

STATE OF NEW YORK

6018

2017-2018 Regular Sessions

IN SENATE

May 10, 2017

Introduced by Sen. BONACIC -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law and the executive law, in relation to requiring certain non-licensed professionals to disclose information regarding risks

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

1 Section 1. The general business law is amended by adding a new section
2 391-u to read as follows:

3 § 391-u. Self-help practitioners; requirements. 1. Definitions:

4 (a) "Self-help practitioner" means a non-licensed professional, his or
5 her agent or employee, or a non-licensed company who is offering paid
6 help to a client through financial, spiritual or educational guidance
7 for the sake of improving personal awareness, identifying and developing
8 personal talent and potential, enhancing the quality of life of a person
9 and/or contributing to the realization of personal aspirations.

10 (b) "Large print format" shall mean a printed font size of sixteen
11 points or larger.

12 (c) "Licensed professional" means a professional who can deal with any
13 risk associated with exercises related to a self-help service or
14 session.

15 2. Every self-help practitioner that offers services to clients shall:

16 (a) at the time of each initial contract for services, provide the
17 client with a copy of the contract in which a disclosure of risk is
18 displayed in large print format. Such disclosure of risk shall clearly
19 explain, in plain language, that what the risks are in contracting with
20 such self-help practitioner; and

21 (b) produce a comprehensive risk management plan to ensure that steps
22 will be taken at each service or session to provide protection for
23 clients in the event that there is a potential risk of physical or
24 emotional harm. Every self-help practitioner shall be responsible for

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

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1 ensuring that licensed professionals, including but not limited to,
2 medical professionals, social workers and psychologists, are made avail-
3 able to clients at each session or service when there is a possibility
4 of physical or emotional risk.

5 3. A violation by any self-help practitioner of subdivision two of
6 this section, if such violation constitutes the first such offense by
7 such self-help practitioner, is punishable by a civil penalty not to
8 exceed two hundred fifty dollars. A second offense and any offense
9 committed thereafter is punishable by a civil penalty not to exceed five
10 hundred dollars.

11 § 2. The executive law is amended by adding a new section 109-a to
12 read as follows:

13 § 109-a. Registration of self-help practitioners. 1. For purposes of
14 this section, "self-help practitioner" shall mean a non-licensed profes-
15 sional, his or her agent or employee, or a non-licensed company who is
16 offering paid help to a client through financial, spiritual or educa-
17 tional guidance for the sake of improving personal awareness, identify-
18 ing and developing personal talent and potential, enhancing the quality
19 of life of a person and/or contributing to the realization of personal
20 aspirations.

21 2. The secretary of state shall promulgate rules and regulations
22 prescribing a registration form to be used by any self-help practitioner
23 who provides self-help services to clients.

24 3. Such registration form shall identify:

25 (a) the name, address, and telephone number of the self-help practi-
26 tioner; and

27 (b) a brief description of the nature of the self-help services
28 provided to each identified client.

29 4. Such registration shall be filed with the department of state and
30 shall cover a twelve month reporting period.

31 5. The secretary of state shall post the completed forms on the
32 department of state's website within thirty days of the close of each
33 reporting period.

34 6. The department of state may impose a civil penalty of up to seven
35 hundred fifty dollars upon any self-help practitioner who fails to file
36 a registration required by this section provided, however, that the
37 secretary of state shall provide such self-help practitioner a reason-
38 able opportunity to cure such a failure.

39 7. The department of state shall adopt, amend and rescind rules and
40 regulations defining the degree and extent of self-help services neces-
41 sary to require the reporting pursuant to this section.

42 § 3. This act shall take effect on the ninetieth day after it shall
43 have become a law.