

5012

2011-2012 Regular Sessions

I N S E N A T E

May 2, 2011

Introduced by Sen. FUSCHILLO -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the limited liability company law, the business corporation law, the partnership law and the public health law, in relation to allowing doctors of chiropractic licensed under title VIII, article 132 of the education law to form limited liability companies

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

1 Section 1. Subdivision (a) of section 1203 of the limited liability
2 company law, as separately amended by chapters 420 and 676 of the laws
3 of 2002, is amended to read as follows:
4 (a) Notwithstanding the education law or any other provision of law,
5 one or more professionals each of whom is authorized by law to render a
6 professional service within the state, or one or more professionals, at
7 least one of whom is authorized by law to render a professional service
8 within the state, may form, or cause to be formed, a professional
9 service limited liability company for pecuniary profit under this arti-
10 cle for the purpose of rendering the professional service or services as
11 such professionals are authorized to practice. With respect to a profes-
12 sional service limited liability company formed to provide medical
13 services as such services are defined in article 131 of the education
14 law, each member of such limited liability company must be licensed
15 pursuant to article 131 of the education law to practice medicine in
16 this state. With respect to a professional service limited liability
17 company formed to provide dental services as such services are defined
18 in article 133 of the education law, each member of such limited liabil-
19 ity company must be licensed pursuant to article 133 of the education
20 law to practice dentistry in this state. With respect to a professional
21 service limited liability company formed to provide veterinary services
22 as such services are defined in article 135 of the education law, each

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

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1 member of such limited liability company must be licensed pursuant to
2 article 135 of the education law to practice veterinary medicine in this
3 state. With respect to a professional service limited liability company
4 formed to provide professional engineering, land surveying, architec-
5 tural and/or landscape architectural services as such services are
6 defined in article 145, article 147 and article 148 of the education
7 law, each member of such limited liability company must be licensed
8 pursuant to article 145, article 147 and/or article 148 of the education
9 law to practice one or more of such professions in this state. With
10 respect to a professional service limited liability company formed to
11 provide licensed clinical social work services as such services are
12 defined in article 154 of the education law, each member of such limited
13 liability company shall be licensed pursuant to article 154 of the
14 education law to practice licensed clinical social work in this state.
15 With respect to a professional service limited liability company formed
16 to provide creative arts therapy services as such services are defined
17 in article 163 of the education law, each member of such limited liabil-
18 ity company must be licensed pursuant to article 163 of the education
19 law to practice creative arts therapy in this state. With respect to a
20 professional service limited liability company formed to provide
21 marriage and family therapy services as such services are defined in
22 article 163 of the education law, each member of such limited liability
23 company must be licensed pursuant to article 163 of the education law to
24 practice marriage and family therapy in this state. With respect to a
25 professional service limited liability company formed to provide mental
26 health counseling services as such services are defined in article 163
27 of the education law, each member of such limited liability company must
28 be licensed pursuant to article 163 of the education law to practice
29 mental health counseling in this state. With respect to a professional
30 service limited liability company formed to provide psychoanalysis
31 services as such services are defined in article 163 of the education
32 law, each member of such limited liability company must be licensed
33 pursuant to article 163 of the education law to practice psychoanalysis
34 in this state. In addition to engaging in such profession or
35 professions, a professional service limited liability company may engage
36 in any other business or activities as to which a limited liability
37 company may be formed under section two hundred one of this chapter.
38 Notwithstanding any other provision of this section, a professional
39 service limited liability company (i) authorized to practice law may
40 only engage in another profession or business or activities or (ii)
41 which is engaged in a profession or other business or activities other
42 than law may only engage in the practice of law, to the extent not
43 prohibited by any other law of this state or any rule adopted by the
44 appropriate appellate division of the supreme court or the court of
45 appeals. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, WITH
46 RESPECT TO A LIMITED LIABILITY COMPANY FORMED TO PROVIDE INTEGRATED,
47 MULTIDISCIPLINARY MEDICAL AND CHIROPRACTIC SERVICES, AS SUCH SERVICES
48 ARE RESPECTIVELY DEFINED UNDER ARTICLES 131 AND 132 OF THE EDUCATION
49 LAW, (I) EACH MEMBER OF SUCH LIMITED LIABILITY COMPANY MUST BE LICENSED
50 PURSUANT TO ARTICLE 131 OR ARTICLE 132 OF THE EDUCATION LAW TO PRACTICE
51 HIS OR HER PROFESSION IN THIS STATE, (II) EACH MEMBER SHALL ONLY PRAC-
52 TICE HIS OR HER PROFESSION AS SPECIFIED IN HIS OR HER RESPECTIVE PROFES-
53 SIONAL ENABLING STATUTE UNDER ARTICLE 131 OR ARTICLE 132 OF THE EDUCA-
54 TION LAW, AND (III) THE CLINICAL INTEGRATION OF PROFESSIONAL PRACTICES
55 WITHIN AN INTEGRATED, MULTIDISCIPLINARY ENTITY ORGANIZED UNDER THIS
56 SECTION DOES NOT ALTER, EXPAND OR CURTAIL THE SCOPE OF PRACTICE OF ANY

