

# STATE OF NEW YORK

9072

## IN ASSEMBLY

January 18, 2018

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 mandatory continuing education  
9 requirements shall not practice until they have met such requirements  
10 and they have been issued a registration certificate, except that a  
11 psychologist may practice without having met such requirements if he or  
12 she is issued a conditional registration certificate pursuant to subdivi-  
13 vision 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 mandatory continuing education requirement  
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 the mandatory continuing education  
24 requirement upon the filing of a statement with the department declaring  
25 such status. Any licensee who returns to the practice of psychology  
26 during the triennial registration period shall notify the department  
27 prior to reentering the profession and shall meet such continuing educa-

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

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1 tion requirements as shall be prescribed by regulations of the commis-  
2 sioner.

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

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

32 (b) For purposes of this section:

33 (i) "acceptable learning activities" shall include, but not be limited  
34 to, formal courses of learning which contribute to professional practice  
35 in psychology and which meet the standards prescribed by regulations of  
36 the commissioner, self-study activities; independent study; formal  
37 mentoring activities; or publications in professional journals; or  
38 lectures; and

39 (ii) "formal courses of learning" shall include, but not be limited  
40 to, collegiate level credit and non-credit courses, professional devel-  
41 opment programs and technical sessions offered by national, state, and  
42 local professional associations and other organizations acceptable to  
43 the department, and any other organized educational and technical  
44 programs acceptable to the department. Formal courses must be taken from  
45 a sponsor approved by the department, pursuant to the regulations of the  
46 commissioner.

47 (c) The department may, in its discretion and as needed to contribute  
48 to the health and welfare of the public, require the completion of  
49 continuing education credits in specific subjects to fulfill this manda-  
50 tory continuing education requirement.

51 (d) Psychologists shall maintain adequate documentation of completion  
52 of acceptable continuing education credits and shall provide such  
53 documentation at the request of the department. Failure to provide such  
54 documentation upon the request of the department shall be an act of  
55 misconduct subject to disciplinary proceedings pursuant to section  
56 sixty-five hundred ten of this title.

1 (e) The mandatory continuing education fee shall be determined by the  
2 department. Such fee shall be payable on or before the first day of each  
3 triennial registration period, and shall be paid in addition to the  
4 triennial registration fee required by subdivision eight of section  
5 seventy-six hundred three of this article.

6 § 2. This act shall take effect January 1, 2020; provided, however,  
7 that effective immediately, the addition and/or repeal of any rule or  
8 regulation necessary for the implementation of this act on its effective  
9 date are authorized and directed to be made and completed on or before  
10 such effective date.