

4828--A

2013-2014 Regular Sessions

I N S E N A T E

April 25, 2013

Introduced by Sens. LAVALLE, ADDABBO, HASSELL-THOMPSON, LANZA, LARKIN, MAZIARZ, SEWARD -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

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

12 S 2. The education law is amended by adding a new article 132-A to
13 read as follows:

14 ARTICLE 132-A

15 NATUROPATHS

16 SECTION 6575. INTRODUCTION.

17 6576. DEFINITIONS.

18 6577. DEFINITION OF THE PRACTICE OF NATUROPATHY.

19 6578. TITLE AND DESIGNATION.

20 6579. QUALIFICATIONS FOR LICENSURE.

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

LBD00060-03-3

6580. STATE BOARD FOR NATUROPATHY.
6581. EXEMPTIONS.
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. 1. THE PRACTICE OF THE PROFESSION OF NATUROPATHIC MEDICINE IS DEFINED AS THE PREVENTION, ASSESSMENT AND MANAGEMENT OF INJURIES, DISEASES AND CONDITIONS OF THE HUMAN BODY THROUGH THE USE OF EDUCATION, NUTRITION, NATUROPATHIC THERAPIES, NATURAL MEDICINES, AND NATUROPATHIC PHYSICAL MEDICINE THAT ARE DESIGNED TO SUPPORT AND/OR RESTORE AND/OR STIMULATE THE HUMAN BODY'S OWN NATURAL SELF-HEALING PROCESSES, AS WELL AS PRIMARY PREVENTIVE HEALTH CARE, AND SHALL INCLUDE EVALUATION AND REFERRAL AS NECESSARY. A LICENSED NATUROPATHIC DOCTOR SHALL HAVE THE AUTHORITY, AS NECESSARY, AND LIMITED TO THE PRACTICE OF NATUROPATHIC MEDICINE, TO ORDER LABORATORY TESTS AND IMAGING, AS ESTABLISHED BY THE BOARD IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS.

2. DOCTORS OF NATUROPATHIC MEDICINE SHALL BE AUTHORIZED TO PRESCRIBE, ADMINISTER, DISPENSE OR USE FOR PREVENTATIVE AND THERAPEUTIC PURPOSES THE FOLLOWING NATURAL MEDICINES AND THERAPIES: FOOD, FOOD EXTRACTS, VITAMINS, MINERALS, ENZYMES, DIGESTIVE AIDS, DESICCATED THYROID EXTRACT, PLANT SUBSTANCES, ALL HOMEOPATHIC PREPARATIONS, TOPICAL PREPARATIONS, COUNSELING AND EDUCATION ON LIFESTYLE CHANGES, DIETARY THERAPY, NATUROPATHIC PHYSICAL MEDICINE, NON-INVASIVE THERAPEUTIC DEVICES, AND BARRIER DEVICES FOR CONTRACEPTION.

3. NATUROPATHIC PHYSICAL MEDICINE CONSISTS OF NATUROPATHIC MANUAL THERAPY, THE THERAPEUTIC USE OF PHYSICAL AGENTS OF AIR, WATER, HEAT, COLD, SOUND, LIGHT, TOUCH, AND THE PHYSICAL MODALITIES OF MUSCLE STIMULATION, HYDROTHERAPY, ULTRASOUND, AND EXERCISE.

4. EACH NATUROPATHIC DOCTOR LICENSED PURSUANT TO THIS ARTICLE, SHALL ADVISE EACH PATIENT AS TO THE IMPORTANCE OF CONSULTING WITH A LICENSED PHYSICIAN REGARDING THE PATIENT'S CONDITION AND SHALL KEEP ON FILE WITH THE PATIENT'S RECORDS, A FORM ATTESTING TO THE PATIENT'S NOTICE OF SUCH ADVICE. SUCH FORM SHALL BE IN DUPLICATE, ONE COPY TO BE RETAINED BY THE PATIENT, SIGNED AND DATED BY BOTH THE NATUROPATHIC DOCTOR AND THE PATIENT AND SHALL BE PRESCRIBED IN THE FOLLOWING MANNER: "WE, THE UNDERSIGNED, DO AFFIRM THAT (THE PATIENT) HAS BEEN ADVISED BY, (A LICENSED NATUROPATHIC DOCTOR), TO CONSULT A PHYSICIAN REGARDING THE CONDITION OR CONDITIONS FOR WHICH SUCH PATIENT SEEKS NATUROPATHIC CARE."