1 OF THE INDIVIDUALS LICENSED UNDER THE STATUTE OF HIS OR HER RESPECTIVE
2 PROFESSIONAL ENABLING LAW, PROVIDED THAT: (A) THE CLINICAL JUDGMENT,
3 MANAGEMENT AND CLINICAL DECISION-MAKING OF ONE OR MORE ARTICLE 131
4 PROVIDERS IN AN INTEGRATED, MULTIDISCIPLINARY PROFESSIONAL SERVICE
5 LIMITED LIABILITY COMPANY SHALL BE CONTROLLING, (B) MEMBERS LICENSED
6 UNDER ARTICLE 132 OF THE EDUCATION LAW, SHALL NOT, DIRECTLY OR INDIRECT-
7 LY, INTERFERE WITH THE CLINICAL JUDGMENT OR LEGITIMATE CLINICAL PRACTICE
8 OF A PROFESSIONAL LICENSED UNDER ARTICLE 131, AND (C) INDIVIDUALS
9 LICENSED UNDER ARTICLE 131 MAY NOT ORDER OR DIRECT A PROFESSIONAL
10 LICENSED UNDER ARTICLE 132 OF THE EDUCATION LAW TO PRACTICE BEYOND THE
11 SCOPE OF HIS OR HER LICENSE UNDER ARTICLE 132 OF THE EDUCATION LAW, EVEN
12 IF SUPERVISED DIRECTLY OR INDIRECTLY BY A PROFESSIONAL LICENSED UNDER
13 ARTICLE 131.

14 S 2. Subdivision (b) of section 1207 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 (b) With respect to a professional service limited liability company
18 formed to provide medical services as such services are defined in arti-
19 cle 131 of the education law, each member of such limited liability
20 company must be licensed pursuant to article 131 of the education law to
21 practice medicine in this state. With respect to a professional service
22 limited liability company formed to provide dental services as such
23 services are defined in article 133 of the education law, each member of
24 such limited liability company must be licensed pursuant to article 133
25 of the education law to practice dentistry in this state. With respect
26 to a professional service limited liability company formed to provide
27 veterinary services as such services are defined in article 135 of the
28 education law, each member of such limited liability company must be
29 licensed pursuant to article 135 of the education law to practice veter-
30 inary medicine in this state. With respect to a professional service
31 limited liability company formed to provide professional engineering,
32 land surveying, architectural and/or landscape architectural services as
33 such services are defined in article 145, article 147 and article 148 of
34 the education law, each member of such limited liability company must be
35 licensed pursuant to article 145, article 147 and/or article 148 of the
36 education law to practice one or more of such professions in this state.
37 With respect to a professional service limited liability company formed
38 to provide licensed clinical social work services as such services are
39 defined in article 154 of the education law, each member of such limited
40 liability company shall be licensed pursuant to article 154 of the
41 education law to practice licensed clinical social work in this state.
42 With respect to a professional service limited liability company formed
43 to provide creative arts therapy services as such services are defined
44 in article 163 of the education law, each member of such limited liabil-
45 ity company must be licensed pursuant to article 163 of the education
46 law to practice creative arts therapy in this state. With respect to a
47 professional service limited liability company formed to provide
48 marriage and family therapy services as such services are defined in
49 article 163 of the education law, each member of such limited liability
50 company must be licensed pursuant to article 163 of the education law to
51 practice marriage and family therapy in this state. With respect to a
52 professional service limited liability company formed to provide mental
53 health counseling services as such services are defined in article 163
54 of the education law, each member of such limited liability company must
55 be licensed pursuant to article 163 of the education law to practice
56 mental health counseling in this state. With respect to a professional

