

# STATE OF NEW YORK

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5913

2017-2018 Regular Sessions

## IN ASSEMBLY

February 17, 2017

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Introduced by M. of A. ORTIZ -- Multi-Sponsored by -- M. of A. BUTLER,  
ENGLEBRIGHT -- read once and referred to the Committee on Higher  
Education

AN ACT to amend the education law, the limited liability company law,  
the partnership law and the public health law, in relation to the  
practice of naturopathy; 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 Assem-  
bly, do enact as follows:

1 Section 1. Legislative intent. 1. The legislature recognizes that in  
2 spite of advances in science and technology that have resulted in the  
3 American healthcare system excelling at triage and in responding to  
4 acute emergent conditions, there is an epidemic of chronic disease and  
5 an unacceptable degree of iatrogenic disease in America. The legislature  
6 recognizes that the economics of healthcare and the pursuit of scientif-  
7 ic advancement have led to an occupational preference among physicians  
8 for specialization, resulting in a shortage of primary care physicians.  
9 The legislature finds that licensure of the profession of naturopathic  
10 medicine favorably addresses such problems, and agrees with U.S. Senate  
11 Resolution 221 of the 113th Congress in finding that naturopathic  
12 doctors are skilled in preventing and treating chronic disease; that  
13 naturopathic medicine is a safe, effective, and affordable means of  
14 health care; and that licensure of naturopathic doctors helps address  
15 the shortage of primary care physicians in the United States, while also  
16 providing people with more choice in health care.

17 2. The legislature recognizes that naturopathic medicine, although  
18 encompassing primary and secondary care services, including many of the  
19 same diagnostic tools and assessment techniques as the medical profes-  
20 sion, and having certain Hippocratic principles in common with the  
21 medical profession, is not part of the profession of medicine as contem-

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

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1 plated by article 131 of the education law, and intends that naturopathic  
2 ic medicine be a distinct profession with its own state board.

3 3. The legislature recognizes that naturopathic medicine is a modern,  
4 evolved form of naturopathy that is practiced by naturopathic doctors;  
5 that the early form, today sometimes called traditional naturopathy, is  
6 characterized by its vitalistic philosophy, and by its foundation of  
7 hygiene and nature cure (i.e., the use of natural agents such as air,  
8 light, water, food, and herbs to stimulate the body's own natural heal-  
9 ing powers); and that such early form is practiced in some states by  
10 traditional naturopaths without licensure, by lay persons in their own  
11 self care, and to some extent in health spas. This bill is not intended  
12 to change the legality or illegality of activities relating to such  
13 hygiene and nature cure; nor to limit the scope of naturopathic medicine  
14 to such traditional naturopathy.

15 4. The legislature recognizes that the naturopathic doctor has a  
16 primary mission of facilitating optimum health and wellness for patients  
17 of any age; relies on the scientific method in implementing vitalistic,  
18 functional, and evidence-based strategies for assessing and treating  
19 patients; and works with patients of good or ill health having acute and  
20 chronic conditions, including serious medical conditions.

21 5. The legislature intends that the authorized activities within the  
22 scope of practice of a naturopathic doctor are those activities within  
23 the meanings of naturopathic assessment, common office procedures, phys-  
24 ical naturopathy, approved substances, approved routes of adminis-  
25 tration, and noninvasive naturopathic therapies, as per sections sixty-  
26 eight hundred fifty and sixty-eight hundred fifty-one of article 138 of  
27 the education law as proposed in this act. For naturopathic doctors  
28 having the injection therapy privilege the authorized activities further  
29 include injection therapy, as per section sixty-eight hundred fifty-four  
30 of article 138 of the education law, as proposed in this act. The scope  
31 of such practice activities however are limited by section sixty-eight  
32 hundred fifty-five of article 138 of the education law, as proposed in  
33 this act, which provides boundaries of professional competence. The  
34 legislature provides a list of broad clinical objectives included within  
35 the meaning of "facilitating optimum health and wellness," as defined in  
36 section sixty-eight hundred fifty-one of article 138 of the education  
37 law as proposed in this act, which list, while relevant to professional  
38 conduct, is not intended to expand upon the authorized activities. The  
39 legislature intends that invasive procedures other than diagnostic imag-  
40 ing be impermissible, and that the definitions of the terms "invasive  
41 procedures" and "noninvasive" be construed independent of each other.

42 6. The legislature intends that the education qualification for natu-  
43 ropathic medicine emphasizes the basic sciences and clinical sciences,  
44 such as has been established by the Council on Naturopathic Medical  
45 Education (CNME) and the Association of Accredited Naturopathic Medical  
46 Colleges (AANMC), and so distinguish over traditional naturopathy.

47 7. The legislature intends that the education qualification for natu-  
48 ropathic medicine insofar as including a substantial equivalent of a  
49 program of naturopathic medicine registered with the department require  
50 that such substantial equivalent, among other factors determined by the  
51 department, also require that the substantial equivalent emphasize the  
52 naturopathic principles and the therapeutic order in clinical training,  
53 such as in programs accredited by the Council on Naturopathic Medical  
54 Education (CNME) or in the naturopathic medical programs offered by the  
55 Association of Accredited Naturopathic Medical Colleges (AANMC), and so  
56 distinguish over a doctoral degree in medicine or osteopathy.

8. The legislature intends that the professional conduct of the naturopathic doctor be informed by the naturopathic principles and the therapeutic order, and so distinguish over professional conduct for the practice of the profession of medicine.

9. The legislature recognizes that in the practice of naturopathic medicine the healing power of nature principle is viewed as being an inherent property in a living organism to heal itself, and is an acknowledgment that synergy results from the coordination of the many chemical and physical reactions of the living system through varied and circuitous feedback pathways making the whole function as more than the sum of its parts. The number of reactions and the resulting complexity and synergy is viewed in the profession of naturopathic medicine as being why treatment of a given physiological process may result in unforeseen nonlocal consequences, including iatrogenic disease; and is why naturopathic doctors investigate and treat the patient as a whole living system, find and remove the cause, and prefer less invasive therapies and substances with fewer side effects. It also is why the naturopathic doctor prefers to intervene early to prevent occurrence of disease.

10. The legislature intends that licensed naturopathic doctors, while being permitted to practice in solo and among other naturopathic doctors, also be permitted to practice naturopathic medicine in many of the current patient care venue types in the healthcare system; that there be referral among naturopathic doctors, physicians, and other health care providers as based on the interests of the patient; and that integrative care settings and the advancement of public health and safety be realized through collaboration among naturopathic doctors, physicians, and other health care providers.

11. Naturopathic doctors add to the health care system by bringing their naturopathic approach to patient care; and by bringing their expertise on the determinants of health, diet and nutrient therapy, phytotherapy, therapeutic use of physical agents, and drug/herb drug/nutrient interactions. Therefore, to improve the public health, safety and welfare of its citizens, the legislature finds it is desirable to regulate the profession of naturopathic medicine, and intends that admission to practice and regulation of such practice, including professional conduct, shall be supervised by the board of regents and administered by the state education department, assisted by a state board of naturopathic medicine.

