

S02599 Summary:

BILL NO S02599

SAME AS SAME AS

SPONSOR LATIMER

COSPNSR

MLTSPNSR

Add Art 155-A SS7850 - 7857, Ed L

Provides for the licensing and regulation of the profession of reflexolc

S02599 Text:

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

2599

2015-2016 Regular Sessions

I N S E N A T E

January 26, 2015

Introduced by Sen. LATIMER -- read twice and ordered printed, a
printed to be committed to the Committee 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:

ARTICLE 155-A

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, PHYSIOI
S. 2599 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.