1 service limited liability company formed to provide psychoanalysis
2 services as such services are defined in article 163 of the education
3 law, each member of such limited liability company must be licensed
4 pursuant to article 163 of the education law to practice psychoanalysis
5 in this state. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
6 WITH RESPECT TO A PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY FORMED
7 TO PROVIDE INTEGRATED, MULTIDISCIPLINARY MEDICAL AND CHIROPRACTIC
8 SERVICES, AS SUCH SERVICES ARE RESPECTIVELY DEFINED UNDER ARTICLES 131
9 AND 132 OF THE EDUCATION LAW, (I) EACH MEMBER OF SUCH LIMITED LIABILITY
10 COMPANY MUST BE LICENSED PURSUANT TO ARTICLE 131 OR ARTICLE 132 OF THE
11 EDUCATION LAW TO PRACTICE HIS OR HER PROFESSION IN THIS STATE, (II) EACH
12 MEMBER SHALL ONLY PRACTICE HIS OR HER PROFESSION AS SPECIFIED IN HIS OR
13 HER RESPECTIVE PROFESSIONAL ENABLING STATUTE UNDER ARTICLE 131 OR ARTI-
14 CLE 132 OF THE EDUCATION LAW, AND (III) THE CLINICAL INTEGRATION OF
15 PROFESSIONAL PRACTICES WITHIN AN INTEGRATED, MULTIDISCIPLINARY ENTITY
16 ORGANIZED UNDER THIS SECTION DOES NOT ALTER, EXPAND OR CURTAIL THE SCOPE
17 OF PRACTICE OF ANY OF THE INDIVIDUALS LICENSED UNDER THE STATUTE OF HIS
18 OR HER RESPECTIVE PROFESSIONAL ENABLING LAW, PROVIDED THAT: (A) THE
19 CLINICAL JUDGMENT, MANAGEMENT AND CLINICAL DECISION-MAKING OF ONE OR
20 MORE ARTICLE 131 PROVIDERS IN AN INTEGRATED, MULTIDISCIPLINARY PROFES-
21 SIONAL SERVICE LIMITED LIABILITY COMPANY SHALL BE CONTROLLING, (B)
22 MEMBERS LICENSED UNDER ARTICLE 132 OF THE EDUCATION LAW, SHALL NOT,
23 DIRECTLY OR INDIRECTLY, INTERFERE WITH THE CLINICAL JUDGMENT OR LEGITI-
24 MATE CLINICAL PRACTICE OF A PROFESSIONAL LICENSED UNDER ARTICLE 131, AND
25 (C) INDIVIDUALS LICENSED UNDER ARTICLE 131 MAY NOT ORDER OR DIRECT A
26 PROFESSIONAL LICENSED UNDER ARTICLE 132 OF THE EDUCATION LAW TO PRACTICE
27 BEYOND THE SCOPE OF HIS OR HER LICENSE UNDER ARTICLE 132 OF THE EDUCA-
28 TION LAW, EVEN IF SUPERVISED DIRECTLY OR INDIRECTLY BY A PROFESSIONAL
29 LICENSED UNDER ARTICLE 131.

30 S 3. Subdivision (a) of section 1301 of the limited liability company
31 law, as separately amended by chapters 420 and 676 of the laws of 2002,
32 is amended to read as follows:

