

## AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 207, 6504, 6507, and 7901 of the Education Law and Chapter 460 of the Laws of 2011

Section 76.5 of the Regulations of the Commissioner of Education is amended as follows:

(a) . . .

(b) *Purposeful activity* is defined as goal-directed behavior designed to achieve maximal physical, cognitive and mental functioning of the client and aimed at the development, restoration or maintenance of functional daily living skills and activities of daily living in the categories of self-care, work, homemaking or play/leisure.

(c) A *treatment program* within the meaning of Education Law, section 7901 shall be consistent with the statutory scope of practice and may:

(1) Include the therapeutic use of goal-directed activities, exercises, or techniques to maximize the client's physical, cognitive and/or mental functioning in life tasks. Treatment is directed toward maximizing functional skill and task-related performance for the development of a client's vocational, avocational, daily living or related capacities.

(2) . . .

(3) . . .

(d) Any treatment program described in this regulation designed to restore function shall be rendered on the prescription or referral of a physician, nurse practitioner or other health care provider acting within his or her scope of practice. In accordance with section 7901 and articles 131 and 153 of the Education Law, nothing contained in this regulation shall be construed to permit any licensee hereunder to

engage in the practice of medicine or psychology, including psychotherapy[.] or  
otherwise expand such licensee's scope of practice beyond what is authorized by law.