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.

1 S 6579. QUALIFICATIONS FOR LICENSURE. TO QUALIFY FOR A LICENSE TO
2 PRACTICE NATUROPATHY, AN APPLICANT SHALL FULFILL THE FOLLOWING REQUIRE-
3 MENTS:

4 1. APPLICATION. FILE AN APPLICATION WITH THE DEPARTMENT;

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

11 3. EXPERIENCE. AS OF THE YEAR TWO THOUSAND SIXTEEN, HAVE SATISFACTORI-
12 LY COMPLETED AN APPROVED CLINICAL POST-GRADUATE RESIDENCY TRAINING, OF
13 NOT LESS THAN TWELVE MONTHS DURATION, UNDER THE SUPERVISION OF A
14 LICENSED NATUROPATHIC DOCTOR WITH A MINIMUM OF TWO YEARS OF PROFESSIONAL
15 CLINICAL ACTIVITY AND IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;

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

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

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

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

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

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

46 1. A LICENSED PHYSICIAN FROM PRACTICING HIS OR HER PROFESSION AS
47 DEFINED UNDER ARTICLES ONE HUNDRED THIRTY-ONE AND ONE HUNDRED
48 THIRTY-ONE-B OF THIS TITLE; A REGISTERED PROFESSIONAL NURSE OR A CERTI-
49 FIED NURSE PRACTITIONER PRACTICING HIS OR HER PROFESSION AS DEFINED
50 UNDER ARTICLE ONE HUNDRED THIRTY-NINE OF THIS TITLE; OR QUALIFIED
51 MEMBERS OF OTHER PROFESSIONS LICENSED UNDER THIS TITLE FROM PERFORMING
52 THE PRACTICE OF THEIR PROFESSIONS, EXCEPT THAT SUCH PERSONS MAY NOT HOLD
53 THEMSELVES OUT UNDER THE TITLE NATUROPATH OR AS PERFORMING NATUROPATHY;

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

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

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

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

14 1. PRESCRIBING OR ADMINISTERING LEGEND DRUGS, PRESCRIPTION DRUGS OR
15 CONTROLLED SUBSTANCES; AND

16 2. USING INVASIVE PROCEDURES IN TESTING OR AS A TREATMENT, THERAPY, OR
17 PROFESSIONAL SERVICE IN THE PRACTICE OF NATUROPATHY. FOR PURPOSES OF
18 THIS SUBDIVISION, "INVASIVE PROCEDURE" MEANS ANY PROCEDURE IN WHICH
19 HUMAN TISSUE IS CUT, ALTERED, OR OTHERWISE INFILTRATED BY MECHANICAL OR
20 OTHER MEANS WITH THE EXCEPTION OF DRAWING BLOOD. INVASIVE PROCEDURE
21 INCLUDES BUT IS NOT LIMITED TO SURGERY, LASERS, GIVING INJECTIONS,
22 IONIZING RADIATION, ELECTROCONVULSIVE THERAPY, ELECTRICAL SHOCK THERAPY
23 OR ELECTROMYOGRAPHY; AND

24 3. PRACTICING OR CLAIMING TO PRACTICE AS A MEDICAL DOCTOR, OSTEOPATH,
25 DENTIST, PODIATRIST, OPTOMETRIST, PSYCHOLOGIST, REGISTERED PRACTICE
26 NURSE, ADVANCE PRACTICE PROFESSIONAL NURSE, MIDWIFE, PHYSICIAN ASSIST-
27 ANT, CHIROPRACTOR, PHYSICAL THERAPIST, ACUPUNCTURIST, MENTAL HEALTH
28 THERAPIST OR ANY OTHER HEALTH CARE PROFESSIONAL NOT AUTHORIZED IN THIS
29 CHAPTER; AND

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

32 5. PROVIDING OBSTETRICAL SERVICES; AND

33 6. PROVIDING PSYCHOTHERAPY SERVICES; AND

34 7. SETTING FRACTURES.

