivision two of this section, but
23 who agrees to make up any deficiencies and complete any additional
24 education which the department may require. The fee for such a condi-
25 tional registration shall be the same as, and in addition to, the fee
26 for the triennial registration. The duration of such conditional regis-
27 tration shall be determined by the department, but shall not exceed one
28 year. Any psychologist who is notified of the denial of registration for
29 failure to submit evidence, satisfactory to the department, of required
30 continuing education and who practices without such registration may be
31 subject to disciplinary proceedings pursuant to section sixty-five
32 hundred ten of this title.

33 (b) For purposes of this section "acceptable formal continuing educa-
34 tion" shall mean formal courses of learning that contribute to profes-
35 sional practice in psychology and which meet the standards prescribed by
36 regulations of the commissioner. Such formal courses of learning shall
37 include, but not be limited to, collegiate level credit and non-credit
38 courses, professional development programs and technical sessions
39 offered by national, state, and local professional associations and
40 other organizations acceptable to the department, and any other organ-
41 ized educational and technical programs acceptable to the department.
42 Continuing education courses must be taken from a provider who has been
43 approved by the department, based upon an application and fee, pursuant
44 to the regulations of the commissioner. The department may, in its
45 discretion and as needed to contribute to the health and welfare of the
46 public, require the completion of continuing education courses in
47 specific subjects to fulfill this mandatory continuing education
48 requirement. Psychologists shall maintain adequate documentation of
49 having completed acceptable formal continuing education and shall
50 provide such documentation at the request of the department. Failure to
51 provide such documentation upon the request of the department shall be
52 an act of misconduct subject to disciplinary proceedings pursuant to
53 section sixty-five hundred ten of this title.

54 (c) The fee for registering continuing education hours shall be deter-
55 mined by the department. Such fee shall be payable on or before the
56 first day of each triennial registration period, and shall be paid in

1 addition to the triennial registration fee required by paragraph (g) of
2 subdivision one and paragraph (g) of subdivision two of section seven-
3 ty-seven hundred four of this article.

4 § 2. This act shall take effect January 1, 2019; provided, however,
5 that effective immediately, the department of education is authorized to
6 take such steps in advance of such effective date, including the addi-
7 tion, amendment, and/or repeal of any rules or regulations as may be
8 necessary, to ensure the timely implementation of the provisions of this
9 act on such effective date.