§ 2. The education law is amended by adding a new article 138 to read as follows:

#### ARTICLE 138

#### NATUROPATHIC MEDICINE

#### Section 6850. Introduction.

##### 6851. Definitions.

##### 6852. Definition of the practice of naturopathic medicine.

##### 6853. Title and designation.

##### 6854. Injection therapy and injection therapy privilege.

##### 6855. Boundaries of professional competence.

##### 6856. State board for naturopathic medicine.

##### 6857. Qualifications for licensure.

##### 6858. Special conditions.

##### 6859. Exempt persons and exemptions.

##### 6860. Limited residency permits.

##### 6861. Limited permits.

##### 6862. Mandatory continuing education.

1     § 6850. Introduction. This article applies to the licensure and regu-  
2     lation of naturopathic doctors to practice naturopathic medicine in this  
3     state. The general provisions for all professions contained in article  
4     one hundred thirty, as added by chapter nine hundred eighty-seven of the  
5     laws of nineteen hundred seventy-one, of this title apply to this arti-  
6     cle.

7     § 6851. Definitions. For the purposes of this article:

8     1. "Approved CLIA waived tests" mean laboratory tests categorized  
9     under the federal clinical laboratory improvement act (CLIA) of 1988 as  
10    being waived tests, and which are identified by the department upon the  
11    recommendation of the board, and updated as needed or upon triennial  
12    review, as being appropriate in the practice of naturopathic medicine.

13    2. "Approved routes of administration" means oral, sublingual, nasal,  
14    auricular, ocular, rectal, vaginal, and transdermal. For naturopathic  
15    doctors having injection therapy privilege under section sixty-eight  
16    hundred fifty-four of this article, "approved routes of administration"  
17    further include injection routes, namely, intravenous, intramuscular,  
18    subcutaneous, and intradermal.

19    3. "Approved substances" means over-the-counter substances; food  
20    concentrates, food extracts, and other dietary ingredients; vitamins,  
21    minerals, and other dietary supplements; botanical and homeopathic prep-  
22    arations; and a limited formulary of legend drugs. The limited formulary  
23    of legend drugs includes thyroid hormones, estrogen hormones, progester-  
24    one hormone, DHEA, and homeopathic preparations of homeopathic drugs  
25    listed in the official homeopathic pharmacopoeia of the United States.  
26    For naturopathic doctors having injection therapy privilege under  
27    section sixty-eight hundred fifty-four of this article, the limited  
28    formulary further includes immunizations and injectable forms of the  
29    approved substances. Legend drugs in the limited formulary may be admin-  
30    istered and prescribed, and the other approved substances and homeopath-  
31    ic preparations may be administered, prescribed, and dispensed.

32    4. "Board" means the state board for naturopathic medicine.

33    5. "Common office procedures" means administering approved CLIA waived  
34    tests; administering ultrasonographic and thermographic imaging;  
35    prescribing, installing, removing, and adjusting barrier contraceptive  
36    devices; procedures for treating superficial lacerations and abrasions  
37    and for the removal of foreign bodies located in superficial structures  
38    not to include the eye, excluding by incision and suturing; administer-  
39    ing cryotherapy, ligation, and fulguration; administering approved  
40    substances via approved routes of administration; procedures for obtain-  
41    ing samples of bodily fluids, bodily excretions, bodily secretions, and  
42    bodily tissues; and other procedures for assessment or therapy that are  
43    noninvasive. Common office procedures for obtaining samples are limited  
44    to: venipuncture and phlebotomy, PAP smear, scraping, and for hair  
45    cutting.

46    6. "Controlled substance" means controlled substances as defined in  
47    the federal controlled substances act.

48    7. "Diagnostic imaging" means radiography, tomography, magnetic reso-  
49    nance imaging, ultrasonography, and thermography, and excludes nuclear  
50    medicine, fluoroscopy, and radiological procedures for treating a  
51    medical condition.

52    8. "Dietary ingredient" means a dietary ingredient as defined in the  
53    Federal Dietary Supplement Health and Education Act of 1994 (DSHEA).

54    9. "Dietary supplement" means a dietary supplement as defined in the  
55    Federal Dietary Supplement Health and Education Act of 1994 (DSHEA).

10. "Drug" means a drug as defined in the Federal Food, Drug, and Cosmetic Act, 21 USC 321.

11. "Facilitating optimum health and wellness" means facilitating the establishment and maintenance of a healthy patient lifestyle and nutritional foundation; educating the patient about their circumstances of health and illness and steps for establishing and maintaining optimum health and wellness; facilitating and augmenting self-healing processes; supporting and modulating physiological processes; supporting and correcting integrity of anatomical structures; identifying and removing underlying causes of illness; and identifying, preventing, mitigating, monitoring, and treating illness.

12. "Food" means food as defined in the Federal Food, Drug, and Cosmetic Act, 21 USC 321.

13. "Illness" means pain, injury, deformity, syndrome, disease, or other unhealthy condition.

14. "Invasive procedure" means any medical procedure in which bone, viscera, the eyeball, the inner ear, the dorsal body cavity, or the ventral body cavity is penetrated by a physical device or by ionizing radiation above background levels.

15. "Injection therapy" means the injection of approved substances.

16. "Injection therapy privilege" means the scope of practice privilege to practice injection therapy, in accordance with regulations promulgated by the commissioner.

17. "Legend drug" means a drug for which a prescription is required under the Federal Food, Drug and Cosmetic Act.

18. "Naturopathic assessment" means the identification and evaluation of a patient's circumstances of health and illness by investigating the patient's health, history, life style, and determinants of health; by comprehensive physical examination; by common office procedures for assessment; by ordering and prescribing laboratory tests and procedures, including submitting specimens for testing to laboratories that hold permits or licenses pursuant to under title V of article five of the public health law; by ordering and prescribing diagnostic imaging; and by other assessment techniques that are noninvasive. Specimens for testing may be obtained by common office procedures as described in subdivision five of this section or by patient submission (e.g., for stool, urine, hair, saliva).

19. "Naturopathic principles" means the following principles, which are weighed by the naturopathic doctor to influence the selection of naturopathic assessment activities, common office procedures, and treatments administered, ordered or referred:

a. "the healing power of nature," which means the inherent ability of a living organism for self-healing;

b. "identify and treat the causes," which means identify and remove the underlying causes of illness so that self-healing processes may function effectively;

c. "first do no harm," which means apply the least force or intervention to identify illness and restore health, such as referenced in the therapeutic order; and whenever possible, avoid symptom suppression that interferes with the dynamics of self-healing;

d. "doctor as teacher," which means educate patients as to steps for achieving and maintaining health, and encourage self-responsibility for health;

e. "treat the whole person," which means assess and treat the patient as an integrated whole having many physical, mental, emotional, spiritual, and social aspects; and

1 f. "prevention," which means assess life style, determinants of  
2 health, and genetic and environmental susceptibility to illness; recom-  
3 mend appropriate interventions to reduce risks of disease occurrence;  
4 and facilitate the establishment and maintenance of positive emotion,  
5 thought and action.

6 20. "Noninvasive" means no break is created in the skin or mucosa, no  
7 infiltration of the skin or mucosa is made by ionizing radiation above  
8 background levels, no endoscopy is performed between the esophagus and  
9 colon, inclusive, and no radiography, tomography, or magnetic resonance  
10 imaging is administered.

