

1803--C

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I N   S E N A T E

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Introduced by Sens. LAVALLE, ADDABBO, AVELLA, BONACIC, DIAZ, DILAN, LARKIN, MAZIARZ, SEWARD -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Higher Education in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, the limited liability company law and the partnership law, in relation to the practice of naturopathy; and to amend the social services law, in relation to the reporting of child abuse

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

1     Section 1. Legislative intent. In order to protect the public health,  
2     safety and welfare of the citizens who desire naturopathic care, the  
3     legislature finds it is necessary to regulate the practice of naturopathy by providing licensure for qualified practitioners. It is the legislature's intent that only practitioners who meet and maintain standards  
4     of competence are recognized by the public as licensed naturopaths. The  
5     legislature recognizes that, unlike other currently licensed  
6     professions, naturopathic doctors are formally educated in the use of  
7     natural therapies, natural substances and pharmacological substances for  
8     common health conditions and disease prevention. Naturopaths serve the  
9     public as experts in drug/nutrient and drug/herb interactions.  
10    S 2. The education law is amended by adding a new article 132-A to  
11    read as follows:  
12  
13

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

LBD01174-08-2

ARTICLE 132-A  
NATUROPATHS

## SECTION 6575. INTRODUCTION.

6576. DEFINITIONS.

6577. DEFINITION OF THE PRACTICE OF NATUROPATHY.

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6581. EXEMPTIONS.

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6583. PROHIBITIONS.

6584. MANDATORY CONTINUING COMPETENCY.

S 6575. INTRODUCTION. THIS ARTICLE APPLIES TO THE LICENSURE AND REGULATION OF NATUROPATHIC DOCTORS TO PRACTICE NATUROPATHY IN THIS STATE. THE GENERAL PROVISIONS FOR ALL PROFESSIONS CONTAINED IN ARTICLE ONE HUNDRED THIRTY, AS ADDED BY CHAPTER NINE HUNDRED EIGHTY-SEVEN OF THE LAWS OF NINETEEN HUNDRED SEVENTY-ONE, OF THIS TITLE APPLY TO THIS ARTICLE.

S 6576. DEFINITIONS. FOR THE PURPOSES OF THIS ARTICLE, THE TERM "BOARD" MEANS THE STATE BOARD FOR NATUROPATHY.

S 6577. DEFINITION OF THE PRACTICE OF NATUROPATHY. THE PRACTICE OF NATUROPATHY BY A LICENSED NATUROPATHY PRACTITIONER INVOLVES THE APPLICATION OF NON-PHARMACEUTICAL AND NON-SURGICAL TREATMENTS, WHICH COMPLEMENT MEDICAL TREATMENT AS DEFINED PURSUANT TO SECTION SIXTY-FIVE HUNDRED TWENTY-ONE OF THIS TITLE, TO ENCOURAGE AND FACILITATE THE BODY'S SELF-HEALING PROCESS. THE PRACTICE OF NATUROPATHY BY A LICENSED NATUROPATHY DOCTOR INVOLVES THE APPLICATION OF THE FOLLOWING HEALING SYSTEMS OF PHYSICAL, NUTRITIONAL OR NATURAL AGENT REGIMENS; DIETARY CHANGES; VITAMINS, MINERALS AND OTHER DIETARY SUPPLEMENTS AND OVER-THE-COUNTER HERBAL MEDICINE; COUNSELING AND EDUCATION ON LIFESTYLE CHANGES; HOMEOPATHY; HYDROTHERAPY, MANIPULATION AND MOBILIZATION; EXERCISE THERAPY AND MIND-BODY THERAPIES SUCH AS YOGA AND MEDITATION (A CONSCIOUS MENTAL PROCESS USING CERTAIN TECHNIQUES, SUCH AS FOCUSING ATTENTION OR MAINTAINING A SPECIFIC POSTURE TO SUSPEND THE STREAM OF THOUGHTS AND RELAX THE BODY AND MIND). A PHYSICIAN MUST SUPERVISE THE PRACTICE OF A LICENSED NATUROPATHY PRACTITIONER.

S 6578. TITLE AND DESIGNATION. ONLY A PERSON LICENSED UNDER THIS ARTICLE MAY USE ANY OR ALL OF THE FOLLOWING TERMS, CONSISTENT WITH ACADEMIC DEGREES EARNED: "DOCTOR OF NATUROPATHY", "DOCTOR OF NATUROPATHIC MEDICINE" OR ITS ABBREVIATION, "ND", "NATUROPATH", "NATUROPATHIC DOCTOR" OR "LICENSED NATUROPATH". HOWEVER, NONE OF SUCH TERMS OR ANY COMBINATION OF SUCH TERMS SHALL BE SO USED TO CONVEY THE IDEA THAT THE INDIVIDUAL WHO USES SUCH TERM PRACTICES ANYTHING OTHER THAN NATUROPATHY.