33 (a) "Foreign professional service limited liability company" means a
34 professional service limited liability company, whether or not denomi-
35 nated as such, organized under the laws of a jurisdiction other than
36 this state, (i) each of whose members and managers, if any, is a profes-
37 sional authorized by law to render a professional service within this
38 state and who is or has been engaged in the practice of such profession
39 in such professional service limited liability company or a predecessor
40 entity, or will engage in the practice of such profession in the profes-
41 sional service limited liability company within thirty days of the date
42 such professional becomes a member, or each of whose members and manag-
43 ers, if any, is a professional at least one of such members is author-
44 ized by law to render a professional service within this state and who
45 is or has been engaged in the practice of such profession in such
46 professional service limited liability company or a predecessor entity,
47 or will engage in the practice of such profession in the professional
48 service limited liability company within thirty days of the date such
49 professional becomes a member, or (ii) authorized by, or holding a
50 license, certificate, registration or permit issued by the licensing
51 authority pursuant to, the education law to render a professional
52 service within this state; except that all members and managers, if any,
53 of a foreign professional service limited liability company that
54 provides health services in this state shall be licensed in this state.
55 With respect to a foreign professional service limited liability company
56 which provides veterinary services as such services are defined in arti-

1 cle 135 of the education law, each member of such foreign professional
2 service limited liability company shall be licensed pursuant to article
3 135 of the education law to practice veterinary medicine. With respect
4 to a foreign professional service limited liability company which
5 provides medical services as such services are defined in article 131 of
6 the education law, each member of such foreign professional service
7 limited liability company must be licensed pursuant to article 131 of
8 the education law to practice medicine in this state. With respect to a
9 foreign professional service limited liability company which provides
10 dental services as such services are defined in article 133 of the
11 education law, each member of such foreign professional service limited
12 liability company must be licensed pursuant to article 133 of the educa-
13 tion law to practice dentistry in this state. With respect to a foreign
14 professional service limited liability company which provides profes-
15 sional engineering, land surveying, architectural and/or landscape
16 architectural services as such services are defined in article 145,
17 article 147 and article 148 of the education law, each member of such
18 foreign professional service limited liability company must be licensed
19 pursuant to article 145, article 147 and/or article 148 of the education
20 law to practice one or more of such professions in this state. With
21 respect to a foreign professional service limited liability company
22 which provides licensed clinical social work services as such services
23 are defined in article 154 of the education law, each member of such
24 foreign professional service limited liability company shall be licensed
25 pursuant to article 154 of the education law to practice clinical social
26 work in this state. With respect to a foreign professional service
27 limited liability company which provides creative arts therapy services
28 as such services are defined in article 163 of the education law, each
29 member of such foreign professional service limited liability company
30 must be licensed pursuant to article 163 of the education law to prac-
31 tice creative arts therapy in this state. With respect to a foreign
32 professional service limited liability company which provides marriage
33 and family therapy services as such services are defined in article 163
34 of the education law, each member of such foreign professional service
35 limited liability company must be licensed pursuant to article 163 of
36 the education law to practice marriage and family therapy in this state.
37 With respect to a foreign professional service limited liability company
38 which provides mental health counseling services as such services are
39 defined in article 163 of the education law, each member of such foreign
40 professional service limited liability company must be licensed pursuant
41 to article 163 of the education law to practice mental health counseling
42 in this state. With respect to a foreign professional service limited
43 liability company which provides psychoanalysis services as such
44 services are defined in article 163 of the education law, each member of
45 such foreign professional service limited liability company must be
46 licensed pursuant to article 163 of the education law to practice
47 psychoanalysis in this state. WITH RESPECT TO A FOREIGN PROFESSIONAL
48 SERVICE LIMITED LIABILITY COMPANY FORMED TO PROVIDE INTEGRATED,
49 MULTI-DISCIPLINARY MEDICAL AND CHIROPRACTIC SERVICES, AS SUCH SERVICES
50 ARE RESPECTIVELY DEFINED UNDER ARTICLE 131 AND ARTICLE 132 OF THE EDUCA-
51 TION LAW, (I) EACH MEMBER OF SUCH LIMITED LIABILITY COMPANY MUST BE
52 LICENSED PURSUANT TO ARTICLE 131 OR ARTICLE 132 OF THE EDUCATION LAW TO
53 PRACTICE HIS OR HER PROFESSION IN THIS STATE, (II) EACH MEMBER SHALL
54 ONLY PRACTICE HIS OR HER PROFESSION AS SPECIFIED IN HIS OR HER RESPEC-
55 TIVE PROFESSIONAL ENABLING STATUTE UNDER ARTICLE 131 OR ARTICLE 132 OF
56 THE EDUCATION LAW, AND (III) THE CLINICAL INTEGRATION OF PROFESSIONAL