11 21. "Noninvasive naturopathic therapies" means diet and lifestyle  
12 counseling, patient education as to circumstances of health and illness,  
13 wellness counseling, biofeedback, hypnotherapy, and touch and/or tapping  
14 therapies with and without a verbal communication component. Noninvasive  
15 naturopathic therapies exclude the practice of marital and family thera-  
16 py, psychoanalysis, and creative arts therapy on a continued sustained  
17 basis, and is further limited in application by a boundary of profes-  
18 sional competence restricting psychotherapeutic intervention with  
19 patients having symptomatic, intellectually, socially or emotionally  
20 maladaptive behavior sufficient to be a mental, emotional, cognitive,  
21 addictive or behavioral disorder as per DSM criteria or per diagnosis by  
22 a qualified healthcare provider, as provided in section sixty-eight  
23 hundred fifty-five of this article.

24 22. "Optimum health" means a person's desired, maintainable, best  
25 degree of health, given the person's circumstances of health and  
26 illness, the therapeutic goals, and the person's degree of self-respon-  
27 sibility for healing.

28 23. "Over the counter substances" means substances that have been  
29 approved or cleared by the food and drug administration of the United  
30 States department of health and human services for sale or distribution  
31 to the public on a direct or over-the-counter basis without a  
32 prescription from a qualified health care practitioner.

33 24. "Physical naturopathy" means manual therapy, therapeutic exercise,  
34 hydrotherapy, colonic therapy, sauna, microwave diathermy, shortwave  
35 diathermy, ultrasonic diathermy, muscle stimulation, biofeedback, infra-  
36 red light therapy, ultraviolet light therapy, visible light therapy,  
37 iontophoresis, and the therapeutic use of physical medicine therapeutic  
38 devices that are exempt or are class i or class ii devices identified  
39 under the Code of Federal Regulations, Title 21, Chapter I, Subchapter  
40 H, Part 890, Subpart f.

41 25. "Radiological procedures" means radiological procedures as defined  
42 in article eighty-seven hundred one of this title.

43 26. "Superficial" means the dermal and subcutaneous layers of the body  
44 exterior, the mucosal layer of the body orifices, and the underlying  
45 fascia and adipose.

46 27. "Surgery" means a medical procedure for structurally altering the  
47 human body by cutting into live human tissue for the purpose of local-  
48 ized alteration, transportation, or destruction of live human tissue  
49 using ionizing radiation or an instrument, such as a laser, scalpel, or  
50 probe; and does not include punctures, injections, dry needling,  
51 acupuncture, or removal of dead tissue.

52 28. "Therapeutic order" means the hierarchy of therapeutic inter-  
53 vention, as follows, ordered according to degree of intervention, and  
54 used by determining the lowest degree of intervention for which the  
55 specific patient's circumstances of health and illness can be effec-  
56 tively addressed to restore and facilitate optimum health, wherein ther-



1 apeutic intervention outside the boundaries of professional competence  
2 is intended to be referred:

3 a. establish the conditions for health (e.g., identify and remove  
4 disturbing factors; institute a more healthful regimen);

5 b. stimulate the self-healing processes;

6 c. address weakened or damaged systems or organs (e.g., strengthen the  
7 immune system; decrease toxicity; normalize inflammatory function; opti-  
8 mize metabolic function; balance regulatory systems; enhance regener-  
9 ation; cultivate sensory and mindful awareness of the integration of  
10 psyche and soma);

11 d. correct structural integrity;

12 e. address pathology using specific natural substances, modalities, or  
13 interventions;

14 f. address pathology using specific pharmacologic or synthetic  
15 substances; and

16 g. suppress or surgically remove pathology.

17 29. "Vertebral adjustment" means a high velocity, low amplitude thrust  
18 applied to a vertebra at the end of its range of motion utilizing parts  
19 of the vertebra and contiguous structures as levers to directionally  
20 correct articulate malposition, and excludes motion that moves the  
21 vertebra to the end of its range of motion.

22 30. "Wellness" means a state of being able to prevent illness and  
23 prolong life.

24 31. "Wellness counseling" means patient doctor dialogue for facilitat-  
25 ing positive emotion, thought, and action provided within a multimodal  
26 holistic framework of therapy informed by the naturopathic principles  
27 and the therapeutic order.

28 § 6852. Definition of the practice of naturopathic medicine. The  
29 practice of naturopathic medicine is defined as facilitating optimum  
30 health and wellness for patients of any age using naturopathic assess-  
31 ment, common office procedures, physical naturopathy, approved  
32 substances, and noninvasive naturopathic therapies in a holistic frame-  
33 work informed by naturopathic principles and a therapeutic order.

34 § 6853. Title and designation. Only a person licensed under this arti-  
35 cle may use the title "naturopathic doctor", "licensed naturopath" or  
36 "professional naturopath" and hold herself or himself out as practicing  
37 naturopathic medicine; provided, however, that none of such titles nor  
38 any combination of such titles shall be used to convey the idea that the  
39 individual who uses such title practices anything other than naturopathy  
40 and naturopathic medicine. A licensed naturopathic doctor may not use  
41 the title "physician" unless otherwise authorized under title VIII of  
42 the education law.

43 § 6854. Injection therapy and injection therapy privilege. 1. For  
44 issuance of injection therapy privilege, the applicant shall fulfill the  
45 following requirements:

46 a. file an application with the department;

47 b. be licensed as a naturopathic doctor in the state, including a  
48 limited permit holder, or be an applicant for licensure under this arti-  
49 cle meeting the qualifications for licensure or for a limited permit;

50 c. have successfully completed a certification course in injection  
51 therapy from a course provider approved by the department or as part of  
52 a program of naturopathic medicine registered with the department or the  
53 substantial equivalent thereof;

54 d. pay a fee to the department of two hundred dollars for the issuance  
55 and initial registration of the injection therapy privilege.

2. An injection therapy privilege issued under this section shall be valid for the life of the holder, unless revoked, annulled, or suspended by the board of regents. During each triennial registration period, a naturopathic doctor having injection therapy privilege shall complete eight hours of acceptable formal continuing education as part of their mandatory continuing education requirement, in conformance with the provisions of section sixty-eight hundred sixty-two of this article, on the subject of injection therapy, including formal continuing education that contributes to the enhancement of clinical injection therapy skills, pursuant to the regulation of the commissioner. Failure to complete the required continuing education under this subsection shall result in suspension of the injection therapy privilege until such time as the required continuing education is complete. A suspension of the injection therapy privilege for lack of completion of the required continuing education that exceeds twelve months in duration shall result in a revocation of the injection therapy privilege, and require re-application, recertification or other education satisfactory to the commissioner, and the fee as per section sixty-eight hundred fifty-seven of this article for re-issuance of the injection therapy privilege. This continuing education requirement is effective as of the same effective date as section sixty-eight hundred fifty-seven of this article.

3. A student in a doctoral program of naturopathic medicine registered with the department or the substantial equivalent thereof may perform injection therapy in an internship or preceptorship setting when required as part of such program for the purpose of fulfilling such program requirement only under the immediate direct personal supervision of a physician licensed under this title or a naturopathic doctor licensed under this article having injection therapy privilege. "Immediate direct personal supervision" for the purposes of this section means supervision of a procedure for injection therapy based on instructions given directly by the supervising physician or supervising naturopathic doctor who remains physically present in the immediate area when the injection therapy procedure is performed.