S 6579. QUALIFICATIONS FOR LICENSURE. TO QUALIFY FOR A LICENSE TO PRACTICE NATUROPATHY, AN APPLICANT SHALL FULFILL THE FOLLOWING REQUIREMENTS:

1. APPLICATION. FILE AN APPLICATION WITH THE DEPARTMENT;

2. EDUCATION. HAVE RECEIVED A DOCTORAL DEGREE OR DIPLOMA AS A NATUROPATHIC DOCTOR (ND) OR DOCTOR OF NATUROPATHIC MEDICINE (ND) FROM A PROGRAM OF NATUROPATHIC MEDICINE REGISTERED BY THE DEPARTMENT OR DETERMINED BY THE DEPARTMENT THAT MEETS NATIONALLY RECOGNIZED ACCREDITATION STANDARDS SATISFACTORY TO THE BOARD AND DETERMINED TO BE SUBSTANTIALLY EQUIVALENT AND IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;

3. EXPERIENCE. AS OF THE YEAR TWO THOUSAND FIFTEEN, HAVE SATISFACTORILY COMPLETED AN APPROVED CLINICAL POST-GRADUATE RESIDENCY TRAINING, OF NOT LESS THAN TWELVE MONTHS DURATION, UNDER THE DIRECT SUPERVISION OF A

1 GRADUATE OF AN APPROVED PROGRAM WITH A MINIMUM OF TWO YEARS OF PROFES-  
2 SIONAL CLINICAL ACTIVITY AND IN ACCORDANCE WITH THE COMMISSIONER'S REGU-  
3 LATIONS;

4 4. EXAMINATION. PASS AN EXAMINATION THAT MEETS NATIONALLY RECOGNIZED  
5 TEST DEVELOPMENT STANDARDS AND TEST COMPETENCIES FOR NATUROPATHIC  
6 DOCTORS SATISFACTORY TO THE BOARD AND IN ACCORDANCE WITH THE COMMISSION-  
7 ER'S REGULATIONS;

8 5. AGE. BE AT LEAST TWENTY-ONE YEARS OF AGE;

9 6. CHARACTER. BE OF GOOD MORAL CHARACTER AS DETERMINED BY THE DEPART-  
10 MENT; AND

11 7. FEES. PAY A FEE OF THREE HUNDRED FIFTY DOLLARS TO THE DEPARTMENT  
12 FOR AN INITIAL LICENSE AND A FEE OF FIVE HUNDRED DOLLARS FOR EACH TRIEN-  
13 NIAL REGISTRATION PERIOD.

14 S 6580. STATE BOARD FOR NATUROPATHY. A STATE BOARD FOR NATUROPATHY  
15 SHALL BE APPOINTED BY THE BOARD OF REGENTS ON THE RECOMMENDATION OF THE  
16 COMMISSIONER FOR THE PURPOSE OF ASSISTING THE BOARD OF REGENTS AND THE  
17 DEPARTMENT ON MATTERS OF LICENSING AND REGULATION. THE BOARD SHALL BE  
18 COMPOSED OF SIX LICENSED MEMBERS FROM THE PROFESSION LICENSED PURSUANT  
19 TO THIS ARTICLE AND TWO PUBLIC REPRESENTATIVES WHO DO NOT HOLD INTERESTS  
20 IN THE ORGANIZATION, FINANCING, OR DELIVERY OF NATUROPATHIC SERVICES AND  
21 ONE LICENSED PHYSICIAN WHO IS EITHER A DOCTOR OF MEDICINE OR A DOCTOR OF  
22 OSTEOPATHY. MEMBERS OF THE FIRST BOARD NEED NOT BE LICENSED PRIOR TO  
23 THEIR APPOINTMENT TO THE BOARD BUT SHALL HAVE MET ALL OTHER REQUIREMENTS  
24 OF LICENSING UNDER SUBDIVISION TWO OF SECTION SIXTY-FIVE HUNDRED SEVEN-  
25 TY-NINE OF THIS ARTICLE AND SHALL HAVE RESIDED IN THE STATE OF NEW YORK  
26 FOR AT LEAST TWO YEARS PRECEDING THEIR APPOINTMENT TO THE INITIAL BOARD.  
27 THE TERMS OF THE FIRST APPOINTED MEMBERS SHALL BE STAGGERED SO THAT  
28 THREE ARE APPOINTED FOR THREE YEARS, THREE ARE APPOINTED FOR FOUR YEARS,  
29 AND THREE ARE APPOINTED FOR FIVE YEARS. AN EXECUTIVE SECRETARY TO THE  
30 BOARD SHALL BE APPOINTED BY THE BOARD OF REGENTS ON RECOMMENDATION OF  
31 THE COMMISSIONER.

32 S 6581. EXEMPTIONS. NOTHING CONTAINED IN THIS ARTICLE SHALL BE  
33 CONSTRUED TO AFFECT OR PREVENT THE FOLLOWING:

34 1. A LICENSED PHYSICIAN FROM PRACTICING HIS OR HER PROFESSION AS  
35 DEFINED UNDER ARTICLES ONE HUNDRED THIRTY-ONE AND ONE HUNDRED  
36 THIRTY-ONE-B OF THIS TITLE; A REGISTERED PROFESSIONAL NURSE OR A CERTI-  
37 FIED NURSE PRACTITIONER PRACTICING HIS OR HER PROFESSION AS DEFINED  
38 UNDER ARTICLE ONE HUNDRED THIRTY-NINE OF THIS TITLE; OR QUALIFIED  
39 MEMBERS OF OTHER PROFESSIONS LICENSED UNDER THIS TITLE FROM PERFORMING  
40 THE PRACTICE OF THEIR PROFESSIONS, EXCEPT THAT SUCH PERSONS MAY NOT HOLD  
41 THEMSELVES OUT UNDER THE TITLE NATUROPATH OR AS PERFORMING NATUROPATHY;

42 2. A STUDENT, INTERN OR RESIDENT IN, AND AS PART OF, A SUPERVISED  
43 EDUCATIONAL PROGRAM IN AN INSTITUTION APPROVED BY THE DEPARTMENT;

44 3. THE USE BY NON-NATUROPATHIC DOCTORS, OF THERAPIES USED BY NATURO-  
45 PATHIC DOCTORS, INCLUDING, BUT NOT LIMITED TO HOMEOPATHIC REMEDIES,  
46 NUTRITIONAL AND DIETARY SUPPLEMENTS, HERBS, AND SUCH FORCES AS HEAT,  
47 COLD, WATER, TOUCH AND LIGHT.

