

5012--A

Cal. No. 1115

2011-2012 Regular Sessions

I N S E N A T E

May 2, 2011

Introduced by Sens. FUSCHILLO, BONACIC, MAZIARZ, OPPENHEIMER -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions -- reported favorably from said committee and committed to the Committee on Higher Education -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report and ordered reprinted, retaining its place in the order of second report

AN ACT to amend the limited liability company law, the business corporation law, the partnership law, the public health law and the education 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

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

LBD10908-04-1

1 in article 133 of the education law, each member of such limited liability
2 company must be licensed pursuant to article 133 of the education
3 law to practice dentistry in this state. With respect to a professional
4 service limited liability company formed to provide veterinary services
5 as such services are defined in article 135 of the education law, each
6 member of such limited liability company must be licensed pursuant to
7 article 135 of the education law to practice veterinary medicine in this
8 state. With respect to a professional service limited liability company
9 formed to provide professional engineering, land surveying, architectural
10 and/or landscape architectural services as such services are
11 defined in article 145, article 147 and article 148 of the education
12 law, each member of such limited liability company must be licensed
13 pursuant to article 145, article 147 and/or article 148 of the education
14 law to practice one or more of such professions in this state. With
15 respect to a professional service limited liability company formed to
16 provide licensed clinical social work services as such services are
17 defined in article 154 of the education law, each member of such limited
18 liability company shall be licensed pursuant to article 154 of the
19 education law to practice licensed clinical social work in this state.
20 With respect to a professional service limited liability company formed
21 to provide creative arts therapy services as such services are defined
22 in article 163 of the education law, each member of such limited liability
23 company must be licensed pursuant to article 163 of the education
24 law to practice creative arts therapy in this state. With respect to a
25 professional service limited liability company formed to provide
26 marriage and family therapy services as such services are defined in
27 article 163 of the education law, each member of such limited liability
28 company must be licensed pursuant to article 163 of the education law to
29 practice marriage and family therapy in this state. With respect to a
30 professional service limited liability company formed to provide mental
31 health counseling services as such services are defined in article 163
32 of the education law, each member of such limited liability company must
33 be licensed pursuant to article 163 of the education law to practice
34 mental health counseling in this state. With respect to a professional
35 service limited liability company formed to provide psychoanalysis
36 services as such services are defined in article 163 of the education
37 law, each member of such limited liability company must be licensed
38 pursuant to article 163 of the education law to practice psychoanalysis
39 in this state. In addition to engaging in such profession or
40 professions, a professional service limited liability company may engage
41 in any other business or activities as to which a limited liability
42 company may be formed under section two hundred one of this chapter.
43 Notwithstanding any other provision of this section, a professional
44 service limited liability company (i) authorized to practice law may
45 only engage in another profession or business or activities or (ii)
46 which is engaged in a profession or other business or activities other
47 than law may only engage in the practice of law, to the extent not
48 prohibited by any other law of this state or any rule adopted by the
49 appropriate appellate division of the supreme court or the court of
50 appeals. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, WITH
51 RESPECT TO A LIMITED LIABILITY COMPANY FORMED TO PROVIDE INTEGRATED,
52 MULTIDISCIPLINARY MEDICAL AND CHIROPRACTIC SERVICES, AS SUCH SERVICES
53 ARE RESPECTIVELY DEFINED UNDER ARTICLES 131 AND 132 OF THE EDUCATION
54 LAW, (I) EACH MEMBER OF SUCH LIMITED LIABILITY COMPANY MUST BE LICENSED
55 PURSUANT TO ARTICLE 131 OR ARTICLE 132 OF THE EDUCATION LAW TO PRACTICE
56 HIS OR HER PROFESSION IN THIS STATE, (II) EACH MEMBER SHALL ONLY PRAC-

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

19 S 2. Subdivision (b) of section 1207 of the limited liability company
20 law, as separately amended by chapters 420 and 676 of the laws of 2002,
21 is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

1 IF SUPERVISED DIRECTLY OR INDIRECTLY BY A PROFESSIONAL LICENSED UNDER
2 ARTICLE 131.

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

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

1 IF SUPERVISED DIRECTLY OR INDIRECTLY BY A PROFESSIONAL LICENSED UNDER
2 ARTICLE 131.

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

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

32 S 8. Subdivision 19 of section 6530 of the education law, as added by
33 chapter 606 of the laws of 1991, is amended to read as follows:

34 19. Permitting any person to share in the fees for professional
35 services, other than: a partner, employee, associate in a professional
36 firm or corporation, professional subcontractor or consultant authorized
37 to practice medicine, or a legally authorized trainee practicing under
38 the supervision of a licensee OR A CHIROPRACTOR PROVIDING PROFESSIONAL
39 SERVICES IN THE SAME PRACTICE. This prohibition shall include any
40 arrangement or agreement whereby the amount received in payment for
41 furnishing space, facilities, equipment or personnel services used by a
42 licensee constitutes a percentage of, or is otherwise dependent upon,
43 the income or receipts of the licensee from such practice, except as
44 otherwise provided by law with respect to a facility licensed pursuant
45 to article twenty-eight of the public health law or article thirteen of
46 the mental hygiene law;

47 S 9. This act shall take effect immediately.