§ 6855. Boundaries of professional competence. The activities encompassed within the definition of the practice of naturopathic medicine under sections sixty-eight hundred fifty-two and sixty-eight hundred fifty-four of this article are limited by the prohibitions, boundaries, and restrictions of this section.

1. The practice of the profession of naturopathic medicine does not include: administering or prescribing controlled substances; administering invasive procedures; administering electroconvulsive therapy; administering needle-type electromyography; performing surgery other than cryotherapy, ligation and fulguration; administering radiological procedures using ionizing radiation above background levels; administering general or spinal anesthetic drugs; administering obstetric services other than complementary naturopathic prenatal and postnatal wellness care; administering acupuncture; and setting fractures.

2. a. (i) It shall be deemed practicing outside the boundaries of professional competence for a naturopathic doctor to provide emergency care services for treating injuries or trauma from a serious accident or a violent crime, except as permitted by article 30 of the public health law of New York.

(ii) It shall be deemed professional misconduct for a naturopathic doctor to hold herself or himself out as providing emergency care services on a continued sustained basis; or to treat an acute emergent



1 condition of significant threat to life or limb without also summoning  
2 emergency medical response.

3 b. (i) It shall be deemed practicing outside the boundaries of profes-  
4 sional competence for a naturopathic doctor to administer physical natu-  
5 ropathy on a patient on a continued sustained basis under either of the  
6 following circumstances: to assist the patient to compensate for devel-  
7 opmental deficits affecting physical movement and mobility that cannot  
8 be reversed; and to restore, for purposes of patient reintegration back  
9 into the home, community, or work, some or all of the patient's pathome-  
10 chanical deficits affecting physical movement and mobility that were  
11 lost due to injury or disease causing ongoing separation from home,  
12 community or work.

13 (ii) A naturopathic doctor may correct vertebral alignment using  
14 vertebral adjustment in combination with naturopathic muscle release  
15 techniques and soft tissue manipulation within a multimodal holistic  
16 treatment plan, but otherwise may not practice vertebral adjustment.

17 c. For patients having symptomatic, intellectually, socially or  
18 emotionally maladaptive behavior sufficient to be a mental, emotional,  
19 cognitive, addictive or behavioral disorder as per DSM (diagnostic and  
20 statistical manual of mental disorders) criteria or an equivalent there-  
21 of, or per diagnosis by a qualified healthcare provider, it shall be  
22 deemed practicing outside the boundaries of professional competence for  
23 a naturopathic doctor to facilitate changes in the patient's personality  
24 and behavior for the purpose of eliminating such symptomatic maladaptive  
25 behavior corresponding to such disorder through the use of verbal,  
26 cognitive, and emotional interpersonal communication methods of  
27 psychotherapeutic intervention on a continued sustained basis. Such  
28 restriction on psychotherapeutic intervention does not restrict a natu-  
29 ropathic doctor from providing dietary and lifestyle advice and  
30 instructions to the patient, nor from educating the patient about their  
31 circumstances of health and illness. Such restriction on psychotherapeu-  
32 tic intervention excludes hypnotherapy applied as part of a multimode  
33 holistic treatment plan (e.g., nutrient therapy and hypnotherapy) to  
34 treat tobacco addiction or obesity. Although a naturopathic doctor  
35 cannot provide a psychological diagnosis, a naturopathic doctor may  
36 apply and document such DSM or equivalent criteria, or the absence ther-  
37 eof to discern this boundary of professional competence, which discern-  
38 ment shall defer to a diagnosis by a qualified healthcare provider.

39 d. Although the identification of an illness is part of a naturopathic  
40 assessment, a naturopathic doctor may not equate such assessment to a  
41 medical or psychological diagnosis, nor hold himself or herself out as  
42 making a medical or psychological diagnosis. A naturopathic doctor,  
43 however, may use common diagnostic codes (e.g., ICD-10 codes; DSM-V  
44 codes) and may refer to an identified illness in discussions with the  
45 patient, in patient health records, and in communications compliant with  
46 the federal Health Insurance Portability and Accountability Act of 1996  
47 (HIPAA).

48 3. While the scope of activities included within the practice of natu-  
49 ropathic medicine overlaps in part with other professions licensed under  
50 this title, the naturopathic doctor shall not hold herself or himself  
51 out as practicing any such other profession or use a title of any such  
52 other profession, unless otherwise authorized under this title.

53 § 6856. State board for naturopathic medicine. 1. A state board for  
54 naturopathic medicine shall be appointed by the board of regents on the  
55 recommendation of the commissioner for the purpose of assisting the  
56 board of regents and the department on matters of professional licensing

1 and professional conduct in accordance with section sixty-five hundred  
2 eight of this title. The board shall be composed of two public represen-  
3 tatives who do not hold interests in the organization, financing or  
4 delivery of naturopathic services, one licensed physician who is a  
5 doctor of medicine or a doctor of osteopathy, and not less than six  
6 naturopathic doctors. A naturopathic doctor member of the board shall  
7 have been licensed under this article for at least two years prior to  
8 being appointed, which two year license requirement is waived for the  
9 initial board and replaced with a requirement that the naturopathic  
10 doctor obtain a license under this article within one year of appoint-  
11 ment or one year of the effective date of this article, whichever comes  
12 later. The terms of the first appointed members shall be staggered so  
13 that three are appointed for three years, three are appointed for four  
14 years, and four are appointed for five years. An executive secretary of  
15 the board shall be appointed by the board of regents on the recommenda-  
16 tion of the commissioner.

17 2. Examinations selected or prepared by the board pursuant to subdivi-  
18 sion two of section sixty-five hundred eight of this title shall conform  
19 whenever possible to nationally recognized test development standards  
20 and test competencies for naturopathic medicine.

21 § 6857. Qualifications for licensure. To qualify for a license to  
22 practice the profession of naturopathic medicine, an applicant shall  
23 fulfill the following requirements:

- 24 1. file an application with the department;
- 25 2. have received an education, including a doctoral degree in naturo-  
26 pathic medicine, granted on the basis of completion of a program of  
27 naturopathic medicine registered with the department or the substantial  
28 equivalent thereof, in accordance with the commissioner's regulations;
- 29 3. for applicants applying more than two years after the effective  
30 date of this article, have satisfactorily completed a post-graduate  
31 residency program of naturopathic medicine of at least twelve months  
32 duration approved by the department, or the substantial equivalent ther-  
33 eof, and in accordance with the commissioner's regulations;
- 34 4. pass an examination satisfactory to the board and in accordance  
35 with the commissioner's regulations;
- 36 5. be at least twenty-one years of age;
- 37 6. be of good moral character as determined by the department; and
- 38 7. pay a fee of three hundred fifty dollars to the department for an  
39 initial license and a fee of five hundred dollars for each triennial  
40 registration period.