1 PRACTICES WITHIN AN INTEGRATED, MULTIDISCIPLINARY ENTITY ORGANIZED UNDER
2 THIS SECTION DOES NOT ALTER, EXPAND OR CURTAIL THE SCOPE OF PRACTICE OF
3 ANY OF THE INDIVIDUALS LICENSED UNDER THE STATUTE OF HIS OR HER RESPEC-
4 TIVE PROFESSIONAL ENABLING LAW, PROVIDED THAT: (A) THE CLINICAL JUDG-
5 MENT, MANAGEMENT AND CLINICAL DECISION-MAKING OF ONE OR MORE ARTICLE 131
6 PROVIDERS IN AN INTEGRATED, MULTIDISCIPLINARY PROFESSIONAL SERVICE
7 LIMITED LIABILITY COMPANY SHALL BE CONTROLLING, (B) MEMBERS LICENSED
8 UNDER ARTICLE 132 OF THE EDUCATION LAW, SHALL NOT, DIRECTLY OR INDIRECT-
9 LY, INTERFERE WITH THE CLINICAL JUDGMENT OR LEGITIMATE CLINICAL PRACTICE
10 OF A PROFESSIONAL LICENSED UNDER ARTICLE 131, AND (C) INDIVIDUALS
11 LICENSED UNDER ARTICLE 131 MAY NOT ORDER OR DIRECT A PROFESSIONAL
12 LICENSED UNDER ARTICLE 132 OF THE EDUCATION LAW TO PRACTICE BEYOND THE
13 SCOPE OF HIS OR HER LICENSE UNDER ARTICLE 132 OF THE EDUCATION LAW, EVEN
14 IF SUPERVISED DIRECTLY OR INDIRECTLY BY A PROFESSIONAL LICENSED UNDER
15 ARTICLE 131.

16 S 4. Paragraph (a) of section 1503 of the business corporation law, as
17 added by chapter 974 of the laws of 1970, is amended to read as follows:

18 (a) Notwithstanding any other provision of law, (I) one or more indi-
19 viduals duly authorized by law to render the same professional service
20 within the state may organize, or cause to be organized, a professional
21 service corporation for pecuniary profit under this article for the
22 purpose of rendering the same professional service, except that one or
23 more individuals duly authorized by law to practice professional engi-
24 neering, architecture, landscape architecture or land surveying within
25 the state may organize, or cause to be organized, a professional service
26 corporation for pecuniary profit under this article for the purpose of
27 rendering such professional services as such individuals are authorized
28 to practice, AND, (II) ONE OR MORE INDIVIDUALS DULY LICENSED TO PRACTICE
29 MEDICINE AND ONE OR MORE CHIROPRACTORS LICENSED UNDER ARTICLE 132 OF THE
30 EDUCATION LAW, WHO MAY BE BOARD CERTIFIED OR QUALIFIED BY HIS OR HER
31 RESPECTIVE PROFESSIONAL SPECIALTY BOARDS, MAY ORGANIZE, OR CAUSE TO BE
32 ORGANIZED, FOR BUSINESS PURPOSES ONLY, A MULTIDISCIPLINARY PROFESSIONAL
33 SERVICE CORPORATION FORMED FOR PECUNIARY PROFIT UNDER THIS ARTICLE FOR
34 THE PURPOSE OF RENDERING INTEGRATED AND NON-INTEGRATED PROFESSIONAL
35 SERVICES WITHIN SUCH A CORPORATION AS SUCH INDIVIDUALS ARE AUTHORIZED TO
36 PRACTICE INDIVIDUALLY IN HIS OR HER RESPECTIVE PROFESSIONS, PROVIDED
37 THAT THE CLINICAL INTEGRATION OF PROFESSIONAL PRACTICES WITHIN AN ENTITY
38 ORGANIZED UNDER THIS SECTION DOES NOT ALTER, EXPAND OR CURTAIL THE SCOPE
39 OF PRACTICE OF ANY OF THE INDIVIDUALS LICENSED UNDER THE STATUTE OF HIS
40 OR HER RESPECTIVE PROFESSIONAL ENABLING LAW; THAT THE CLINICAL JUDGMENT,
41 MANAGEMENT AND CLINICAL DECISION-MAKING OF ONE OR MORE ARTICLE 131
42 PROVIDERS IN AN INTEGRATED, MULTIDISCIPLINARY PRACTICE SHALL BE CONTROL-
43 LING; THAT MEMBERS LICENSED UNDER ARTICLE 132 OF THE EDUCATION LAW,
44 SHALL NOT, DIRECTLY OR INDIRECTLY, INTERFERE WITH THE CLINICAL JUDGMENT
45 OR LEGITIMATE CLINICAL PRACTICE OF A PROFESSIONAL LICENSED UNDER ARTICLE
46 131; AND THAT INDIVIDUALS LICENSED UNDER ARTICLE 131 MAY NOT ORDER OR
47 DIRECT A PROFESSIONAL LICENSED UNDER ARTICLE 132 OF THE EDUCATION LAW TO
48 PRACTICE BEYOND THE SCOPE OF HIS OR HER LICENSE UNDER ARTICLE 132 OF THE
49 EDUCATION LAW IN A PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY, EVEN
50 IF SUPERVISED DIRECTLY OR INDIRECTLY BY A PROFESSIONAL LICENSED UNDER
51 ARTICLE 131.

