STATE OF NEW YORK

9072--A

IN ASSEMBLY

January 18, 2018

Introduced by M. of A. FAHY -- read once and referred 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 mandatory continuing education for psychologists

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The education law is amended by adding a new section 7607 to read as follows:

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

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

(c) A psychologist not engaged in practice, as determined by the department, shall be exempt from the mandatory continuing education requirement upon the filing of a statement with the department declaring such status. Any licensee who returns to the practice of psychology during the triennial registration period shall notify the department 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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tion requirements as shall be prescribed by regulations of the commissioner.

2. During each triennial registration period, an applicant for registration as a psychologist shall complete a minimum of thirty-six hours of acceptable learning activities, a minimum of three hours of which shall be course work in the area of professional ethics, including the laws, rules and regulations for practice in New York. Any psychologist whose first registration date following the effective date of this section occurs less than three years from such effective date, but on or after January first, two thousand twenty-one, shall complete continuing education hours on a prorated basis at the rate of one hour per month for the period beginning January first, two thousand twenty-one up to the first registration date thereafter. A psychologist who has not satisfied the mandatory continuing education requirement shall not be issued a triennial registration certificate by the department and shall not practice unless and until a conditional registration is issued as provided for in subdivision three of this section. Continuing education hours taken during one triennium may not be transferred to the subsequent triennium.

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

(b) For purposes of this section:

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

(ii) "formal courses of learning" shall include, but not be limited to, collegiate level credit and non-credit courses, professional development programs and technical sessions offered by national, state, and local professional associations and other organizations acceptable to the department, and any other organized educational and technical programs acceptable to the department. Formal courses must be taken from a sponsor approved by the department, based upon an application and fee, pursuant to the regulations of the commissioner.

(c) The department may, in its discretion and as needed to contribute to the health and welfare of the public, require the completion of continuing education credits in specific subjects to fulfill this mandatory continuing education requirement.

(d) Psychologists shall maintain adequate documentation of completion of acceptable continuing education credits and shall provide such documentation at the request of the department. Failure to provide such documentation upon the request of the department shall be an act of

misconduct subject to disciplinary proceedings pursuant to section sixty-five hundred ten of this title.

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

§ 2. This act shall take effect January 1, 2021; provided, however, that effective immediately, the addition and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.