48 S 6582. SPECIAL PROVISIONS. THE COMMISSIONER MAY ADOPT SUCH REGU-  
49 LATIONS AS APPROPRIATE TO LICENSE INDIVIDUALS WHO MEET THE REQUIREMENTS  
50 FOR LICENSE ESTABLISHED IN THIS ARTICLE, EXCEPT FOR EXAMINATION AND,  
51 WHOSE STANDARDS ARE ACCEPTABLE TO THE COMMISSIONER. THE APPLICANT SHALL  
52 SUBMIT WITHIN ONE HUNDRED EIGHTY DAYS OF THE EFFECTIVE DATE OF THIS  
53 SECTION EVIDENCE SATISFACTORY TO THE DEPARTMENT OF HAVING GRADUATED  
54 PRIOR TO NINETEEN HUNDRED EIGHTY-SEVEN FROM AN APPROVED PROGRAM.

55 S 6583. PROHIBITIONS. A NATUROPATHY PRACTITIONER LICENSED UNDER THIS  
56 ARTICLE SHALL BE PROHIBITED FROM:

1 1. PRESCRIBING OR ADMINISTERING DRUGS AS DEFINED IN THIS CHAPTER AS A  
2 TREATMENT, THERAPY OR PROFESSIONAL SERVICE IN THE PRACTICE OF NATUROPA-  
3 THY; AND

4 2. USING INVASIVE PROCEDURES IN TESTING OR AS A TREATMENT, THERAPY, OR  
5 PROFESSIONAL SERVICE IN THE PRACTICE OF NATUROPATHY. FOR PURPOSES OF  
6 THIS SUBDIVISION, "INVASIVE PROCEDURE" MEANS ANY PROCEDURE IN WHICH  
7 HUMAN TISSUE IS CUT, ALTERED, OR OTHERWISE INFILTRATED BY MECHANICAL OR  
8 OTHER MEANS WITH THE EXCEPTION OF DRAWING BLOOD. INVASIVE PROCEDURE  
9 INCLUDES BUT IS NOT LIMITED TO SURGERY, LASERS, GIVING INJECTIONS,  
10 IONIZING RADIATION, THERAPEUTIC ULTRASOUND, ELECTROCONVULSIVE THERAPY,  
11 ELECTRICAL SHOCK THERAPY OR ELECTROMYOGRAPHY; AND

12 3. PRACTICING OR CLAIMING TO PRACTICE AS A MEDICAL DOCTOR, OSTEOPATH,  
13 DENTIST, PODIATRIST, OPTOMETRIST, PSYCHOLOGIST, REGISTERED PRACTICE  
14 NURSE, ADVANCE PRACTICE PROFESSIONAL NURSE, MIDWIFE, PHYSICIAN ASSIST-  
15 ANT, CHIROPRACTOR, PHYSICAL THERAPIST, ACUPUNCTURIST, MENTAL HEALTH  
16 THERAPIST OR ANY OTHER HEALTH CARE PROFESSIONAL NOT AUTHORIZED IN THIS  
17 CHAPTER; AND

18 4. USING ANESTHESIA OR ANY OTHER MEANS OF SEDATION IN THE PRACTICE OF  
19 NATUROPATHY; AND

20 5. PROVIDING OBSTETRICAL SERVICES; AND

21 6. PROVIDING PSYCHOTHERAPY SERVICES; AND

22 7. INTERPRETING X-RAYS AND MAGNETIC RESONANCE IMAGING STUDIES; AND

23 8. INTERPRETING DIAGNOSTIC TESTS; AND

24 9. SETTING FRACTURES.

25 ENGAGING IN ANY OF THE ACTIVITIES SET FORTH IN THIS SECTION SHALL  
26 CONSTITUTE PROFESSIONAL MISCONDUCT PURSUANT TO SECTION SIXTY-FIVE  
27 HUNDRED NINE OF THIS TITLE.

28 S 6584. MANDATORY CONTINUING COMPETENCY. 1. A. EACH LICENSED NATURO-  
29 PATH REQUIRED UNDER THIS ARTICLE TO REGISTER TRIENNIALLY WITH THE  
30 DEPARTMENT TO PRACTICE IN THE STATE SHALL COMPLY WITH THE PROVISIONS OF  
31 THE MANDATORY CONTINUING COMPETENCY REQUIREMENTS PRESCRIBED IN SUBDIVI-  
32 SION TWO OF THIS SECTION, EXCEPT AS PROVIDED IN PARAGRAPHS B AND C OF  
33 THIS SUBDIVISION. LICENSED NATUROPATHS WHO DO NOT SATISFY THE MANDATORY  
34 CONTINUING COMPETENCY REQUIREMENTS SHALL NOT BE AUTHORIZED TO PRACTICE  
35 UNTIL THEY HAVE MET SUCH REQUIREMENTS, AND THEY HAVE BEEN ISSUED A  
36 REGISTRATION CERTIFICATE, EXCEPT THAT A LICENSED NATUROPATH MAY PRACTICE  
37 WITHOUT HAVING MET SUCH REQUIREMENTS IF HE OR SHE IS ISSUED A CONDI-  
38 TIONAL REGISTRATION PURSUANT TO SUBDIVISION THREE OF THIS SECTION.