52 S 5. Subdivision (q) of section 121-1500 of the partnership law, as
53 separately amended by chapters 420 and 676 of the laws of 2002, is
54 amended to read as follows:

55 (q) Each partner of a registered limited liability partnership formed
56 to provide medical services in this state must be licensed pursuant to

1 article 131 of the education law to practice medicine in this state and
2 each partner of a registered limited liability partnership formed to
3 provide dental services in this state must be licensed pursuant to arti-
4 cle 133 of the education law to practice dentistry in this state. Each
5 partner of a registered limited liability partnership formed to provide
6 veterinary services in this state must be licensed pursuant to article
7 135 of the education law to practice veterinary medicine in this state.
8 Each partner of a registered limited liability partnership formed to
9 provide professional engineering, land surveying, architectural and/or
10 landscape architectural services in this state must be licensed pursuant
11 to article 145, article 147 and/or article 148 of the education law to
12 practice one or more of such professions in this state. Each partner of
13 a registered limited liability partnership formed to provide licensed
14 clinical social work services in this state must be licensed pursuant to
15 article 154 of the education law to practice clinical social work in
16 this state. Each partner of a registered limited liability partnership
17 formed to provide creative arts therapy services in this state must be
18 licensed pursuant to article 163 of the education law to practice crea-
19 tive arts therapy in this state. Each partner of a registered limited
20 liability partnership formed to provide marriage and family therapy
21 services in this state must be licensed pursuant to article 163 of the
22 education law to practice marriage and family therapy in this state.
23 Each partner of a registered limited liability partnership formed to
24 provide mental health counseling services in this state must be licensed
25 pursuant to article 163 of the education law to practice mental health
26 counseling in this state. Each partner of a registered limited liability
27 partnership formed to provide psychoanalysis services in this state must
28 be licensed pursuant to article 163 of the education law to practice
29 psychoanalysis in this state. EACH PARTNER OF A REGISTERED LIMITED
30 LIABILITY PARTNERSHIP FORMED TO PROVIDE INTEGRATED, MULTIDISCIPLINARY
31 MEDICAL AND CHIROPRACTIC SERVICES, AS SUCH SERVICES ARE RESPECTIVELY
32 DEFINED UNDER ARTICLE 131 AND ARTICLE 132 OF THE EDUCATION LAW, (I) MUST
33 BE LICENSED PURSUANT TO ARTICLE 131 OR ARTICLE 132 OF THE EDUCATION LAW
34 TO PRACTICE HIS OR HER PROFESSION IN THIS STATE, (II) SHALL ONLY PRAC-
35 TICE HIS OR HER PROFESSION AS SPECIFIED IN HIS OR HER RESPECTIVE PROFES-
36 SIONAL ENABLING STATUTE UNDER ARTICLE 131 OR ARTICLE 132 OF THE EDUCA-
37 TION LAW, AND (III) THE CLINICAL INTEGRATION OF PROFESSIONAL PRACTICES
38 WITHIN AN INTEGRATED, MULTI-DISCIPLINARY ENTITY ORGANIZED UNDER THIS
39 SECTION DOES NOT ALTER, EXPAND OR CURTAIL THE SCOPE OF PRACTICE OF ANY
40 OF THE INDIVIDUALS LICENSED UNDER THE STATUTE OF HIS OR HER RESPECTIVE
41 PROFESSIONAL ENABLING LAW, PROVIDED THAT: (A) THE CLINICAL JUDGMENT,
42 MANAGEMENT AND CLINICAL DECISION-MAKING OF ONE OR MORE ARTICLE 131
43 PROVIDERS IN AN INTEGRATED, MULTIDISCIPLINARY PROFESSIONAL SERVICE
44 LIMITED LIABILITY COMPANY SHALL BE CONTROLLING, (B) MEMBERS LICENSED
45 UNDER ARTICLE 132 OF THE EDUCATION LAW, SHALL NOT, DIRECTLY OR INDIRECT-
46 LY, INTERFERE WITH THE CLINICAL JUDGMENT OR LEGITIMATE CLINICAL PRACTICE
47 OF A PROFESSIONAL LICENSED UNDER ARTICLE 131, AND (C) INDIVIDUALS
48 LICENSED UNDER ARTICLE 131 MAY NOT ORDER OR DIRECT A PROFESSIONAL
49 LICENSED UNDER ARTICLE 132 OF THE EDUCATION LAW TO PRACTICE BEYOND THE
50 SCOPE OF HIS OR HER LICENSE UNDER ARTICLE 132 OF THE EDUCATION LAW, EVEN
51 IF SUPERVISED DIRECTLY OR INDIRECTLY BY A PROFESSIONAL LICENSED UNDER
52 ARTICLE 131.

