

4828

2013-2014 Regular Sessions

I N S E N A T E

April 25, 2013

Introduced by Sens. LAVALLE, ADDABBO, LARKIN, MAZIARZ, SEWARD -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

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:

ARTICLE 132-A
NATUROPATHS

12 SECTION 6575. INTRODUCTION.
13 6576. DEFINITIONS.
14 6577. DEFINITION OF THE PRACTICE OF NATUROPATHY.
15 6578. TITLE AND DESIGNATION.
16 6579. QUALIFICATIONS FOR LICENSURE.
17 6580. STATE BOARD FOR NATUROPATHY.
18 6581. EXEMPTIONS.

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

LBD00060-02-3

6582. SPECIAL PROVISIONS.

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 SIXTEEN, HAVE SATISFACTORILY COMPLETED AN APPROVED CLINICAL POST-GRADUATE RESIDENCY TRAINING, OF NOT LESS THAN TWELVE MONTHS DURATION, UNDER THE DIRECT SUPERVISION OF A GRADUATE OF AN APPROVED PROGRAM WITH A MINIMUM OF TWO YEARS OF PROFESSIONAL CLINICAL ACTIVITY AND IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;

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

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

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

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

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

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

26 1. A LICENSED PHYSICIAN FROM PRACTICING HIS OR HER PROFESSION AS
27 DEFINED UNDER ARTICLES ONE HUNDRED THIRTY-ONE AND ONE HUNDRED
28 THIRTY-ONE-B OF THIS TITLE; A REGISTERED PROFESSIONAL NURSE OR A CERTI-
29 FIED NURSE PRACTITIONER PRACTICING HIS OR HER PROFESSION AS DEFINED
30 UNDER ARTICLE ONE HUNDRED THIRTY-NINE OF THIS TITLE; OR QUALIFIED
31 MEMBERS OF OTHER PROFESSIONS LICENSED UNDER THIS TITLE FROM PERFORMING
32 THE PRACTICE OF THEIR PROFESSIONS, EXCEPT THAT SUCH PERSONS MAY NOT HOLD
33 THEMSELVES OUT UNDER THE TITLE NATUROPATH OR AS PERFORMING NATUROPATHY;

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

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

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

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

49 1. PRESCRIBING OR ADMINISTERING DRUGS WHICH WOULD BE PREPARED OR
50 DISPENSED BY A STATE LICENSED PHARMACIST; AND AS DEFINED IN THIS CHAPTER
51 AS A TREATMENT, THERAPY OR PROFESSIONAL SERVICE IN THE PRACTICE OF NATU-
52 ROPATHY; AND

53 2. USING INVASIVE PROCEDURES IN TESTING OR AS A TREATMENT, THERAPY, OR
54 PROFESSIONAL SERVICE IN THE PRACTICE OF NATUROPATHY. FOR PURPOSES OF
55 THIS SUBDIVISION, "INVASIVE PROCEDURE" MEANS ANY PROCEDURE IN WHICH
56 HUMAN TISSUE IS CUT, ALTERED, OR OTHERWISE INFILTRATED BY MECHANICAL OR

1 OTHER MEANS. INVASIVE PROCEDURE INCLUDES BUT IS NOT LIMITED TO SURGERY,
2 LASERS, GIVING INJECTIONS, DRAWING BLOOD, IONIZING RADIATION, THERAPEU-
3 TIC ULTRASOUND, ELECTROCONVULSIVE THERAPY, ELECTRICAL SHOCK THERAPY OR
4 ELECTROMYOGRAPHY; AND

5 3. PRACTICING OR CLAIMING TO PRACTICE AS A MEDICAL DOCTOR, OSTEOPATH,
6 DENTIST, PODIATRIST, OPTOMETRIST, PSYCHOLOGIST, REGISTERED PRACTICE
7 NURSE, ADVANCE PRACTICE PROFESSIONAL NURSE, MIDWIFE, PHYSICIAN ASSIST-
8 ANT, CHIROPRACTOR, PHYSICAL THERAPIST, ACUPUNCTURIST, MENTAL HEALTH
9 THERAPIST OR ANY OTHER HEALTH CARE PROFESSIONAL NOT AUTHORIZED IN THIS
10 CHAPTER; AND

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

13 5. PROVIDING OBSTETRICAL SERVICES; AND

14 6. PROVIDING PSYCHOTHERAPY SERVICES; AND

15 7. ORDERING OR INTERPRETING X-RAYS AND MAGNETIC RESONANCE IMAGING
16 STUDIES; AND

17 8. ORDERING OR INTERPRETING DIAGNOSTIC TESTS; AND

18 9. SETTING FRACTURES.

19 ENGAGING IN ANY OF THE ACTIVITIES SET FORTH IN THIS SECTION SHALL
20 CONSTITUTE PROFESSIONAL MISCONDUCT PURSUANT TO SECTION SIXTY-FIVE
21 HUNDRED NINE OF THIS TITLE.

