

**A02286 Summary:**

BILL NO A02286

SAME AS SAME AS

SPONSOR Pretlow

COSPNSR

MLTSPNSR Katz

Add Art 155-A SS7850 - 7857, Ed L

Provides for the licensing and regulation of the profession of reflexolc

**A02286 Text:**

S T A T E O F N E W Y O R K

2286

2015-2016 Regular Sessions

I N A S S E M B L Y

January 15, 2015

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

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

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND  
BLY, DO ENACT AS FOLLOWS:

1 Section 1. The education law is amended by adding a new article  
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 "REFLEXOLC

8 7853. STATE BOARD FOR REFLEXOLOGY.

9 7854. REQUIREMENTS FOR A PROFESSIONAL LICENSE.

10 7855. EXEMPT PERSONS.

11 7856. LIMITED PERMITS.

12 7857. SPECIAL PROVISIONS.

13 S 7850. INTRODUCTION. THIS ARTICLE APPLIES TO THE PROFES  
14 REFLEXOLOGY. THE GENERAL PROVISIONS FOR ALL PROFESSIONS CONTAI  
15 ARTICLE ONE HUNDRED THIRTY OF THIS TITLE APPLY TO THIS ARTICLE.

16 S 7851. DEFINITIONS. AS USED IN THIS ARTICLE THE FOLLOWING TERM  
17 HAVE THE FOLLOWING MEANINGS:

18 1. "BOARD" MEANS THE STATE BOARD FOR REFLEXOLOGY CREATED BY  
19 SEVENTY-EIGHT HUNDRED FIFTY-THREE OF THIS ARTICLE.

20 2. "PRACTITIONER" MEANS A PERSON WHO PRACTICES REFLEXOLOGY FOR  
21 SATION AND WHO HOLDS CURRENT CERTIFICATION FROM AN ENTITY APPRC  
22 THE COMMISSIONER.

23 3. "REFLEXOLOGY" MEANS THE SYSTEMATIC APPLICATION OF ALTERNATIN  
24 SURE BY THE USE OF A PRACTITIONER'S HANDS, THUMBS AND FINGERS TC  
25 POINTS ON AN INDIVIDUAL'S HANDS, FEET, FACE OR EARS, USING ALTE

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

LBD055

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1 PRESSURE AND SUCH TECHNIQUES AS THUMB AND FINGER WALKING, HOOK A  
2 UP, AND ROTATION ON A REFLEX FOR THE PURPOSE OF HEALTH PROMOTION.

3 S 7852. PRACTICE OF REFLEXOLOGY AND USE OF TITLE "REFLEXOLOGIST  
4 A PERSON LICENSED OR AUTHORIZED PURSUANT TO THIS ARTICLE SHALL F  
5 REFLEXOLOGY AND ONLY A PERSON SO LICENSED SHALL USE THE TITLE "RE  
6 OGIST". NO PERSON, FIRM, PARTNERSHIP, LIMITED LIABILITY COME  
7 CORPORATION SHALL DESCRIBE ITS SERVICES IN ANY MANNER UNDER TH  
8 "REFLEXOLOGY" UNLESS SUCH SERVICES ARE PERFORMED BY A PERSON LICE  
9 AUTHORIZED PURSUANT TO THIS ARTICLE.

10 S 7853. STATE BOARD FOR REFLEXOLOGY. 1. A STATE BOARD FOR REFI  
11 SHALL BE ESTABLISHED AND APPOINTED BY THE BOARD OF REGENTS ON THE  
12 MENDATION OF THE COMMISSIONER FOR THE PURPOSE OF ASSISTING THE E  
13 REGENTS AND THE DEPARTMENT ON MATTERS OF PROFESSIONAL LICENSI  
14 PROFESSIONAL CONDUCT IN ACCORDANCE WITH SECTION SIXTY-FIVE HUNDRE  
15 OF THIS TITLE. THE BOARD SHALL BE COMPOSED OF NOT LESS THA  
16 PERSONS, FOUR OF WHOM SHALL HAVE BEEN ENGAGED IN THE TEACHING, F  
17 OR PRACTICE OF REFLEXOLOGY FOR AT LEAST THREE YEARS, TWO OF WHC  
18 BE PHYSICIANS OR NURSES LICENSED IN THIS STATE AND ONE WHO SHALL  
19 PUBLIC MEMBER REPRESENTING CONSUMERS AND THE COMMUNITY. AN EX  
20 SECRETARY TO THE BOARD SHALL BE APPOINTED BY THE BOARD OF REGE  
21 RECOMMENDATION OF THE COMMISSIONER.