41 § 6858. Special conditions. 1. An applicant having received, prior to  
42 nineteen hundred eighty-eight, an education, including a doctoral degree  
43 in naturopathic medicine, granted on the basis of completion of a  
44 program of naturopathic medicine registered with the department or the  
45 substantial equivalent thereof, may substitute for the experience and  
46 examination qualifications of section sixty-eight hundred fifty-seven of  
47 this article, either of: (i) satisfactory evidence of practice of natu-  
48 ropathic medicine of not less than three years during the five years  
49 preceding the filing of the application; or (ii) practice under a limit-  
50 ed permit for at least two of the three years prior to application under  
51 this article.

52 2. An applicant having received, prior to two years after the effec-  
53 tive date of this article, an education, including a doctoral degree in  
54 naturopathic medicine, granted on the basis of completion of a program  
55 of naturopathic medicine registered with the department or the substan-  
56 tial equivalent thereof, may substitute for the experience qualification

1 of section sixty-eight hundred fifty-seven of this article, either of:  
2 (i) satisfactory evidence of practice of naturopathic medicine of not  
3 less than three years during the five years preceding the filing of the  
4 application; or (ii) practice under a limited permit for at least two of  
5 the three years prior to application under this article.

6 3. The "practice of naturopathic medicine" as used in this section  
7 includes the practice of naturopathy or naturopathic medicine in a state  
8 or territory of the United States, including New York state, or a Cana-  
9 dian province, while maintaining a professional license in naturopathy  
10 or naturopathic medicine issued by the same or another state or territo-  
11 ry or a Canadian province; and includes practice performed before and  
12 after the effective date of this article.

13 4. Practice demonstrated by satisfactory evidence of practice or by a  
14 limited permit, as provided in subdivisions one and two of this section,  
15 must be complete within eighteen years after the effective date of this  
16 article. Applicants having completed the practice requirements of a  
17 special condition under this section must submit an application for  
18 license by nineteen years after the effective date of this article and  
19 must cure defects, if any, in the application as identified by the  
20 department within a time period indicated by the department.

21 § 6859. Exempt persons and exemptions. Nothing contained in this arti-  
22 cle shall be construed to affect or prevent the following:

23 1. a. A licensed physician from practicing his or her profession as  
24 defined in articles one hundred thirty-one, as added by chapter nine  
25 hundred eighty-seven of the laws of nineteen seventy-one, and one  
26 hundred thirty-one-b of this title; a registered professional nurse or a  
27 certified nurse practitioner practicing his or her profession as defined  
28 under article one hundred thirty-nine of this title; or

29 b. Qualified members of other professions licensed under this title  
30 from performing the practice of their professions; except that such  
31 persons may not hold themselves out under the title naturopath or natu-  
32 ropathic doctor, or as performing naturopathy or naturopathic medicine.

33 2. A student from engaging in clinical practice under supervision of a  
34 licensed naturopathic doctor as part of a program of naturopathic medi-  
35 cine registered by the department or the substantial equivalent thereof.

36 3. The practice of naturopathic medicine by a salaried employee of the  
37 government of the United States while the individual is engaged in the  
38 performance of duties prescribed by the laws and regulations of the  
39 United States.

40 4. The domestic care of the sick, disabled or injured by any family  
41 member, household member or friend, or person employed primarily in a  
42 domestic capacity who does not hold himself or herself out, or accept  
43 employment as a person licensed to practice naturopathic medicine under  
44 the provisions of this article.

45 5. The care of the sick when done in connection with the practice of  
46 the religious tenets of any church.

47 6. The marketing, sale or use of substances or devices governed by the  
48 Federal Food, Drug, and Cosmetic Act that do not require a prescription  
49 from a qualified healthcare provider.

50 7. The conduct, activities, or services of individuals, churches,  
51 schools, teachers, organizations, or not-for-profit businesses in  
52 providing instruction, advice, support, encouragement, or information to  
53 individuals, families, and relational groups.

54 § 6860. Limited residency permits. 1. For issuance of a limited resi-  
55 dency permit, the applicant shall fulfill the following requirements:

56 a. file an application with the department;

1 b. have received an education, including a doctoral degree in naturo-  
2 pathic medicine, granted on the basis of completion of a program of  
3 naturopathic medicine registered with the department or the substantial  
4 equivalent thereof;

5 c. have been accepted into a post-graduate residency program of natu-  
6 ropathic medicine approved by the department;

7 d. be of good moral character as determined by the department;

8 e. be at least twenty-one years of age; and

9 f. pay a fee to the department of one hundred dollars, or for a  
10 renewal a fee of fifty dollars.

11 2. Such permit shall allow the permit holder to perform such activ-  
12 ities that are required for successful completion of the residency  
13 program under the administrative supervision of a licensed naturopathic  
14 doctor serving as the residency director. Practice activities under a  
15 limited residency permit shall be limited to facilities encompassed by  
16 the post-graduate residency program of the permit holder, such as a  
17 hospital, an incorporated hospital or clinic, a licensed proprietary  
18 hospital, a licensed nursing home, a public health agency, a recognized  
19 public or non-public school setting, the office of a licensed naturo-  
20 pathic doctor, or in the civil service of the state or political subdi-  
21 vision thereof. Practice supervision of a permit holder's practice  
22 activities shall be on-site supervision by a licensed naturopathic  
23 doctor, except for injection therapy procedures, which shall be direct  
24 personal supervision by a licensed physician or a licensed naturopathic  
25 doctor having injection therapy privilege. "Direct personal supervision"  
26 for the purposes of this section means supervision of a procedure for  
27 injection therapy based on instructions given directly by the supervis-  
28 ing physician or supervising naturopathic doctor who remains on site  
29 when and where the procedure is being performed, but shall not be  
30 construed as necessarily requiring the physical presence of the super-  
31 vising physician or supervising naturopathic doctor in the immediate  
32 area at the time when the injection therapy procedure is performed.

33 3. Such permit shall be issued for one year and may be renewed at the  
34 discretion of the department for one or two additional years when neces-  
35 sary to permit the completion of an approved post-graduate residency in  
36 naturopathic medicine.

37 § 6861. Limited permits. 1. For issuance of a limited permit, the  
38 applicant shall fulfill the following requirements:

39 a. file an application with the department;

40 b. have received an education, including a doctoral degree in naturo-  
41 pathic medicine, granted on the basis of completion of a program of  
42 naturopathic medicine registered with the department or the substantial  
43 equivalent thereof;

44 c. indicate exercising option to attain qualifications for licensure  
45 using a limited permit special condition under section sixty-eight  
46 hundred fifty-eight of this article;

47 d. be of good moral character as determined by the department;

48 e. be at least twenty-one years of age; and

49 f. pay a fee of two hundred dollars to the department.

50 2. Such limited permit shall authorize the practice of naturopathic  
51 medicine only under the supervision of a licensed naturopathic doctor.  
52 Supervision of the limited permit holder's practice activities shall be  
53 on-site supervision by a licensed naturopathic doctor.

54 3. A limited permit shall be issued for a period of two years, and may  
55 be renewed under circumstances and for a time period and fee in accord-  
56 ance with the commissioner's regulations.

1     4. The last day for applying for a limited permit under this section  
2 is fifteen years after the effective date of this section.

