

STATE OF NEW YORK

7398--A

IN SENATE

January 12, 2018

Introduced by Sen. VALESKY -- 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

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 sion 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

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

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1 prior to reentering the profession and shall meet such continuing educa-
2 tion requirements as shall be prescribed by regulations of the commis-
3 sioner.

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

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

34 (b) For purposes of this section:

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

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

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

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

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

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

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