35 ENGAGING IN ANY OF THE ACTIVITIES SET FORTH IN THIS SECTION SHALL
36 CONSTITUTE PROFESSIONAL MISCONDUCT PURSUANT TO SECTION SIXTY-FIVE
37 HUNDRED NINE OF THIS TITLE.

38 S 6584. MANDATORY CONTINUING COMPETENCY. 1. A. EACH LICENSED NATURO-
39 PATH REQUIRED UNDER THIS ARTICLE TO REGISTER TRIENNIALLY WITH THE
40 DEPARTMENT TO PRACTICE IN THE STATE SHALL COMPLY WITH THE PROVISIONS OF
41 THE MANDATORY CONTINUING COMPETENCY REQUIREMENTS PRESCRIBED IN SUBDIVI-
42 SION TWO OF THIS SECTION, EXCEPT AS PROVIDED IN PARAGRAPHS B AND C OF
43 THIS SUBDIVISION. LICENSED NATUROPATHS WHO DO NOT SATISFY THE MANDATORY
44 CONTINUING COMPETENCY REQUIREMENTS SHALL NOT BE AUTHORIZED TO PRACTICE
45 UNTIL THEY HAVE MET SUCH REQUIREMENTS, AND THEY HAVE BEEN ISSUED A
46 REGISTRATION CERTIFICATE, EXCEPT THAT A LICENSED NATUROPATH MAY PRACTICE
47 WITHOUT HAVING MET SUCH REQUIREMENTS IF HE OR SHE IS ISSUED A CONDI-
48 TIONAL REGISTRATION PURSUANT TO SUBDIVISION THREE OF THIS SECTION.

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

54 C. A LICENSED NATUROPATH NOT ENGAGED IN PRACTICE, AS DETERMINED BY THE
55 DEPARTMENT, SHALL BE EXEMPT FROM THE MANDATORY CONTINUING COMPETENCY
56 REQUIREMENT UPON THE FILING OF A STATEMENT WITH THE DEPARTMENT DECLARING

1 SUCH STATUS. ANY LICENSEE WHO RETURNS TO THE PRACTICE OF LICENSED NATU-
2 ROPATH DURING THE TRIENNIAL REGISTRATION PERIOD SHALL NOTIFY THE DEPART-
3 MENT PRIOR TO REENTERING THE PROFESSION AND SHALL MEET SUCH MANDATORY
4 CONTINUING COMPETENCY REQUIREMENTS AS SHALL BE PRESCRIBED BY REGULATIONS
5 OF THE COMMISSIONER.

6 2. A. DURING EACH TRIENNIAL REGISTRATION PERIOD AN APPLICANT FOR
7 REGISTRATION AS A LICENSED NATUROPATH SHALL COMPLETE A MINIMUM OF THIR-
8 TY-SIX HOURS OF ACCEPTABLE LEARNING ACTIVITIES WHICH CONTRIBUTE TO
9 CONTINUING COMPETENCE, AS SPECIFIED IN SUBDIVISION FOUR OF THIS SECTION,
10 PROVIDED FURTHER THAT AT LEAST TWENTY-FOUR HOURS SHALL BE IN AREAS OF
11 STUDY PERTINENT TO THE SCOPE OF PRACTICE OF NATUROPATHY. WITH THE
12 EXCEPTION OF CONTINUING EDUCATION HOURS TAKEN DURING THE REGISTRATION
13 PERIOD IMMEDIATELY PRECEDING THE EFFECTIVE DATE OF THIS SECTION, CONTIN-
14 UING EDUCATION HOURS TAKEN DURING ONE TRIENNIUM MAY NOT BE TRANSFERRED
15 TO A SUBSEQUENT TRIENNIUM.