39 B. ADJUSTMENT TO THE MANDATORY CONTINUING COMPETENCY REQUIREMENTS MAY  
40 BE GRANTED BY THE DEPARTMENT FOR REASONS OF HEALTH OF THE LICENSEE WHERE  
41 CERTIFIED BY AN APPROPRIATE HEALTH CARE PROFESSIONAL, FOR EXTENDED  
42 ACTIVE DUTY WITH THE ARMED FORCES OF THE UNITED STATES, OR FOR OTHER  
43 GOOD CAUSE ACCEPTABLE TO THE DEPARTMENT WHICH MAY PREVENT COMPLIANCE.

44 C. A LICENSED NATUROPATH NOT ENGAGED IN PRACTICE, AS DETERMINED BY THE  
45 DEPARTMENT, SHALL BE EXEMPT FROM THE MANDATORY CONTINUING COMPETENCY  
46 REQUIREMENT UPON THE FILING OF A STATEMENT WITH THE DEPARTMENT DECLARING  
47 SUCH STATUS. ANY LICENSEE WHO RETURNS TO THE PRACTICE OF LICENSED NATU-  
48 ROPATH DURING THE TRIENNIAL REGISTRATION PERIOD SHALL NOTIFY THE DEPART-  
49 MENT PRIOR TO REENTERING THE PROFESSION AND SHALL MEET SUCH MANDATORY  
50 CONTINUING COMPETENCY REQUIREMENTS AS SHALL BE PRESCRIBED BY REGULATIONS  
51 OF THE COMMISSIONER.

52 2. A. DURING EACH TRIENNIAL REGISTRATION PERIOD AN APPLICANT FOR  
53 REGISTRATION AS A LICENSED NATUROPATH SHALL COMPLETE A MINIMUM OF THIR-  
54 TY-SIX HOURS OF LEARNING ACTIVITIES WHICH CONTRIBUTE TO CONTINUING  
55 COMPETENCE, AS SPECIFIED IN SUBDIVISION FOUR OF THIS SECTION, PROVIDED  
56 FURTHER THAT AT LEAST TWENTY-FOUR HOURS SHALL BE IN AREAS OF STUDY

PERTINENT TO THE SCOPE OF PRACTICE OF NATUROPATHY. WITH THE EXCEPTION OF CONTINUING EDUCATION HOURS TAKEN DURING THE REGISTRATION PERIOD IMMEDIATELY PRECEDING THE EFFECTIVE DATE OF THIS SECTION, CONTINUING EDUCATION HOURS TAKEN DURING ONE TRIENNIUM MAY NOT BE TRANSFERRED TO A SUBSEQUENT TRIENNIUM.

B. ANY LICENSED NATUROPATH WHOSE FIRST REGISTRATION DATE FOLLOWING THE EFFECTIVE DATE OF THIS SECTION OCCURS LESS THAN THREE YEARS FROM SUCH EFFECTIVE DATE, SHALL COMPLETE CONTINUING COMPETENCY HOURS ON A PRORATED BASIS AT THE RATE OF ONE-HALF HOUR PER MONTH FOR THE PERIOD BEGINNING JANUARY FIRST, TWO THOUSAND TWELVE, UP TO THE FIRST REGISTRATION DATE.

C. THEREAFTER, A LICENSEE WHO HAS NOT SATISFIED THE MANDATORY CONTINUING COMPETENCY REQUIREMENTS SHALL NOT BE ISSUED A TRIENNIAL REGISTRATION CERTIFICATE BY THE DEPARTMENT AND SHALL NOT PRACTICE UNLESS AND UNTIL A CONDITIONAL REGISTRATION CERTIFICATE IS ISSUED AS PROVIDED FOR IN SUBDIVISION THREE OF THIS SECTION.

3. THE DEPARTMENT, IN ITS DISCRETION, MAY ISSUE A CONDITIONAL REGISTRATION TO A LICENSEE WHO FAILS TO MEET THE CONTINUING COMPETENCY REQUIREMENTS ESTABLISHED IN SUBDIVISION TWO OF THIS SECTION, BUT WHO AGREES TO MAKE UP ANY DEFICIENCIES AND COMPLETE ANY ADDITIONAL LEARNING ACTIVITIES WHICH THE DEPARTMENT MAY REQUIRE.

THE FEE FOR SUCH A CONDITIONAL REGISTRATION SHALL BE THE SAME AS, AND IN ADDITION TO, THE FEE FOR THE TRIENNIAL REGISTRATION. THE DURATION OF SUCH CONDITIONAL REGISTRATION SHALL BE DETERMINED BY THE DEPARTMENT BUT SHALL NOT EXCEED ONE YEAR. ANY LICENSEE WHO IS NOTIFIED OF THE DENIAL OF REGISTRATION FOR FAILURE TO SUBMIT EVIDENCE, SATISFACTORY TO THE DEPARTMENT, OF REQUIRED CONTINUING COMPETENCY LEARNING ACTIVITIES AND WHO PRACTICES WITHOUT SUCH REGISTRATION, SHALL BE SUBJECT TO DISCIPLINARY PROCEEDINGS PURSUANT TO SECTION SIXTY-FIVE HUNDRED TEN OF THIS TITLE.