3     § 6862. Mandatory continuing education. 1. a. Each naturopathic doctor  
4 licensed pursuant to this article, required to register triennially with  
5 the department to practice in this state shall comply with the  
6 provisions of the mandatory continuing education requirements prescribed  
7 in subdivision two of this section, except as provided in paragraphs b  
8 and c of this subdivision. Naturopathic doctors who do not satisfy the  
9 mandatory continuing education requirements shall not practice until  
10 they have met such requirements, and they have been issued a registra-  
11 tion certificate, except that a naturopathic doctor may practice without  
12 having met such requirements if he or she is issued a conditional regis-  
13 tration pursuant to subdivision three of this section.

14     b. Naturopathic doctors shall be exempt from the mandatory continuing  
15 education requirement for the triennial registration period during which  
16 they are first licensed. In accord with the intent of this section,  
17 adjustments to the mandatory continuing education requirements may be  
18 granted by the department for reasons of health certified by an appro-  
19 priate health care professional, for extended active duty with the armed  
20 forces of the United States, or for other good cause acceptable to the  
21 department, which may prevent compliance.

22     c. A licensed naturopathic doctor not engaged in professional prac-  
23 tice, as determined by the department, shall be exempt from the mandato-  
24 ry continuing education requirement upon the filing of a statement with  
25 the department declaring such status. Any licensee who returns to the  
26 practice of naturopathic medicine during the triennial registration  
27 period shall notify the department prior to reentering the profession  
28 and shall meet such mandatory education requirements as shall be  
29 prescribed by regulations of the commissioner.

30     2. During each triennial registration period an applicant for regis-  
31 tration shall complete sixty hours of acceptable formal continuing  
32 education. Any licensed naturopathic doctor whose first registration  
33 date following the effective date of this section occurs less than three  
34 years from such effective date, shall complete continuing education  
35 hours on a prorated basis at the rate of one and one-half hours per  
36 month for the number of months between the effective date and the first  
37 registration date. Thereafter, a licensee who has not satisfied the  
38 mandatory continuing education requirements shall not be issued a trien-  
39 nal registration certificate by the department and shall not practice  
40 unless and until a conditional registration certificate is issued as  
41 provided in subdivision three of this section. The individual licensee  
42 shall determine the selection of courses or programs of study pursuant  
43 to subdivision four of this section. Continuing education hours taken  
44 during one triennium may not be carried over or otherwise credited or  
45 transferred to a subsequent triennium.

46     3. The department, in its discretion, may issue a conditional regis-  
47 tration to a licensee who fails to meet the continuing education  
48 requirements established in subdivision two of this section but who  
49 agrees to make up any deficiencies and take any additional education  
50 which the department may require. The fee for such a conditional regis-  
51 tration shall be the same as, and in addition to, the fee for the trien-  
52 nal registration. The duration of such conditional registration shall  
53 be determined by the department but shall not exceed one year. Any  
54 licensee who is notified of the denial of registration for failure to  
55 complete the required continued education and who continues to practice  
56 naturopathic medicine without such registration, shall be subject to



1 disciplinary proceedings pursuant to section sixty-five hundred ten of  
2 this title.

3 4. As used in this section, "acceptable formal continuing education"  
4 shall mean formal programs of learning which contain subject matter  
5 which meet the following requirements: contributes to the enhancement of  
6 professional and clinical skills of the naturopathic doctor; meets the  
7 standards prescribed by regulations of the commissioner in consultation  
8 with the board to fulfill the mandatory continuing education require-  
9 ment; and is sponsored or presented by a state or a Canadian province  
10 naturopathic medicine professional organization acceptable to the  
11 department, a United States or Canadian national naturopathic medicine  
12 professional organization acceptable to the department, an institution  
13 of higher learning having an accreditation acceptable to the department,  
14 or another sponsor approved by the department, pursuant to the regu-  
15 lation of the commissioner. Continuing education courses must be taken  
16 from a provider who has been approved by the department, based upon an  
17 application and fee, pursuant to the regulations of the commissioner.  
18 The department may, in its discretion and as needed to contribute to the  
19 health and welfare of the public, require the completion of continuing  
20 education activities in specific subjects to fulfill this mandatory  
21 continuing education requirement.

22 5. Licensed naturopathic doctors shall maintain adequate documentation  
23 of completion of acceptable formal continuing education and shall  
24 provide such documentation to the department upon request. Failure to  
25 provide such documentation upon request of the department shall be an  
26 act of misconduct subject to disciplinary proceedings pursuant to  
27 section sixty-five hundred ten of this title.

28 6. The mandatory continuing education fee shall be fifty dollars,  
29 shall be payable on or before the first day of each triennial registra-  
30 tion period, and shall be in addition to the triennial registration fee  
31 required by section sixty-eight hundred fifty-seven of this article.

32 § 3. Subdivision (a) of section 1203 of the limited liability company  
33 law, as amended by chapter 475 of the laws of 2014, is amended to read  
34 as follows:

35 (a) Notwithstanding the education law or any other provision of law,  
36 one or more professionals each of whom is authorized by law to render a  
37 professional service within the state, or one or more professionals, at  
38 least one of whom is authorized by law to render a professional service  
39 within the state, may form, or cause to be formed, a professional  
40 service limited liability company for pecuniary profit under this arti-  
41 cle for the purpose of rendering the professional service or services as  
42 such professionals are authorized to practice. With respect to a  
43 professional service limited liability company formed to provide medical  
44 services as such services are defined in article 131 of the education  
45 law, each member of such limited liability company must be licensed  
46 pursuant to article 131 of the education law to practice medicine in  
47 this state. With respect to a professional service limited liability  
48 company formed to provide naturopathic services as such services are  
49 defined in article 138 of the education law, each member of such limited  
50 liability company must be licensed pursuant to article 138 of the educa-  
51 tion law to practice naturopathy in this state. With respect to a  
52 professional service limited liability company formed to provide dental  
53 services as such services are defined in article 133 of the education  
54 law, each member of such limited liability company must be licensed  
55 pursuant to article 133 of the education law to practice dentistry in  
56 this state. With respect to a professional service limited liability