22 2. THE BOARD OF REGENTS AND THE COMMISSIONER, IN CONSULTATION W  
23 BOARD, SHALL PROMULGATE SUCH RULES AND REGULATIONS AS THEY DEEM  
24 SARY AND APPROPRIATE TO EFFECTUATE THE PROVISIONS OF THIS ARTICLE

25 S 7854. REQUIREMENTS FOR A PROFESSIONAL LICENSE. 1. TO QUALIFY  
26 LICENSE AS A REFLEXOLOGIST, AN APPLICANT SHALL FULFILL THE FC  
27 REQUIREMENTS:

28 (A) APPLICATION: FILE AN APPLICATION WITH THE DEPARTMENT;

29 (B) CERTIFICATE: HOLD A CURRENT CERTIFICATE FROM THE AMERICAN  
30 OLOGY CERTIFICATION BOARD (ARCB) OR ANY OTHER INDEPENDENT N  
31 CERTIFICATION PROGRAM APPROVED BY THE BOARD;

32 (C) EDUCATION: HAVE RECEIVED AN EDUCATION, INCLUDING HIGH SCHOC  
33 UATION AND GRADUATION FROM A SCHOOL OR INSTITUTE OF REFLEXOLOGY

34 PROGRAM REGISTERED BY THE DEPARTMENT, OR ITS SUBSTANTIAL EQUIVA  
 35 BOTH SUBJECT MATTER AND EXTENT OF TRAINING, PROVIDED THAT THE PRC  
 36 SUCH A SCHOOL OR INSTITUTE SHALL CONSIST OF TRAINING FOR A TOTAL  
 37 LESS THAN TWO HUNDRED HOURS IN SUBJECTS SATISFACTORY TO THE DEPAR

38 (D) EXAMINATION: PASS AN EXAMINATION SATISFACTORY TO THE BOARD  
 39 ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;

40 (E) AGE: BE AT LEAST EIGHTEEN YEARS OF AGE;

41 (F) CITIZENSHIP OR IMMIGRATION STATUS: BE A UNITED STATES CITI  
 42 AN ALIEN LAWFULLY ADMITTED FOR PERMANENT RESIDENCE IN THE UNITED

43 (G) CHARACTER: BE OF GOOD MORAL CHARACTER AS DETERMINED BY THE  
 44 MENT;

45 (H) CRIMINAL BACKGROUND: SUBMIT A STATEMENT CERTIFYING THAT THE  
 46 CANT HAS NOT BEEN CONVICTED IN THIS STATE OR IN ANY OTHER STATE  
 47 CRIME INVOLVING VIOLENCE INFLICTED ON A PERSON OR THREATENED AGA  
 48 PERSON, OR ANY SEXUALLY-RELATED CRIME; AND

49 (I) FEES: PAY FEES REQUIRED IN RULES ADOPTED BY THE DEPARTMENT  
 50 BOARD OF REGENTS.

51 2. LICENSES SHALL BE VALID FOR FOUR YEARS.

52 S 7855. EXEMPT PERSONS. NOTHING CONTAINED IN THIS ARTICLE S  
 53 CONSTRUED TO PROHIBIT:

54 1. THE PRACTICE OF REFLEXOLOGY BY ANY PERSON WHO IS AUTHORI  
 55 PRACTICE MEDICINE, NURSING, OSTEOPATHY, CHIROPRACTIC, PHYSIOT  
 A. 2286 3

1 PODIATRY OR MASSAGE THERAPY IN ACCORDANCE WITH THE PROVISIONS C  
 2 TITLE.

3 2. THE PRACTICE OF THAT FORM OF MASSAGE WHICH IS CUSTOMARILY C  
 4 BARBER SHOPS OR BEAUTY PARLORS FOR THE PURPOSE OF BEAUTIFICATION  
 5 LICENSED BARBER OR COSMETOLOGIST.

6 3. THE PRACTICE OF REFLEXOLOGY BY ANY PERSON EMPLOYED IN A  
 7 INSTITUTION LICENSED OR CHARTERED BY THE STATE OF NEW YORK, F  
 8 THAT SUCH PERSON IS UNDER THE ON-SITE SUPERVISION OF THE PERSON I  
 9 TO PRACTICE REFLEXOLOGY OR AUTHORIZED TO PRACTICE REFLEXOLOGY F  
 10 TO SUBDIVISION ONE OF THIS SECTION OR BY ANY PERSON ENROLLED  
 11 PROGRAM OF A SCHOOL OR INSTITUTE OF REFLEXOLOGY REGISTERED  
 12 DEPARTMENT OR ENROLLED IN A PROGRAM WHICH SATISFIES THE REQUIREME  
 13 SECTION SEVENTY-EIGHT HUNDRED FIFTY-FOUR OF THIS ARTICLE, PROVID  
 14 SUCH PERSON IS UNDER THE ON-SITE SUPERVISION OF A PERSON LICEN  
 15 PRACTICE REFLEXOLOGY OR AUTHORIZED TO PRACTICE REFLEXOLOGY PURS  
 16 SUBDIVISION ONE OF THIS SECTION.