4. AS USED IN SUBDIVISION TWO OF THIS SECTION, "ACCEPTABLE LEARNING ACTIVITIES" SHALL MEAN ACTIVITIES WHICH CONTRIBUTE TO PROFESSIONAL PRACTICE IN NATUROPATHIC MEDICINE, AND WHICH MEET THE STANDARDS PRESCRIBED IN THE REGULATIONS OF THE COMMISSIONER. SUCH LEARNING ACTIVITIES SHALL INCLUDE, BUT NOT BE LIMITED TO, COLLEGIATE LEVEL CREDIT AND NON-CREDIT COURSES, SELF-STUDY ACTIVITIES, INDEPENDENT STUDY, FORMAL MENTORING ACTIVITIES, PUBLICATIONS IN PROFESSIONAL JOURNALS, PROFESSIONAL DEVELOPMENT PROGRAMS AND TECHNICAL SESSIONS; SUCH LEARNING ACTIVITIES MAY BE OFFERED AND SPONSORED BY NATIONAL, STATE AND LOCAL PROFESSIONAL ASSOCIATIONS AND OTHER ORGANIZATIONS OR PARTIES ACCEPTABLE TO THE DEPARTMENT, AND ANY OTHER ORGANIZED EDUCATIONAL AND TECHNICAL LEARNING ACTIVITIES ACCEPTABLE TO THE DEPARTMENT. THE DEPARTMENT MAY, IN ITS DISCRETION AND AS NEEDED TO CONTRIBUTE TO THE HEALTH AND WELFARE OF THE PUBLIC, REQUIRE THE COMPLETION OF CONTINUING COMPETENCY LEARNING ACTIVITIES IN SPECIFIC SUBJECTS TO FULFILL THIS MANDATORY CONTINUING COMPETENCY REQUIREMENT. LEARNING ACTIVITIES MUST BE TAKEN FROM A SPONSOR APPROVED BY THE DEPARTMENT, PURSUANT TO THE REGULATIONS OF THE COMMISSIONER.

5. LICENSED NATUROPATHS SHALL MAINTAIN ADEQUATE DOCUMENTATION OF COMPLETION OF:

A. A LEARNING PLAN THAT SHALL RECORD CURRENT AND ANTICIPATED ROLES AND RESPONSIBILITIES BUT SHALL NOT REQUIRE THE RECORDS OF PEER REVIEW OR SELF-ASSESSMENT OF COMPETENCIES; AND

B. ACCEPTABLE CONTINUING COMPETENCY LEARNING ACTIVITIES AND SHALL PROVIDE SUCH DOCUMENTATION AT THE REQUEST OF THE DEPARTMENT.

6. THE MANDATORY CONTINUING COMPETENCY FEE SHALL BE FIFTY DOLLARS FOR LICENSED NATUROPATHS, SHALL BE PAYABLE ON OR BEFORE THE FIRST DAY OF EACH TRIENNIAL REGISTRATION PERIOD, AND SHALL BE PAID IN ADDITION TO THE

1 TRIENNIAL REGISTRATION FEE REQUIRED BY SECTION SIXTY-FIVE HUNDRED SEVEN-  
2 TY-NINE OF THIS ARTICLE.

3 S 3. Subdivision (a) of section 1203 of the limited liability company  
4 law, as separately amended by chapters 420 and 676 of the laws of 2002,  
5 is amended to read as follows:

6 (a) Notwithstanding the education law or any other provision of law,  
7 one or more professionals each of whom is authorized by law to render a  
8 professional service within the state, or one or more professionals, at  
9 least one of whom is authorized by law to render a professional service  
10 within the state, may form, or cause to be formed, a professional  
11 service limited liability company for pecuniary profit under this arti-  
12 cle for the purpose of rendering the professional service or services as  
13 such professionals are authorized to practice. With respect to a profes-  
14 sional service limited liability company formed to provide medical  
15 services as such services are defined in article 131 of the education  
16 law, each member of such limited liability company must be licensed  
17 pursuant to article 131 of the education law to practice medicine in  
18 this state. WITH RESPECT TO A PROFESSIONAL SERVICE LIMITED LIABILITY  
19 COMPANY FORMED TO PROVIDE NATUROPATHIC SERVICES AS SUCH SERVICES ARE  
20 DEFINED IN ARTICLE 132-A OF THE EDUCATION LAW, EACH MEMBER OF SUCH  
21 LIMITED LIABILITY COMPANY MUST BE LICENSED PURSUANT TO ARTICLE 132-A OF  
22 THE EDUCATION LAW TO PRACTICE NATUROPATHY IN THIS STATE. With respect to  
23 a professional service limited liability company formed to provide  
24 dental services as such services are defined in article 133 of the  
25 education law, each member of such limited liability company must be  
26 licensed pursuant to article 133 of the education law to practice  
27 dentistry in this state. With respect to a professional service limited  
28 liability company formed to provide veterinary services as such services  
29 are defined in article 135 of the education law, each member of such  
30 limited liability company must be licensed pursuant to article 135 of  
31 the education law to practice veterinary medicine in this state. With  
32 respect to a professional service limited liability company formed to  
33 provide professional engineering, land surveying, architectural and/or  
34 landscape architectural services as such services are defined in article  
35 145, article 147 and article 148 of the education law, each member of  
36 such limited liability company must be licensed pursuant to article 145,  
37 article 147 and/or article 148 of the education law to practice one or  
38 more of such professions in this state. With respect to a professional  
39 service limited liability company formed to provide licensed clinical  
40 social work services as such services are defined in article 154 of the  
41 education law, each member of such limited liability company shall be  
42 licensed pursuant to article 154 of the education law to practice  
43 licensed clinical social work in this state. With respect to a profes-  
44 sional service limited liability company formed to provide creative arts  
45 therapy services as such services are defined in article 163 of the  
46 education law, each member of such limited liability company must be  
47 licensed pursuant to article 163 of the education law to practice crea-  
48 tive arts therapy in this state. With respect to a professional service  
49 limited liability company formed to provide marriage and family therapy  
50 services as such services are defined in article 163 of the education  
51 law, each member of such limited liability company must be licensed  
52 pursuant to article 163 of the education law to practice marriage and  
53 family therapy in this state. With respect to a professional service  
54 limited liability company formed to provide mental health counseling  
55 services as such services are defined in article 163 of the education  
56 law, each member of such limited liability company must be licensed