1 company formed to provide veterinary services as such services are  
2 defined in article 135 of the education law, each member of such limited  
3 liability company must be licensed pursuant to article 135 of the educa-  
4 tion law to practice veterinary medicine in this state. With respect to  
5 a professional service limited liability company formed to provide  
6 professional engineering, land surveying, architectural, landscape  
7 architectural and/or geological services as such services are defined in  
8 article 145, article 147 and article 148 of the education law, each  
9 member of such limited liability company must be licensed pursuant to  
10 article 145, article 147 and/or article 148 of the education law to  
11 practice one or more of such professions in this state. With respect to  
12 a professional service limited liability company formed to provide  
13 licensed clinical social work services as such services are defined in  
14 article 154 of the education law, each member of such limited liability  
15 company shall be licensed pursuant to article 154 of the education law  
16 to practice licensed clinical social work in this state. With respect to  
17 a professional service limited liability company formed to provide crea-  
18 tive arts therapy services as such services are defined in article 163  
19 of the education law, each member of such limited liability company must  
20 be licensed pursuant to article 163 of the education law to practice  
21 creative arts therapy in this state. With respect to a professional  
22 service limited liability company formed to provide marriage and family  
23 therapy services as such services are defined in article 163 of the  
24 education law, each member of such limited liability company must be  
25 licensed pursuant to article 163 of the education law to practice  
26 marriage and family therapy in this state. With respect to a profes-  
27 sional service limited liability company formed to provide mental health  
28 counseling services as such services are defined in article 163 of the  
29 education law, each member of such limited liability company must be  
30 licensed pursuant to article 163 of the education law to practice mental  
31 health counseling in this state. With respect to a professional service  
32 limited liability company formed to provide psychoanalysis services as  
33 such services are defined in article 163 of the education law, each  
34 member of such limited liability company must be licensed pursuant to  
35 article 163 of the education law to practice psychoanalysis in this  
36 state. With respect to a professional service limited liability company  
37 formed to provide applied behavior analysis services as such services  
38 are defined in article 167 of the education law, each member of such  
39 limited liability company must be licensed or certified pursuant to  
40 article 167 of the education law to practice applied behavior analysis  
41 in this state. In addition to engaging in such profession or  
42 professions, a professional service limited liability company may engage  
43 in any other business or activities as to which a limited liability  
44 company may be formed under section two hundred one of this chapter.  
45 Notwithstanding any other provision of this section, a professional  
46 service limited liability company (i) authorized to practice law may  
47 only engage in another profession or business or activities or (ii)  
48 which is engaged in a profession or other business or activities other  
49 than law may only engage in the practice of law, to the extent not  
50 prohibited by any other law of this state or any rule adopted by the  
51 appropriate appellate division of the supreme court or the court of  
52 appeals.

53 § 4. Subdivision (b) of section 1207 of the limited liability company  
54 law, as amended by chapter 475 of the laws of 2014, is amended to read  
55 as follows:

(b) With respect to a professional service limited liability company formed to provide medical services as such services are defined in article 131 of the education law, each member of such limited liability company must be licensed pursuant to article 131 of the education law to practice medicine in this state.

With respect to a professional service limited liability company formed to provide naturopathic services as such services are defined in article 138 of the education law, each member of such limited liability company must be licensed pursuant to article 138 of the education law to practice naturopathy in this state.

With respect to a professional service limited liability company formed to provide dental services as such services are defined in article 133 of the education law, each member of such limited liability company must be licensed pursuant to article 133 of the education law to practice dentistry in this state. With respect to a professional service limited liability company formed to provide veterinary services as such services are defined in article 135 of the education law, each member of such limited liability company must be licensed pursuant to article 135 of the education law to practice veterinary medicine in this state. With respect to a professional service limited liability company formed to provide professional engineering, land surveying, architectural, landscape architectural and/or geological services as such services are defined in article 145, article 147 and article 148 of the education law, each member of such limited liability company must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions in this state. With respect to a professional service limited liability company formed to provide licensed clinical social work services as such services are defined in article 154 of the education law, each member of such limited liability company shall be licensed pursuant to article 154 of the education law to practice licensed clinical social work in this state. With respect to a professional service limited liability company formed to provide creative arts therapy services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice creative arts therapy in this state. With respect to a professional service limited liability company formed to provide marriage and family therapy services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice marriage and family therapy in this state. With respect to a professional service limited liability company formed to provide mental health counseling services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice mental health counseling in this state. With respect to a professional service limited liability company formed to provide psychoanalysis services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice psychoanalysis in this state. With respect to a professional service limited liability company formed to provide applied behavior analysis services as such services are defined in article 167 of the education law, each member of such limited liability company must be licensed or certified pursuant to article 167 of the education law to practice applied behavior analysis in this state.

1 § 5. Subdivision (a) of section 1301 of the limited liability company  
2 law, as amended by chapter 475 of the laws of 2014, is amended to read  
3 as follows:

4 (a) "Foreign professional service limited liability company" means a  
5 professional service limited liability company, whether or not denomi-  
6 nated as such, organized under the laws of a jurisdiction other than  
7 this state, (i) each of whose members and managers, if any, is a profes-  
8 sional authorized by law to render a professional service within this  
9 state and who is or has been engaged in the practice of such profession  
10 in such professional service limited liability company or a predecessor  
11 entity, or will engage in the practice of such profession in the profes-  
12 sional service limited liability company within thirty days of the date  
13 such professional becomes a member, or each of whose members and manag-  
14 ers, if any, is a professional at least one of such members is author-  
15 ized by law to render a professional service within this state and who  
16 is or has been engaged in the practice of such profession in such  
17 professional service limited liability company or a predecessor entity,  
18 or will engage in the practice of such profession in the professional  
19 service limited liability company within thirty days of the date such  
20 professional becomes a member, or (ii) authorized by, or holding a  
21 license, certificate, registration or permit issued by the licensing  
22 authority pursuant to, the education law to render a professional  
23 service within this state; except that all members and managers, if any,  
24 of a foreign professional service limited liability company that  
25 provides health services in this state shall be licensed in this state.

26 With respect to a professional service limited liability company formed  
27 to provide naturopathic services as such services are defined in article  
28 138 of the education law, each member of such limited liability company  
29 must be licensed pursuant to article 138 of the education law to prac-  
30 tice naturopathy in this state.

31 With respect to a foreign professional service limited liability company which provides veterinary services as  
32 such services are defined in article 135 of the education law, each  
33 member of such foreign professional service limited liability company  
34 shall be licensed pursuant to article 135 of the education law to prac-  
35 tice veterinary medicine. With respect to a foreign professional service  
36 limited liability company which provides medical services as such  
37 services are defined in article 131 of the education law, each member of  
38 such foreign professional service limited liability company must be  
39 licensed pursuant to article 131 of the education law to practice medi-  
40 cine in this state. With respect to a foreign professional service  
41 limited liability company which provides dental services as such  
42 services are defined in article 133 of the education law, each member of  
43 such foreign professional service limited liability company must be  
44 licensed pursuant to article 133 of the education law to practice  
45 dentistry in this state. With respect to a foreign professional service  
46 limited liability company which provides professional engineering, land  
47 surveying, geologic, architectural and/or landscape architectural  
48 services as such services are defined in article 145, article 147 and  
49 article 148 of the education law, each member of such foreign profes-  
50 sional service limited liability company must be licensed pursuant to  
51 article 145, article 147 and/or article 148 of the education law to  
52 practice one or more of such professions in this state. With respect to  
53 a foreign professional service limited liability company which provides  
54 licensed clinical social work services as such services are defined in  
55 article 154 of the education law, each member of such foreign profes-  
56 sional service limited liability company shall be licensed pursuant to

1 article 154 of the education law to practice clinical social work in  
2 this state. With respect to a foreign professional service limited  
3 liability company which provides creative arts therapy services as such  
4 services are defined in article 163 of the education law, each member of  
5 such foreign professional service limited liability company must be  
6 licensed pursuant to article 163 of the education law to practice crea-  
7 tive arts therapy in this state. With respect to a foreign professional  
8 service limited liability company which provides marriage and family  
9 therapy services as such services are defined in article 163 of the  
10 education law, each member of such foreign professional service limited  
11 liability company must be licensed pursuant to article 163 of the educa-  
12 tion law to practice marriage and family therapy in this state. With  
13 respect to a foreign professional service limited liability company  
14 which provides mental health counseling services as such services are  
15 defined in article 163 of the education law, each member of such foreign  
16 professional service limited liability company must be licensed pursuant  
17 to article 163 of the education law to practice mental health counseling  
18 in this state. With respect to a foreign professional service limited  
19 liability company which provides psychoanalysis services as such  
20 services are defined in article 163 of the education law, each member of  
21 such foreign professional service limited liability company must be  
22 licensed pursuant to article 163 of the education law to practice  
23 psychoanalysis in this state. With respect to a foreign professional  
24 service limited liability company which provides applied behavior analy-  
25 sis services as such services are defined in article 167 of the educa-  
26 tion law, each member of such foreign professional service limited  
27 liability company must be licensed or certified pursuant to article 167  
28 of the education law to practice applied behavior analysis in this  
29 state.