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

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

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

46 2. A. DURING EACH TRIENNIAL REGISTRATION PERIOD AN APPLICANT FOR
47 REGISTRATION AS A LICENSED NATUROPATH SHALL COMPLETE A MINIMUM OF THIR-
48 TY-SIX HOURS OF ACCEPTABLE LEARNING ACTIVITIES WHICH CONTRIBUTE TO
49 CONTINUING COMPETENCE, AS SPECIFIED IN SUBDIVISION FOUR OF THIS SECTION,
50 PROVIDED FURTHER THAT AT LEAST TWENTY-FOUR HOURS SHALL BE IN AREAS OF
51 STUDY PERTINENT TO THE SCOPE OF PRACTICE OF NATUROPATHY. WITH THE
52 EXCEPTION OF CONTINUING EDUCATION HOURS TAKEN DURING THE REGISTRATION
53 PERIOD IMMEDIATELY PRECEDING THE EFFECTIVE DATE OF THIS SECTION, CONTIN-
54 UING EDUCATION HOURS TAKEN DURING ONE TRIENNIUM MAY NOT BE TRANSFERRED
55 TO A SUBSEQUENT TRIENNIUM.

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

6 C. THEREAFTER, A LICENSEE WHO HAS NOT SATISFIED THE MANDATORY CONTINU-
7 ING COMPETENCY REQUIREMENTS SHALL NOT BE ISSUED A TRIENNIAL REGISTRATION
8 CERTIFICATE BY THE DEPARTMENT AND SHALL NOT PRACTICE UNLESS AND UNTIL A
9 CONDITIONAL REGISTRATION CERTIFICATE IS ISSUED AS PROVIDED FOR IN SUBDI-
10 VISION THREE OF THIS SECTION.

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

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

24 4. AS USED IN SUBDIVISION TWO OF THIS SECTION, "ACCEPTABLE LEARNING
25 ACTIVITIES" SHALL MEAN ACTIVITIES WHICH CONTRIBUTE TO PROFESSIONAL PRAC-
26 TICE IN NATUROPATHIC MEDICINE, AND WHICH MEET THE STANDARDS PRESCRIBED
27 IN THE REGULATIONS OF THE COMMISSIONER. SUCH LEARNING ACTIVITIES SHALL
28 INCLUDE, BUT NOT BE LIMITED TO, COLLEGIATE LEVEL CREDIT AND NON-CREDIT
29 COURSES, SELF-STUDY ACTIVITIES, INDEPENDENT STUDY, FORMAL MENTORING
30 ACTIVITIES, PUBLICATIONS IN PROFESSIONAL JOURNALS, PROFESSIONAL DEVELOP-
31 MENT PROGRAMS AND TECHNICAL SESSIONS; SUCH LEARNING ACTIVITIES MAY BE
32 OFFERED AND SPONSORED BY NATIONAL, STATE AND LOCAL PROFESSIONAL ASSOCI-
33 ATIONS AND OTHER ORGANIZATIONS OR PARTIES ACCEPTABLE TO THE DEPARTMENT,
34 AND ANY OTHER ORGANIZED EDUCATIONAL AND TECHNICAL LEARNING ACTIVITIES
35 ACCEPTABLE TO THE DEPARTMENT. THE DEPARTMENT MAY, IN ITS DISCRETION AND
36 AS NEEDED TO CONTRIBUTE TO THE HEALTH AND WELFARE OF THE PUBLIC, REQUIRE
37 THE COMPLETION OF CONTINUING COMPETENCY LEARNING ACTIVITIES IN SPECIFIC
38 SUBJECTS TO FULFILL THIS MANDATORY CONTINUING COMPETENCY REQUIREMENT.
39 LEARNING ACTIVITIES MUST BE TAKEN FROM A SPONSOR APPROVED BY THE DEPART-
40 MENT, PURSUANT TO THE REGULATIONS OF THE COMMISSIONER.

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

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

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

48 6. THE MANDATORY CONTINUING COMPETENCY FEE SHALL BE FIFTY DOLLARS FOR
49 LICENSED NATUROPATHS, SHALL BE PAYABLE ON OR BEFORE THE FIRST DAY OF
50 EACH TRIENNIAL REGISTRATION PERIOD, AND SHALL BE PAID IN ADDITION TO THE
51 TRIENNIAL REGISTRATION FEE REQUIRED BY SECTION SIXTY-FIVE HUNDRED SEVEN-
52 TY-NINE OF THIS ARTICLE.

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

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

1 of the education law to practice psychoanalysis in this state. In addi-
2 tion to engaging in such profession or professions, a professional
3 service limited liability company may engage in any other business or
4 activities as to which a limited liability company may be formed under
5 section two hundred one of this chapter. Notwithstanding any other
6 provision of this section, a professional service limited liability
7 company (i) authorized to practice law may only engage in another
8 profession or business or activities or (ii) which is engaged in a
9 profession or other business or activities other than law may only
10 engage in the practice of law, to the extent not prohibited by any other
11 law of this state or any rule adopted by the appropriate appellate divi-
12 sion of the supreme court or the court of appeals.

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

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

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 mental health
4 counseling in this state. With respect to a professional service limited
5 liability company formed to provide psychoanalysis services as such
6 services are defined in article 163 of the education law, each member of
7 such limited liability company must be licensed pursuant to article 163
8 of the education law to practice psychoanalysis in this state.