1 pursuant to article 163 of the education law to practice mental health  
2 counseling in this state. With respect to a professional service limited  
3 liability company formed to provide psychoanalysis services as such  
4 services are defined in article 163 of the education law, each member of  
5 such limited liability company must be licensed pursuant to article 163  
6 of the education law to practice psychoanalysis in this state. In addi-  
7 tion to engaging in such profession or professions, a professional  
8 service limited liability company may engage in any other business or  
9 activities as to which a limited liability company may be formed under  
10 section two hundred one of this chapter. Notwithstanding any other  
11 provision of this section, a professional service limited liability  
12 company (i) authorized to practice law may only engage in another  
13 profession or business or activities or (ii) which is engaged in a  
14 profession or other business or activities other than law may only  
15 engage in the practice of law, to the extent not prohibited by any other  
16 law of this state or any rule adopted by the appropriate appellate divi-  
17 sion of the supreme court or the court of appeals.

18 S 4. Subdivision (b) of section 1207 of the limited liability company  
19 law, as separately amended by chapters 420 and 676 of the laws of 2002,  
20 is amended to read as follows:

21 (b) with respect to a professional service limited liability company  
22 formed to provide medical services as such services are defined in arti-  
23 cle 131 of the education law, each member of such limited liability  
24 company must be licensed pursuant to article 131 of the education law to  
25 practice medicine in this state. WITH RESPECT TO A PROFESSIONAL SERVICE  
26 LIMITED LIABILITY COMPANY FORMED TO PROVIDE NATUROPATHIC SERVICES AS  
27 SUCH SERVICES ARE DEFINED IN ARTICLE 132-A OF THE EDUCATION LAW, EACH  
28 MEMBER OF SUCH LIMITED LIABILITY COMPANY MUST BE LICENSED PURSUANT TO  
29 ARTICLE 132-A OF THE EDUCATION LAW TO PRACTICE NATUROPATHY IN THIS  
30 STATE. With respect to a professional service limited liability company  
31 formed to provide dental services as such services are defined in arti-  
32 cle 133 of the education law, each member of such limited liability  
33 company must be licensed pursuant to article 133 of the education law to  
34 practice dentistry in this state. With respect to a professional service  
35 limited liability company formed to provide veterinary services as such  
36 services are defined in article 135 of the education law, each member of  
37 such limited liability company must be licensed pursuant to article 135  
38 of the education law to practice veterinary medicine in this state. With  
39 respect to a professional service limited liability company formed to  
40 provide professional engineering, land surveying, architectural and/or  
41 landscape architectural services as such services are defined in article  
42 145, article 147 and article 148 of the education law, each member of  
43 such limited liability company must be licensed pursuant to article 145,  
44 article 147 and/or article 148 of the education law to practice one or  
45 more of such professions in this state. With respect to a professional  
46 service limited liability company formed to provide licensed clinical  
47 social work services as such services are defined in article 154 of the  
48 education law, each member of such limited liability company shall be  
49 licensed pursuant to article 154 of the education law to practice  
50 licensed clinical social work in this state. With respect to a profes-  
51 sional service limited liability company formed to provide creative arts  
52 therapy services as such services are defined in article 163 of the  
53 education law, each member of such limited liability company must be  
54 licensed pursuant to article 163 of the education law to practice crea-  
55 tive arts therapy in this state. With respect to a professional service  
56 limited liability company formed to provide marriage and family therapy

1 services as such services are defined in article 163 of the education  
2 law, each member of such limited liability company must be licensed  
3 pursuant to article 163 of the education law to practice marriage and  
4 family therapy in this state. With respect to a professional service  
5 limited liability company formed to provide mental health counseling  
6 services as such services are defined in article 163 of the education  
7 law, each member of such limited liability company must be licensed  
8 pursuant to article 163 of the education law to practice mental health  
9 counseling in this state. With respect to a professional service limited  
10 liability company formed to provide psychoanalysis services as such  
11 services are defined in article 163 of the education law, each member of  
12 such limited liability company must be licensed pursuant to article 163  
13 of the education law to practice psychoanalysis in this state.