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

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

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

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

39 4. AS USED IN SUBDIVISION TWO OF THIS SECTION, "ACCEPTABLE LEARNING
40 ACTIVITIES" SHALL MEAN ACTIVITIES WHICH CONTRIBUTE TO PROFESSIONAL PRAC-
41 TICE IN NATUROPATHIC MEDICINE, AND WHICH MEET THE STANDARDS PRESCRIBED
42 IN THE REGULATIONS OF THE COMMISSIONER. SUCH LEARNING ACTIVITIES SHALL
43 INCLUDE, BUT NOT BE LIMITED TO, COLLEGIATE LEVEL CREDIT AND NON-CREDIT
44 COURSES, SELF-STUDY ACTIVITIES, INDEPENDENT STUDY, FORMAL MENTORING
45 ACTIVITIES, PUBLICATIONS IN PROFESSIONAL JOURNALS, PROFESSIONAL DEVELOP-
46 MENT PROGRAMS AND TECHNICAL SESSIONS; SUCH LEARNING ACTIVITIES MAY BE
47 OFFERED AND SPONSORED BY NATIONAL, STATE AND LOCAL PROFESSIONAL ASSOCI-
48 ATIONS AND OTHER ORGANIZATIONS OR PARTIES ACCEPTABLE TO THE DEPARTMENT,
49 AND ANY OTHER ORGANIZED EDUCATIONAL AND TECHNICAL LEARNING ACTIVITIES
50 ACCEPTABLE TO THE DEPARTMENT. THE DEPARTMENT MAY, IN ITS DISCRETION AND
51 AS NEEDED TO CONTRIBUTE TO THE HEALTH AND WELFARE OF THE PUBLIC, REQUIRE
52 THE COMPLETION OF CONTINUING COMPETENCY LEARNING ACTIVITIES IN SPECIFIC
53 SUBJECTS TO FULFILL THIS MANDATORY CONTINUING COMPETENCY REQUIREMENT.
54 LEARNING ACTIVITIES MUST BE TAKEN FROM A SPONSOR APPROVED BY THE DEPART-
55 MENT, PURSUANT TO THE REGULATIONS OF THE COMMISSIONER.

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

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

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

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

13 S 3. Subdivision (a) of section 1203 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 (a) Notwithstanding the education law or any other provision of law,
17 one or more professionals each of whom is authorized by law to render a
18 professional service within the state, or one or more professionals, at
19 least one of whom is authorized by law to render a professional service
20 within the state, may form, or cause to be formed, a professional
21 service limited liability company for pecuniary profit under this arti-
22 cle for the purpose of rendering the professional service or services as
23 such professionals are authorized to practice. With respect to a profes-
24 sional service limited liability company formed to provide medical
25 services as such services are defined in article 131 of the education
26 law, each member of such limited liability company must be licensed
27 pursuant to article 131 of the education law to practice medicine in
28 this state. WITH RESPECT TO A PROFESSIONAL SERVICE LIMITED LIABILITY
29 COMPANY FORMED TO PROVIDE NATUROPATHIC SERVICES AS SUCH SERVICES ARE
30 DEFINED IN ARTICLE 132-A OF THE EDUCATION LAW, EACH MEMBER OF SUCH
31 LIMITED LIABILITY COMPANY MUST BE LICENSED PURSUANT TO ARTICLE 132-A OF
32 THE EDUCATION LAW TO PRACTICE NATUROPATHY IN THIS STATE. With respect to
33 a professional service limited liability company formed to provide
34 dental services as such services are defined in article 133 of the
35 education law, each member of such limited liability company must be
36 licensed pursuant to article 133 of the education law to practice
37 dentistry in this state. With respect to a professional service limited
38 liability company formed to provide veterinary services as such services
39 are defined in article 135 of the education law, each member of such
40 limited liability company must be licensed pursuant to article 135 of
41 the education law to practice veterinary medicine in this state. With
42 respect to a professional service limited liability company formed to
43 provide professional engineering, land surveying, architectural and/or
44 landscape architectural services as such services are defined in article
45 145, article 147 and article 148 of the education law, each member of
46 such limited liability company must be licensed pursuant to article 145,
47 article 147 and/or article 148 of the education law to practice one or
48 more of such professions in this state. With respect to a professional
49 service limited liability company formed to provide licensed clinical
50 social work services as such services are defined in article 154 of the
51 education law, each member of such limited liability company shall be
52 licensed pursuant to article 154 of the education law to practice
53 licensed clinical social work in this state. With respect to a profes-
54 sional service limited liability company formed to provide creative arts
55 therapy services as such services are defined in article 163 of the
56 education law, each member of such limited liability company must be