53 S 6. Subdivision (q) of section 121-1502 of the partnership law, as
54 amended by chapter 230 of the laws of 2004, is amended to read as
55 follows:

1 (q) Each partner of a foreign limited liability partnership which
2 provides medical services in this state must be licensed pursuant to
3 article 131 of the education law to practice medicine in the state and
4 each partner of a foreign limited liability partnership which provides
5 dental services in the state must be licensed pursuant to article 133 of
6 the education law to practice dentistry in this state. Each partner of a
7 foreign limited liability partnership which provides veterinary service
8 in the state shall be licensed pursuant to article 135 of the education
9 law to practice veterinary medicine in this state. Each partner of a
10 foreign limited liability partnership which provides professional engi-
11 neering, land surveying, architectural and/or landscape architectural
12 services in this state must be licensed pursuant to article 145, article
13 147 and/or article 148 of the education law to practice one or more of
14 such professions. Each partner of a foreign limited liability partner-
15 ship which provides licensed clinical social work services in this state
16 must be licensed pursuant to article 154 of the education law to prac-
17 tice licensed clinical social work in this state. Each partner of a
18 foreign limited liability partnership which provides creative arts ther-
19 apy services in this state must be licensed pursuant to article 163 of
20 the education law to practice creative arts therapy in this state. Each
21 partner of a foreign limited liability partnership which provides
22 marriage and family therapy services in this state must be licensed
23 pursuant to article 163 of the education law to practice marriage and
24 family therapy in this state. Each partner of a foreign limited liabil-
25 ity partnership which provides mental health counseling services in this
26 state must be licensed pursuant to article 163 of the education law to
27 practice mental health counseling in this state. Each partner of a
28 foreign limited liability partnership which provides psychoanalysis
29 services in this state must be licensed pursuant to article 163 of the
30 education law to practice psychoanalysis in this state. EACH PARTNER OF
31 A FOREIGN LIMITED LIABILITY PARTNERSHIP FORMED TO PROVIDE INTEGRATED,
32 MULTIDISCIPLINARY MEDICAL AND CHIROPRACTIC SERVICES, AS SUCH SERVICES
33 ARE DEFINED UNDER ARTICLE 131 OR ARTICLE 132 OF THE EDUCATION LAW, (I)
34 MUST BE LICENSED PURSUANT TO ARTICLE 131 OR ARTICLE 132 OF THE EDUCATION
35 LAW TO PRACTICE HIS OR HER PROFESSION IN THIS STATE, (II) SHALL ONLY
36 PRACTICE HIS OR HER PROFESSION AS SPECIFIED IN HIS OR HER RESPECTIVE
37 PROFESSIONAL ENABLING STATUTE UNDER ARTICLE 131 OR ARTICLE 132 OF THE
38 EDUCATION LAW, AND (III) THE CLINICAL INTEGRATION OF PROFESSIONAL PRAC-
39 TICES WITHIN AN INTEGRATED, MULTIDISCIPLINARY ENTITY ORGANIZED UNDER