14 S 5. Subdivision (a) of section 1301 of the limited liability company  
15 law, as separately amended by chapters 420 and 676 of the laws of 2002,  
16 is amended to read as follows:

17 (a) "Foreign professional service limited liability company" means a  
18 professional service limited liability company, whether or not denomi-  
19 nated as such, organized under the laws of a jurisdiction other than  
20 this state, (i) each of whose members and managers, if any, is a profes-  
21 sional authorized by law to render a professional service within this  
22 state and who is or has been engaged in the practice of such profession  
23 in such professional service limited liability company or a predecessor  
24 entity, or will engage in the practice of such profession in the profes-  
25 sional service limited liability company within thirty days of the date  
26 such professional becomes a member, or each of whose members and manag-  
27 ers, if any, is a professional at least one of such members is author-  
28 ized by law to render a professional service within this state and who  
29 is or has been engaged in the practice of such profession in such  
30 professional service limited liability company or a predecessor entity,  
31 or will engage in the practice of such profession in the professional  
32 service limited liability company within thirty days of the date such  
33 professional becomes a member, or (ii) authorized by, or holding a  
34 license, certificate, registration or permit issued by the licensing  
35 authority pursuant to, the education law to render a professional  
36 service within this state; except that all members and managers, if any,  
37 of a foreign professional service limited liability company that  
38 provides health services in this state shall be licensed in this state.  
39 WITH RESPECT TO A FOREIGN PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY  
40 FORMED TO PROVIDE NATUROPATHIC SERVICES AS SUCH SERVICES ARE DEFINED IN  
41 ARTICLE 132-A OF THE EDUCATION LAW, EACH MEMBER OF SUCH LIMITED LIABIL-  
42 ITY COMPANY MUST BE LICENSED PURSUANT TO ARTICLE 132-A OF THE EDUCATION  
43 LAW TO PRACTICE NATUROPATHY IN THIS STATE. With respect to a foreign  
44 professional service limited liability company which provides veterinary  
45 services as such services are defined in article 135 of the education  
46 law, each member of such foreign professional service limited liability  
47 company shall be licensed pursuant to article 135 of the education law  
48 to practice veterinary medicine. With respect to a foreign professional  
49 service limited liability company which provides medical services as  
50 such services are defined in article 131 of the education law, each  
51 member of such foreign professional service limited liability company  
52 must be licensed pursuant to article 131 of the education law to prac-  
53 tice medicine in this state. With respect to a foreign professional  
54 service limited liability company which provides dental services as such  
55 services are defined in article 133 of the education law, each member of  
56 such foreign professional service limited liability company must be



1 licensed pursuant to article 133 of the education law to practice  
2 dentistry in this state. With respect to a foreign professional service  
3 limited liability company which provides professional engineering, land  
4 surveying, architectural and/or landscape architectural services as such  
5 services are defined in article 145, article 147 and article 148 of the  
6 education law, each member of such foreign professional service limited  
7 liability company must be licensed pursuant to article 145, article 147  
8 and/or article 148 of the education law to practice one or more of such  
9 professions in this state. With respect to a foreign professional  
10 service limited liability company which provides licensed clinical  
11 social work services as such services are defined in article 154 of the  
12 education law, each member of such foreign professional service limited  
13 liability company shall be licensed pursuant to article 154 of the  
14 education law to practice clinical social work in this state. With  
15 respect to a foreign professional service limited liability company  
16 which provides creative arts therapy services as such services are  
17 defined in article 163 of the education law, each member of such foreign  
18 professional service limited liability company must be licensed pursuant  
19 to article 163 of the education law to practice creative arts therapy in  
20 this state. With respect to a foreign professional service limited  
21 liability company which provides marriage and family therapy services as  
22 such services are defined in article 163 of the education law, each  
23 member of such foreign professional service limited liability company  
24 must be licensed pursuant to article 163 of the education law to prac-  
25 tice marriage and family therapy in this state. With respect to a  
26 foreign professional service limited liability company which provides  
27 mental health counseling services as such services are defined in arti-  
28 cle 163 of the education law, each member of such foreign professional  
29 service limited liability company must be licensed pursuant to article  
30 163 of the education law to practice mental health counseling in this  
31 state. With respect to a foreign professional service limited liability  
32 company which provides psychoanalysis services as such services are  
33 defined in article 163 of the education law, each member of such foreign  
34 professional service limited liability company must be licensed pursuant  
35 to article 163 of the education law to practice psychoanalysis in this  
36 state.

37 S 6. Subdivision (q) of section 121-1500 of the partnership law, as  
38 separately amended by chapters 420 and 676 of the laws of 2002, is  
39 amended to read as follows:

40 (q) Each partner of a registered limited liability partnership formed  
41 to provide medical services in this state must be licensed pursuant to  
42 article 131 of the education law to practice medicine in this state and  
43 each partner of a registered limited liability partnership formed to  
44 provide dental services in this state must be licensed pursuant to arti-  
45 cle 133 of the education law to practice dentistry in this state. EACH  
46 PARTNER OF A REGISTERED LIMITED LIABILITY PARTNERSHIP FORMED TO PROVIDE  
47 NATUROPATHIC SERVICES IN THIS STATE MUST BE LICENSED PURSUANT TO ARTICLE  
48 132-A OF THE EDUCATION LAW TO PRACTICE NATUROPATHY IN THIS STATE. Each  
49 partner of a registered limited liability partnership formed to provide  
50 veterinary services in this state must be licensed pursuant to article  
51 135 of the education law to practice veterinary medicine in this state.  
52 Each partner of a registered limited liability partnership formed to  
53 provide professional engineering, land surveying, architectural and/or  
54 landscape architectural services in this state must be licensed pursuant  
55 to article 145, article 147 and/or article 148 of the education law to  
56 practice one or more of such professions in this state. Each partner of

1 a registered limited liability partnership formed to provide licensed  
2 clinical social work services in this state must be licensed pursuant to  
3 article 154 of the education law to practice clinical social work in  
4 this state. Each partner of a registered limited liability partnership  
5 formed to provide creative arts therapy services in this state must be  
6 licensed pursuant to article 163 of the education law to practice crea-  
7 tive arts therapy in this state. Each partner of a registered limited  
8 liability partnership formed to provide marriage and family therapy  
9 services in this state must be licensed pursuant to article 163 of the  
10 education law to practice marriage and family therapy in this state.  
11 Each partner of a registered limited liability partnership formed to  
12 provide mental health counseling services in this state must be licensed  
13 pursuant to article 163 of the education law to practice mental health  
14 counseling in this state. Each partner of a registered limited liability  
15 partnership formed to provide psychoanalysis services in this state must  
16 be licensed pursuant to article 163 of the education law to practice  
17 psychoanalysis in this state.

