

STATE OF NEW YORK

7778

IN SENATE

February 22, 2018

Introduced by Sen. BONACIC -- read twice and ordered printed, and when printed to be committed 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.

25 2. "Reflexology" means a protocol of manual techniques, such as thumb
26 and finger-walking, hook and backup and rotating-on-a-point, applied to
27 specific reflex areas predominantly on the feet and hands to stimulate

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

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1 the complex neural pathways linking body systems and support the body's
2 efforts to function optimally.

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

4 § 7852. Practice of reflexology and use of title "licensed reflexolo-
5 gist". Only a person licensed or authorized pursuant to this article
6 shall practice reflexology and only a person so licensed shall use the
7 title "licensed reflexologist". No person, firm, partnership, limited
8 liability company or corporation shall describe its services in any
9 manner under the title "reflexology" unless such services are performed
10 by a person licensed or authorized pursuant to this article.

11 § 7853. Reflexology seat on the state board for massage therapy. 1.
12 The state board for massage therapy shall establish a seat on such board
13 for reflexology and a member shall be appointed by the board of regents
14 on the recommendation of the commissioner for the purpose of assisting
15 the board of regents and the department on matters of professional
16 licensing and professional conduct in accordance with section sixty-five
17 hundred eight of this title. The board member shall have practiced
18 reflexology for at least three years.

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

27 § 7854. Requirements for a professional license. 1. To qualify for a
28 license as a reflexologist, an applicant shall fulfill the following
29 requirements:

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

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

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

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

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

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

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

47 § 7855. Exempt persons. Nothing contained in this article shall be
48 construed to prohibit:

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

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

55 3. The practice of reflexology by any person enrolled in the program
56 of a school or institute of reflexology registered by the department or

1 enrolled in a program which satisfies the requirements of section seven-
2 ty-eight hundred fifty-four of this article, provided that such person
3 is under the on-site supervision of a person licensed to practice
4 reflexology or authorized to practice reflexology pursuant to subdivi-
5 sion one of this section.

6 § 7856. Limited permits. 1. The department may issue a limited permit
7 to practice reflexology as a licensed reflexologist to a person who has
8 not previously held such a permit and who fulfills all requirements
9 except the examination for a license, provided however that a permit
10 shall not be issued to a person who has failed the state licensing exam-
11 ination.

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

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

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

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

23 § 7857. Special provisions. 1. Notwithstanding the requirements of
24 sections seventy-eight hundred fifty-four and seventy-eight hundred
25 fifty-six of this article, an individual currently engaging in the prac-
26 tice of reflexology may continue to practice after the effective date of
27 this article, when an individual fulfills all except the certification
28 and application requirements of section seventy-eight hundred fifty-four
29 of this article. Such individual shall have eighteen months from the
30 effective date of this section to apply to the department for examina-
31 tion and/or a license to practice reflexology and may practice in the
32 interim.

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

36 (a) files an application with the department; and

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

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

40 (d) provides documentation demonstrating that the applicant has prac-
41 ticed reflexology for at least fifteen hours per week for at least three
42 years prior to the application; or

43 (e) is certified by a national certifying board with a psychometrical-
44 ly valid exam for reflexology approved by the department; or

45 (f) applies for certification within eighteen months from the effec-
46 tive date of this section.

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

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