30 § 6. Subdivision (q) of section 121-1500 of the partnership law, as  
31 amended by chapter 475 of the laws of 2014, is amended to read as  
32 follows:

33 (q) Each partner of a registered limited liability partnership formed  
34 to provide medical services in this state must be licensed pursuant to  
35 article 131 of the education law to practice medicine in this state and  
36 each partner of a registered limited liability partnership formed to  
37 provide dental services in this state must be licensed pursuant to arti-  
38 cle 133 of the education law to practice dentistry in this state. Each  
39 partner of a registered limited liability partnership formed to provide  
40 naturopathic services in this state must be licensed pursuant to article  
41 138 of the education law to practice naturopathy in this state. Each  
42 partner of a registered limited liability partnership formed to provide  
43 veterinary services in this state must be licensed pursuant to article  
44 135 of the education law to practice veterinary medicine in this state.  
45 Each partner of a registered limited liability partnership formed to  
46 provide professional engineering, land surveying, geological services,  
47 architectural and/or landscape architectural services in this state must  
48 be licensed pursuant to article 145, article 147 and/or article 148 of  
49 the education law to practice one or more of such professions in this  
50 state. Each partner of a registered limited liability partnership formed  
51 to provide licensed clinical social work services in this state must be  
52 licensed pursuant to article 154 of the education law to practice clin-  
53 ical social work in this state. Each partner of a registered limited  
54 liability partnership formed to provide creative arts therapy services  
55 in this state must be licensed pursuant to article 163 of the education  
56 law to practice creative arts therapy in this state. Each partner of a

1 registered limited liability partnership formed to provide marriage and  
2 family therapy services in this state must be licensed pursuant to arti-  
3 cle 163 of the education law to practice marriage and family therapy in  
4 this state. Each partner of a registered limited liability partnership  
5 formed to provide mental health counseling services in this state must  
6 be licensed pursuant to article 163 of the education law to practice  
7 mental health counseling in this state. Each partner of a registered  
8 limited liability partnership formed to provide psychoanalysis services  
9 in this state must be licensed pursuant to article 163 of the education  
10 law to practice psychoanalysis in this state. Each partner of a regis-  
11 tered limited liability partnership formed to provide applied behavior  
12 analysis service in this state must be licensed or certified pursuant to  
13 article 167 of the education law to practice applied behavior analysis  
14 in this state.

15 § 7. Subdivision (q) of section 121-1502 of the partnership law, as  
16 amended by chapter 475 of the laws of 2014, is amended to read as  
17 follows:

18 (q) Each partner of a foreign limited liability partnership which  
19 provides medical services in this state must be licensed pursuant to  
20 article 131 of the education law to practice medicine in the state and  
21 each partner of a foreign limited liability partnership which provides  
22 dental services in the state must be licensed pursuant to article 133 of  
23 the education law to practice dentistry in this state. Each partner of a  
24 foreign limited liability partnership which provides naturopathic  
25 services in this state must be licensed pursuant to article 138 of the  
26 education law to practice naturopathy in this state. Each partner of a  
27 foreign limited liability partnership which provides veterinary service  
28 in the state shall be licensed pursuant to article 135 of the education  
29 law to practice veterinary medicine in this state. Each partner of a  
30 foreign limited liability partnership which provides professional engi-  
31 neering, land surveying, geological services, architectural and/or land-  
32 scape architectural services in this state must be licensed pursuant to  
33 article 145, article 147 and/or article 148 of the education law to  
34 practice one or more of such professions. Each partner of a foreign  
35 limited liability partnership which provides licensed clinical social  
36 work services in this state must be licensed pursuant to article 154 of  
37 the education law to practice licensed clinical social work in this  
38 state. Each partner of a foreign limited liability partnership which  
39 provides creative arts therapy services in this state must be licensed  
40 pursuant to article 163 of the education law to practice creative arts  
41 therapy in this state. Each partner of a foreign limited liability part-  
42 nership which provides marriage and family therapy services in this  
43 state must be licensed pursuant to article 163 of the education law to  
44 practice marriage and family therapy in this state. Each partner of a  
45 foreign limited liability partnership which provides mental health coun-  
46 seling services in this state must be licensed pursuant to article 163  
47 of the education law to practice mental health counseling in this state.  
48 Each partner of a foreign limited liability partnership which provides  
49 psychoanalysis services in this state must be licensed pursuant to arti-  
50 cle 163 of the education law to practice psychoanalysis in this state.  
51 Each partner of a foreign limited liability partnership which provides  
52 applied behavior analysis services in this state must be licensed or  
53 certified pursuant to article 167 of the education law to practice  
54 applied behavior analysis in this state.

1     § 8. Paragraph (a) of subdivision 1 of section 413 of the social  
2 services law, as separately amended by chapters 126 and 205 of the laws  
3 of 2014, is amended to read as follows:

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

40     § 9. Subdivision 6 of section 571 of the public health law, as amended  
41 by chapter 444 of the laws of 2013, is amended to read as follows:

42     6. "Qualified health care professional" means a physician, dentist,  
43 podiatrist, naturopathic doctor, optometrist performing a clinical labo-  
44 ratory test that does not use an invasive modality as defined in section  
45 seventy-one hundred one of the education law, physician assistant,  
46 specialist assistant, nurse practitioner, or midwife, who is licensed  
47 and registered with the state education department.

48     § 10. Subdivision 1 of section 585 of the public health law, as added  
49 by chapter 803 of the laws of 1992, is amended to read as follows:

50     1. "Health services purveyor" means any person, firm, partnership,  
51 group, association, corporation or professional corporation, or any  
52 agent, employee, fiduciary, employer or representative thereof, includ-  
53 ing but not limited to a physician, dentist, podiatrist, naturopathic  
54 doctor or chiropractor, either in individual practice, group practice or  
55 employed in a facility owned by any person, group, association, firm,



1 partnership or corporation hiring any of the aforementioned practition-  
2 ers, who provide health or health related services.

3 § 11. This act shall take effect immediately; provided that:

4 a. sections one, two, three, four, five, six, seven, nine and ten of  
5 this act shall take effect on the five hundred fortieth day after it  
6 shall have become a law; and

7 b. effective immediately, the addition, amendment and/or repeal of any  
8 rule or regulation necessary for the implementation of this act on its  
9 effective date are authorized and directed to be made and completed by  
10 the commissioner of education and the board of regents on or before such  
11 effective date.