18 S 7. Subdivision (q) of section 121-1502 of the partnership law, as  
19 amended by chapter 230 of the laws of 2004, is amended to read as  
20 follows:

21 (q) Each partner of a foreign limited liability partnership which  
22 provides medical services in this state must be licensed pursuant to  
23 article 131 of the education law to practice medicine in the state and  
24 each partner of a foreign limited liability partnership which provides  
25 dental services in the state must be licensed pursuant to article 133 of  
26 the education law to practice dentistry in this state. EACH PARTNER OF  
27 A FOREIGN LIMITED LIABILITY PARTNERSHIP WHICH PROVIDES NATUROPATHIC  
28 SERVICES IN THIS STATE MUST BE LICENSED PURSUANT TO ARTICLE 132-A OF THE  
29 EDUCATION LAW TO PRACTICE NATUROPATHY IN THIS STATE. Each partner of a  
30 foreign limited liability partnership which provides veterinary service  
31 in the state shall be licensed pursuant to article 135 of the education  
32 law to practice veterinary medicine in this state. Each partner of a  
33 foreign limited liability partnership which provides professional engi-  
34 neering, land surveying, architectural and/or landscape architectural  
35 services in this state must be licensed pursuant to article 145, article  
36 147 and/or article 148 of the education law to practice one or more of  
37 such professions. Each partner of a foreign limited liability partner-  
38 ship which provides licensed clinical social work services in this state  
39 must be licensed pursuant to article 154 of the education law to prac-  
40 tice licensed clinical social work in this state. Each partner of a  
41 foreign limited liability partnership which provides creative arts ther-  
42 apy services in this state must be licensed pursuant to article 163 of  
43 the education law to practice creative arts therapy in this state. Each  
44 partner of a foreign limited liability partnership which provides  
45 marriage and family therapy services in this state must be licensed  
46 pursuant to article 163 of the education law to practice marriage and  
47 family therapy in this state. Each partner of a foreign limited liabil-  
48 ity partnership which provides mental health counseling services in this  
49 state must be licensed pursuant to article 163 of the education law to  
50 practice mental health counseling in this state. Each partner of a  
51 foreign limited liability partnership which provides psychoanalysis  
52 services in this state must be licensed pursuant to article 163 of the  
53 education law to practice psychoanalysis in this state.

54 S 8. Paragraph (a) of subdivision 1 of section 413 of the social  
55 services law, as amended by chapter 91 of the laws of 2011, is amended  
56 to read as follows:

1 (a) The following persons and officials are required to report or  
2 cause a report to be made in accordance with this title when they have  
3 reasonable cause to suspect that a child coming before them in their  
4 professional or official capacity is an abused or maltreated child, or  
5 when they have reasonable cause to suspect that a child is an abused or  
6 maltreated child where the parent, guardian, custodian or other person  
7 legally responsible for such child comes before them in their profes-  
8 sional or official capacity and states from personal knowledge facts,  
9 conditions or circumstances which, if correct, would render the child an  
10 abused or maltreated child: any physician; registered physician assist-  
11 ant; surgeon; medical examiner; coroner; dentist; dental hygienist;  
12 osteopath; optometrist; chiropractor; podiatrist; LICENSED NATUROPATH;  
13 resident; intern; psychologist; registered nurse; social worker; emer-  
14 gency medical technician; licensed creative arts therapist; licensed  
15 marriage and family therapist; licensed mental health counselor;  
16 licensed psychoanalyst; hospital personnel engaged in the admission,  
17 examination, care or treatment of persons; a Christian Science practi-  
18 tioner; school official, which includes but is not limited to school  
19 teacher, school guidance counselor, school psychologist, school social  
20 worker, school nurse, school administrator or other school personnel  
21 required to hold a teaching or administrative license or certificate;  
22 social services worker; director of a children's overnight camp, summer  
23 day camp or traveling summer day camp, as such camps are defined in  
24 section thirteen hundred ninety-two of the public health law; day care  
25 center worker; school-age child care worker; provider of family or group  
26 family day care; employee or volunteer in a residential care facility  
27 defined in subdivision four of section four hundred twelve-a of this  
28 title or any other child care or foster care worker; mental health  
29 professional; substance abuse counselor; alcoholism counselor; all  
30 persons credentialed by the office of alcoholism and substance abuse  
31 services; peace officer; police officer; district attorney or assistant  
32 district attorney; investigator employed in the office of a district  
33 attorney; or other law enforcement official.

34 S 9. This act shall take effect on the three hundred sixtieth day  
35 after it shall have become a law; provided however, that effective imme-  
36 diately, the addition, amendment and/or repeal of any rule or regulation  
37 necessary for the implementation of this act on its effective date are  
38 authorized and directed to be made and completed by the commissioner of  
39 education and the board of regents on or before such effective date.