40 THIS SECTION DOES NOT ALTER, EXPAND OR CURTAIL THE SCOPE OF PRACTICE OF
41 ANY OF THE INDIVIDUALS LICENSED UNDER THE STATUTE OF HIS OR HER RESPEC-
42 TIVE PROFESSIONAL ENABLING LAW, PROVIDED THAT: (A) THE CLINICAL JUDG-
43 MENT, MANAGEMENT AND CLINICAL DECISION-MAKING OF ONE OR MORE ARTICLE 131
44 PROVIDERS IN AN INTEGRATED, MULTIDISCIPLINARY PROFESSIONAL SERVICE
45 LIMITED LIABILITY COMPANY SHALL BE CONTROLLING, (B) MEMBERS NOT LICENSED
46 UNDER ARTICLE 131 OF THE EDUCATION LAW, SHALL NOT, DIRECTLY OR INDIRECT-
47 LY, INTERFERE WITH THE CLINICAL JUDGMENT OR LEGITIMATE CLINICAL PRACTICE
48 OF A PROFESSIONAL LICENSED UNDER ARTICLE 131, AND (C) INDIVIDUALS
49 LICENSED UNDER ARTICLE 131 MAY NOT ORDER OR DIRECT A PROFESSIONAL
50 LICENSED UNDER ARTICLE 132 OF THE EDUCATION LAW TO PRACTICE BEYOND THE
51 SCOPE OF HIS OR HER LICENSE UNDER ARTICLE 132 OF THE EDUCATION LAW, EVEN
52 IF SUPERVISED DIRECTLY OR INDIRECTLY BY A PROFESSIONAL LICENSED UNDER
53 ARTICLE 131.

54 S 7. Subdivision 1 of section 2801 of the public health law, as sepa-
55 rately amended by chapters 297 and 416 of the laws of 1983, is amended
56 to read as follows:

1 1. "Hospital" means a facility or institution engaged principally in
2 providing services by or under the supervision of a physician or, in the
3 case of a dental clinic or dental dispensary, of a dentist, for the
4 prevention, diagnosis or treatment of human disease, pain, injury,
5 deformity or physical condition, including, but not limited to, a gener-
6 al hospital, public health center, diagnostic center, treatment center,
7 dental clinic, dental dispensary, rehabilitation center other than a
8 facility used solely for vocational rehabilitation, nursing home, tuber-
9 culosis hospital, chronic disease hospital, maternity hospital, lying-
10 in-asylum, out-patient department, out-patient lodge, dispensary and a
11 laboratory or central service facility serving one or more such insti-
12 tutions, but the term hospital shall not include an institution, sani-
13 tarium or other facility engaged principally in providing services for
14 the prevention, diagnosis or treatment of mental disability and which is
15 subject to the powers of visitation, examination, inspection and inves-
16 tigation of the department of mental hygiene except for those distinct
17 parts of such a facility which provide hospital service. The provisions
18 of this article shall not apply to a facility or institution engaged
19 principally in providing services by or under the supervision of the
20 bona fide members and adherents of a recognized religious organization
21 whose teachings include reliance on spiritual means through prayer alone
22 for healing in the practice of the religion of such organization and
23 where services are provided in accordance with those teachings OR TO A
24 BUSINESS CORPORATION, LIMITED LIABILITY CORPORATION OR PARTNERSHIP
25 BETWEEN A MEDICAL DOCTOR AND A DULY LICENSED TITLE VIII HEALTHCARE
26 PROFESSIONAL.

27 S 8. This act shall take effect immediately.