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

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

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

1 social work services as such services are defined in article 154 of the
2 education law, each member of such limited liability company shall be
3 licensed pursuant to article 154 of the education law to practice
4 licensed clinical social work in this state. With respect to a profes-
5 sional service limited liability company formed to provide creative arts
6 therapy services as such services are defined in article 163 of the
7 education law, each member of such limited liability company must be
8 licensed pursuant to article 163 of the education law to practice crea-
9 tive arts therapy in this state. With respect to a professional service
10 limited liability company formed to provide marriage and family therapy
11 services as such services are defined in article 163 of the education
12 law, each member of such limited liability company must be licensed
13 pursuant to article 163 of the education law to practice marriage and
14 family therapy in this state. With respect to a professional service
15 limited liability company formed to provide mental health counseling
16 services as such services are defined in article 163 of the education
17 law, each member of such limited liability company must be licensed
18 pursuant to article 163 of the education law to practice mental health
19 counseling in this state. With respect to a professional service limited
20 liability company formed to provide psychoanalysis services as such
21 services are defined in article 163 of the education law, each member of
22 such limited liability company must be licensed pursuant to article 163
23 of the education law to practice psychoanalysis in this state.

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

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

1 company shall be licensed pursuant to article 135 of the education law
2 to practice veterinary medicine. With respect to a foreign professional
3 service limited liability company which provides medical services as
4 such services are defined in article 131 of the education law, each
5 member of such foreign professional service limited liability company
6 must be licensed pursuant to article 131 of the education law to prac-
7 tice medicine in this state. With respect to a foreign professional
8 service limited liability company which provides dental services as such
9 services are defined in article 133 of the education law, each member of
10 such foreign professional service limited liability company must be
11 licensed pursuant to article 133 of the education law to practice
12 dentistry in this state. With respect to a foreign professional service
13 limited liability company which provides professional engineering, land
14 surveying, architectural and/or landscape architectural services as such
15 services are defined in article 145, article 147 and article 148 of the
16 education law, each member of such foreign professional service limited
17 liability company must be licensed pursuant to article 145, article 147
18 and/or article 148 of the education law to practice one or more of such
19 professions in this state. With respect to a foreign professional
20 service limited liability company which provides licensed clinical
21 social work services as such services are defined in article 154 of the
22 education law, each member of such foreign professional service limited
23 liability company shall be licensed pursuant to article 154 of the
24 education law to practice clinical social work in this state. With
25 respect to a foreign professional service limited liability company
26 which provides creative arts therapy services as such services are
27 defined in article 163 of the education law, each member of such foreign
28 professional service limited liability company must be licensed pursuant
29 to article 163 of the education law to practice creative arts therapy in
30 this state. With respect to a foreign professional service limited
31 liability company which provides marriage and family therapy services as
32 such services are defined in article 163 of the education law, each
33 member of such foreign professional service limited liability company
34 must be licensed pursuant to article 163 of the education law to prac-
35 tice marriage and family therapy in this state. With respect to a
36 foreign professional service limited liability company which provides
37 mental health counseling services as such services are defined in arti-
38 cle 163 of the education law, each member of such foreign professional
39 service limited liability company must be licensed pursuant to article
40 163 of the education law to practice mental health counseling in this
41 state. With respect to a foreign professional service limited liability
42 company which provides psychoanalysis services as such services are
43 defined in article 163 of the education law, each member of such foreign
44 professional service limited liability company must be licensed pursuant
45 to article 163 of the education law to practice psychoanalysis in this
46 state.

