

# STATE OF NEW YORK

7181

2017-2018 Regular Sessions

## IN ASSEMBLY

April 12, 2017

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

AN ACT to amend the education law, in relation to the licensing and regulation of the profession of reflexology

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 article 155-A  
2 to read as follows:

3 ARTICLE 155-A  
4 REFLEXOLOGY

5 Section 7850. Introduction.

6 7851. Definitions.

7 7852. Practice of reflexology and use of title "licensed reflex-  
8 ologist".

9 7853. Reflexology seat on the state board for massage therapy.

10 7854. Requirements for a professional license.

11 7855. Exempt persons.

12 7856. Limited permits.

13 7857. Special provisions.

14 § 7850. Introduction. This article applies to the profession of  
15 reflexology. The effectiveness of reflexology is recognized by various  
16 national health institutions and the public at large as a distinct  
17 complementary practice within the holistic health field. The general  
18 provisions for all professions contained in article one hundred thirty  
19 of this title apply to this article.

20 § 7851. Definitions. As used in this article the following terms shall  
21 have the following meanings:

22 1. "Licensed reflexologist" means a person who practices reflexology  
23 and who is licensed by the department or from an entity approved by the  
24 commissioner.

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

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1     2. "Reflexology" means a protocol of manual techniques, such as thumb  
2     and finger-walking, hook and backup and rotating-on-a-point, applied to  
3     specific reflex areas predominantly on the feet and hands to stimulate  
4     the complex neural pathways linking body systems and support the body's  
5     efforts to function optimally.

6     3. "Department" means the department of education.

7     § 7852. Practice of reflexology and use of title "licensed reflexolo-  
8     gist". Only a person licensed or authorized pursuant to this article  
9     shall practice reflexology and only a person so licensed shall use the  
10    title "licensed reflexologist". No person, firm, partnership, limited  
11    liability company or corporation shall describe its services in any  
12    manner under the title "reflexology" unless such services are performed  
13    by a person licensed or authorized pursuant to this article.

14    § 7853. Reflexology seat on the state board for massage therapy. 1.  
15    The state board for massage therapy shall establish a seat on such board  
16    for reflexology and a member shall be appointed by the board of regents  
17    on the recommendation of the commissioner for the purpose of assisting  
18    the board of regents and the department on matters of professional  
19    licensing and professional conduct in accordance with section sixty-five  
20    hundred eight of this title. The board member shall have practiced  
21    reflexology for at least three years.

22    2. The massage therapy board, in consultation with an advisory commit-  
23    tee of five reflexologists currently engaged in the practice of reflex-  
24    ology appointed by the board of regents, shall advise, assist and make  
25    recommendations regarding the promulgation of such rules and regulations  
26    as deemed necessary and appropriate to effectuate the provisions of this  
27    article; provided, however, that the advisory committee shall be  
28    dissolved one hundred eighty days after the effective date of this  
29    section.

30    § 7854. Requirements for a professional license. 1. To qualify for a  
31    license as a reflexologist, an applicant shall fulfill the following  
32    requirements:

33    (a) Application: file an application with the department;

34    (b) Education: have received an education, including high school grad-  
35    uation or its equivalent and graduation from a school or institute of  
36    reflexology with a program registered by the department, or its substan-  
37    tial equivalent in both subject matter and extent of training, by actual  
38    class attendance provided that the program in such a school or institute  
39    shall consist of a training program acceptable to the department;

40    (c) Examination: pass an examination satisfactory to the board and in  
41    accordance with the commissioner's regulations;

42    (d) Age: be at least eighteen years of age;

43    (e) Character: be of good moral character as determined by the depart-  
44    ment; and

45    (f) Fees: pay fees required in rules adopted by the department and the  
46    board of regents.

47    2. Licenses shall be valid for three years. The practitioner must  
48    re-register with the department every three years thereafter to maintain  
49    active licensing status.

50    § 7855. Exempt persons. Nothing contained in this article shall be  
51    construed to prohibit:

52    1. The practice of reflexology by any person who is authorized to  
53    practice medicine, nursing, chiropractic, physical therapy, podiatry or  
54    massage therapy in accordance with the provisions of this title.

2. The practice of massage which is customarily given in barber shops or beauty parlors for the purpose of beautification by any licensed barber or cosmetologist.

3. The practice of reflexology by any person enrolled in the program of a school or institute of reflexology registered by the department or enrolled in a program which satisfies the requirements of section seventy-eight hundred fifty-four of this article, provided that such person is under the on-site supervision of a person licensed to practice reflexology or authorized to practice reflexology pursuant to subdivision one of this section.

§ 7856. Limited permits. 1. The department may issue a limited permit to practice reflexology as a licensed reflexologist to a person who has not previously held such a permit and who fulfills all requirements except the examination for a license, provided however that a permit shall not be issued to a person who has failed the state licensing examination.

2. The department shall limit the number of times a person may take the examination in a given year.

3. The limited permit shall be valid for a period of not more than twelve months or renewed once for one year at the discretion of the board until the results of the next licensing examination for which the person is eligible are officially available, whichever comes first.

4. A limited permit shall entitle the holder to practice reflexology only under the personal supervision of a person currently licensed to practice reflexology in this state.

5. The fee for a limited permit shall be required and shall be as adopted in the rules of the department and the board of regents.

§ 7857. Special provisions. 1. Notwithstanding the requirements of sections seventy-eight hundred fifty-four and seventy-eight hundred fifty-six of this article, an individual currently engaging in the practice of reflexology may continue to practice after the effective date of this article, when an individual fulfills all except the certification and application requirements of section seventy-eight hundred fifty-four of this article. Such individual shall have eighteen months from the effective date of this section to apply to the department for examination and/or a license to practice reflexology and may practice in the interim.

2. For a limited time period of three years from the effective date of this section the department may certify an applicant as a reflexologist without examination if the applicant:

(a) files an application with the department; and

(b) is at least eighteen years of age; and

(c) has completed a reflexology program with a minimum of two hundred hours of in-class training; and

(d) provides documentation demonstrating that the applicant has practiced reflexology for at least fifteen hours per week for at least three years prior to the application; or

(e) is certified by a national certifying board with a psychometrically valid exam for reflexology approved by the department; or

(f) applies for certification within eighteen months from the effective date of this section.

3. For the purposes of subdivision one of this section, it shall be determined that the filing of an application with the department on or before the expiration of the eighteen month period shall qualify for purposes of such subdivision, regardless of the time period required for reviewing and processing such application.

1     § 2. This act shall take effect two years after it shall have become a  
2 law; provided, however, that effective immediately, the addition and/or  
3 repeal of any rule or regulation necessary for the implementation of  
4 this act on its effective date are authorized and directed to be made  
5 and completed on or before such effective date.