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

12 (a) "Foreign professional service limited liability company" means a
13 professional service limited liability company, whether or not denomi-
14 nated as such, organized under the laws of a jurisdiction other than
15 this state, (i) each of whose members and managers, if any, is a profes-
16 sional authorized by law to render a professional service within this
17 state and who is or has been engaged in the practice of such profession
18 in such professional service limited liability company or a predecessor
19 entity, or will engage in the practice of such profession in the profes-
20 sional service limited liability company within thirty days of the date
21 such professional becomes a member, or each of whose members and manag-
22 ers, if any, is a professional at least one of such members is author-
23 ized by law to render a professional service within this state and who
24 is or has been engaged in the practice of such profession in such
25 professional service limited liability company or a predecessor entity,
26 or will engage in the practice of such profession in the professional
27 service limited liability company within thirty days of the date such
28 professional becomes a member, or (ii) authorized by, or holding a
29 license, certificate, registration or permit issued by the licensing
30 authority pursuant to, the education law to render a professional
31 service within this state; except that all members and managers, if any,
32 of a foreign professional service limited liability company that
33 provides health services in this state shall be licensed in this state.
34 WITH RESPECT TO A FOREIGN PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY
35 FORMED TO PROVIDE NATUROPATHIC SERVICES AS SUCH SERVICES ARE DEFINED IN
36 ARTICLE 132-A OF THE EDUCATION LAW, EACH MEMBER OF SUCH LIMITED LIABIL-
37 ITY COMPANY MUST BE LICENSED PURSUANT TO ARTICLE 132-A OF THE EDUCATION
38 LAW TO PRACTICE NATUROPATHY IN THIS STATE. With respect to a foreign
39 professional service limited liability company which provides veterinary
40 services as such services are defined in article 135 of the education
41 law, each member of such foreign professional service limited liability
42 company shall be licensed pursuant to article 135 of the education law
43 to practice veterinary medicine. With respect to a foreign professional
44 service limited liability company which provides medical services as
45 such services are defined in article 131 of the education law, each
46 member of such foreign professional service limited liability company
47 must be licensed pursuant to article 131 of the education law to prac-
48 tice medicine in this state. With respect to a foreign professional
49 service limited liability company which provides dental services as such
50 services are defined in article 133 of the education law, each member of
51 such foreign professional service limited liability company must be
52 licensed pursuant to article 133 of the education law to practice
53 dentistry in this state. With respect to a foreign professional service
54 limited liability company which provides professional engineering, land
55 surveying, architectural and/or landscape architectural services as such
56 services are defined in article 145, article 147 and article 148 of the

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

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

35 (q) Each partner of a registered limited liability partnership formed
36 to provide medical services in this state must be licensed pursuant to
37 article 131 of the education law to practice medicine in this state and
38 each partner of a registered limited liability partnership formed to
39 provide dental services in this state must be licensed pursuant to arti-
40 cle 133 of the education law to practice dentistry in this state. EACH
41 PARTNER OF A REGISTERED LIMITED LIABILITY PARTNERSHIP FORMED TO PROVIDE
42 NATUROPATHIC SERVICES IN THIS STATE MUST BE LICENSED PURSUANT TO ARTICLE
43 132-A OF THE EDUCATION LAW TO PRACTICE NATUROPATHY IN THIS STATE. Each
44 partner of a registered limited liability partnership formed to provide
45 veterinary services in this state must be licensed pursuant to article
46 135 of the education law to practice veterinary medicine in this state.
47 Each partner of a registered limited liability partnership formed to
48 provide professional engineering, land surveying, architectural and/or
49 landscape architectural services in this state must be licensed pursuant
50 to article 145, article 147 and/or article 148 of the education law to
51 practice one or more of such professions in this state. Each partner of
52 a registered limited liability partnership formed to provide licensed
53 clinical social work services in this state must be licensed pursuant to
54 article 154 of the education law to practice clinical social work in
55 this state. Each partner of a registered limited liability partnership
56 formed to provide creative arts therapy services in this state must be

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

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

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

49 S 8. Paragraph (a) of subdivision 1 of section 413 of the social
50 services law, as amended by section 3 of part D of chapter 501 of the
51 laws of 2012, is amended to read as follows:

52 (a) The following persons and officials are required to report or
53 cause a report to be made in accordance with this title when they have
54 reasonable cause to suspect that a child coming before them in their
55 professional or official capacity is an abused or maltreated child, or
56 when they have reasonable cause to suspect that a child is an abused or

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

27 S 9. This act shall take effect on the three hundred sixtieth day
28 after it shall have become a law; provided however, that if section 3 of
29 part D of chapter 501 of the laws of 2012 shall not have taken effect on
30 or before such date then section eight of this act shall take effect on
31 the same date and in the same manner as section 3 of part D of chapter
32 501 of the laws of 2012 takes effect; provided further that effective
33 immediately, the addition, amendment and/or repeal of any rule or regu-
34 lation necessary for the implementation of this act on its effective
35 date is authorized and directed to be made and completed by the commis-
36 sioner of education and the board of regents on or before such effective
37 date.