17 S 7856. LIMITED PERMITS. 1. THE DEPARTMENT MAY ISSUE A LIMITED  
 18 TO PRACTICE REFLEXOLOGY AS A LICENSED REFLEXOLOGIST TO A PERSON  
 19 NOT PREVIOUSLY HELD SUCH A PERMIT AND WHO FULFILLS ALL EXCEPT THE  
 20 INATION AND CITIZENSHIP REQUIREMENTS FOR A LICENSE, PROVIDED  
 21 THAT A PERMIT SHALL NOT BE ISSUED TO A PERSON WHO HAS FAILED THE  
 22 LICENSING EXAMINATION.

23 2. THE LIMITED PERMIT SHALL BE VALID FOR A PERIOD OF NOT MC  
 24 TWELVE MONTHS OR UNTIL THE RESULTS OF THE NEXT LICENSING EXAMINAI  
 25 WHICH THE PERSON IS ELIGIBLE ARE OFFICIALLY AVAILABLE, WHICHEVER  
 26 FIRST.

27 3. A LIMITED PERMIT SHALL ENTITLE THE HOLDER TO PRACTICE REFI  
 28 ONLY UNDER THE PERSONAL SUPERVISION OF A PERSON CURRENTLY LICEN

29 PRACTICE REFLEXOLOGY IN THIS STATE.

30 4. THE FEE FOR A LIMITED PERMIT SHALL BE REQUIRED AND SHAL  
31 ADOPTED IN THE RULES OF THE DEPARTMENT AND THE BOARD OF REGENTS.

32 S 7857. SPECIAL PROVISIONS. 1. NOTWITHSTANDING THE REQUIREME  
33 SECTIONS SEVENTY-EIGHT HUNDRED FIFTY-FOUR AND SEVENTY-EIGHT  
34 FIFTY-SIX OF THIS ARTICLE, AN INDIVIDUAL CURRENTLY ENGAGING IN TH  
35 TICE OF REFLEXOLOGY MAY CONTINUE TO PRACTICE AFTER THE EFFECTIVE  
36 THIS ARTICLE, WHEN AN INDIVIDUAL FULFILLS ALL EXCEPT THE CERTIF  
37 AND APPLICATION REQUIREMENTS OF SECTION SEVENTY-EIGHT HUNDRED FIF  
38 OF THIS ARTICLE. SUCH INDIVIDUAL SHALL HAVE EIGHTEEN MONTHS TC  
39 SUCH CERTIFICATION FROM THE AMERICAN REFLEXOLOGY CERTIFICATION BC  
40 APPLY FOR A LICENSE TO PRACTICE REFLEXOLOGY.

41 2. FOR THE PURPOSES OF SUBDIVISION ONE OF THIS SECTION, IT SH  
42 DETERMINED THAT THE FILING OF AN APPLICATION WITH THE DEPARTMEN  
43 BEFORE THE EXPIRATION OF THE EIGHTEEN MONTH PERIOD SHALL QUALI  
44 PURPOSES OF SUCH SUBDIVISION, REGARDLESS OF THE TIME PERIOD REQUI  
45 PROCESSING SUCH APPLICATION.

46 3. ANY CERTIFICATION FROM THE AMERICAN REFLEXOLOGY CERTIFICATIC  
47 WHICH HAS BEEN ISSUED PRIOR TO THE EFFECTIVE DATE OF THIS ARTICI  
48 BE DEEMED VOID AND INVALID IF THE HOLDER HAS NOT MET THE EDUC  
49 REQUIREMENTS OF SECTION SEVENTY-EIGHT HUNDRED FIFTY-FOUR OF THI  
50 CLE.

51 S 2. The department of education shall transmit to the state  
52 troller for deposit in the special revenues account of the depart  
53 education all fees submitted to such department pursuant to s  
54 7854 and 7855 of the education law as added by section one of thi

55 S 3. This act shall take effect on the sixtieth day after it  
56 have become a law.