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

50 (q) Each partner of a registered limited liability partnership formed
51 to provide medical services in this state must be licensed pursuant to
52 article 131 of the education law to practice medicine in this state and
53 each partner of a registered limited liability partnership formed to
54 provide dental services in this state must be licensed pursuant to arti-
55 cle 133 of the education law to practice dentistry in this state. EACH
56 PARTNER OF A REGISTERED LIMITED LIABILITY PARTNERSHIP FORMED TO PROVIDE

1 NATUROPATHIC SERVICES IN THIS STATE MUST BE LICENSED PURSUANT TO ARTICLE
2 132-A OF THE EDUCATION LAW TO PRACTICE NATUROPATHY IN THIS STATE. Each
3 partner of a registered limited liability partnership formed to provide
4 veterinary services in this state must be licensed pursuant to article
5 135 of the education law to practice veterinary medicine in this state.
6 Each partner of a registered limited liability partnership formed to
7 provide professional engineering, land surveying, architectural and/or
8 landscape architectural services in this state must be licensed pursuant
9 to article 145, article 147 and/or article 148 of the education law to
10 practice one or more of such professions in this state. Each partner of
11 a registered limited liability partnership formed to provide licensed
12 clinical social work services in this state must be licensed pursuant to
13 article 154 of the education law to practice clinical social work in
14 this state. Each partner of a registered limited liability partnership
15 formed to provide creative arts therapy services in this state must be
16 licensed pursuant to article 163 of the education law to practice crea-
17 tive arts therapy in this state. Each partner of a registered limited
18 liability partnership formed to provide marriage and family therapy
19 services in this state must be licensed pursuant to article 163 of the
20 education law to practice marriage and family therapy in this state.
21 Each partner of a registered limited liability partnership formed to
22 provide mental health counseling services in this state must be licensed
23 pursuant to article 163 of the education law to practice mental health
24 counseling in this state. Each partner of a registered limited liability
25 partnership formed to provide psychoanalysis services in this state must
26 be licensed pursuant to article 163 of the education law to practice
27 psychoanalysis in this state.

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

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

1 family therapy in this state. Each partner of a foreign limited liability partnership which provides mental health counseling services in this
2 state must be licensed pursuant to article 163 of the education law to
3 practice mental health counseling in this state. Each partner of a
4 foreign limited liability partnership which provides psychoanalysis
5 services in this state must be licensed pursuant to article 163 of the
6 education law to practice psychoanalysis in this state.

7
8 S 8. Paragraph (a) of subdivision 1 of section 413 of the social
9 services law, as amended by section 3 of part D of chapter 501 of the
10 laws of 2012, is amended to read as follows:

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

42 S 9. This act shall take effect on the three hundred sixtieth day
43 after it shall have become a law; provided however, that if section 3 of
44 part D of chapter 501 of the laws of 2012 shall not have taken effect on
45 or before such date then section eight of this act shall take effect on
46 the same date and in the same manner as section 3 of part D of chapter
47 501 of the laws of 2012 takes effect; provided further that effective
48 immediately, the addition, amendment and/or repeal of any rule or regu-
49 lation necessary for the implementation of this act on its effective
50 date is authorized and directed to be made and completed by the commis-
51 sioner of education and the board of regents on or before such effective
52 date.