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5740

2021-2022 Regular Sessions

IN ASSEMBLY

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Introduced by M. of A. LUPARDO, J. RIVERA, WILLIAMS, COOK, GALEF, GOTTFRIED, GUNTHER, DE LA ROSA, WALLACE, PERRY, BENEDETTO, ABBATE, DIPIETRO, PALMESANO, MONTESANO, RA, STECK, GRIFFIN -- Multi-Sponsored by -- M. of A. ABINANTI, BARCLAY, BLANKENBUSH, BRABENEC, BYRNE, COLTON, CYMBROWITZ, DAVILA, DINOWITZ, ENGLEBRIGHT, HAWLEY, HEVESI, HUNTER, KIM, LAVINE, M. MILLER, MORINELLO, NORRIS, PAULIN, PEOPLES-STOKES, QUART, L. ROSENTHAL, SIMON, THIELE, WALSH, WEPRIN -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, the social services law, the limited liability company law and the partnership law, in relation to the licensing of vision impairment specialists; and providing for the repeal of certain provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The education law is amended by adding a new article 169 to read as follows:

ARTICLE 169

VISION IMPAIRMENT SPECIALISTS

Section 8900. Introduction.

8901. Definitions.

8902. Use of titles.

8903. State board for vision impairment specialists.

8904. Requirements for a license with a specialization as an orientation and mobility specialist.

8905. Requirements for a license with a specialization as a vision rehabilitation therapist.

8906. Limited permits.

8907. Exempt persons.

8908. Special provisions.

8909. Separability.

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

LBD05398-01-1

1 § 8900. Introduction. This article applies to the profession of vision
2 impairment specialists, and provides for the licensing of orientation
3 and mobility specialists and vision rehabilitation therapists. The
4 general provisions for all professions contained in article one hundred
5 thirty of this title shall apply to this article.

6 § 8901. Definitions. For purposes of this article, the following terms
7 shall have the following meanings:

8 1. The practice of "vision impairment specialist" shall mean providing
9 assessment and evaluation of, and training for, persons who are visually
10 impaired when such assessment, evaluation and training incorporates the
11 full range of specialized skills and tasks subsumed in the specializa-
12 tions of the profession defined in this section as: (a) orientation and
13 mobility training, and (b) vision rehabilitation therapy. Such services
14 shall be rendered on the prescription or referral which may be directive
15 as to treatment by a licensed physician, nurse practitioner, ophthalmol-
16 ogist or optometrist, provided however that no such treatment directive
17 and low vision examination shall be required when the person being
18 referred has been diagnosed within the previous twelve months as visual-
19 ly impaired, blind or legally blind as those terms are defined in subdi-
20 vision six of this section and such services are being rendered consist-
21 ent with that diagnosis, prescription or referral. Vision rehabilitation
22 therapists, and orientation and mobility specialists may not prescribe
23 optical low vision devices.

24 2. The practice of "vision impairment specialist" shall mean one who
25 specializes in orientation and mobility training and/or vision rehabili-
26 tation therapy.

27 3. The practice of "orientation and mobility training" shall mean:

28 (a) the assessment of individual needs of persons who are visually
29 impaired for skills training in methods of safe movement and in strate-
30 gies to gather required environmental and spatial information; (b) the
31 development of appropriate integrated service plans tailored to meet
32 such individual needs as identified in such assessment process; (c) the
33 provision of training in, and utilization of (i) equipment and adaptive
34 devices intended and designed for use by persons who are visually
35 impaired, and (ii) specialized techniques adapted for persons who are
36 visually impaired, including but not limited to orientation; sensory
37 development; systems of safe movement, including long cane techniques;
38 resource identification and, as appropriate, professional referrals;
39 and, in applied settings, reinforcing instruction for the use of optical
40 devices as prescribed by optometrists and ophthalmologists; and (d) the
41 evaluation of clients receiving such specialized training.

42 4. The practice of "vision rehabilitation therapy" shall mean: (a) the
43 assessment of individual needs of persons who are visually impaired for
44 skills training in independent living and communications; (b) the devel-
45 opment of appropriate integrated service plans tailored to meet such
46 individual needs as identified in such assessment process; (c) the
47 provision of training in, and utilization of (i) equipment and adaptive
48 devices intended and designed for use by persons who are visually
49 impaired, including, in applied settings, reinforcing instruction for
50 the use of optical devices as prescribed by optometrists or ophthalmolo-
51 gists, and (ii) specialized techniques adapted for persons who are visu-
52 ally impaired, including but not limited to Braille and other communi-
53 cation skills; adapted computer technology; personal management skills;
54 home management skills; problem solving skills; resource management and,
55 as appropriate, professional referrals; and (d) the evaluation of
56 persons receiving such specialized training.

1 5. "Applied settings" means those locations where persons who are
2 visually impaired engage in day-to-day activities utilizing the tools
3 supplied and techniques taught by the licensed practitioners defined in
4 this article.

5 6. "Visually impaired" means a person who is totally blind, legally
6 blind or partially sighted. A person who is totally blind is one who has
7 no useable vision. A person who is legally blind is one who satisfies
8 the definition set forth in subdivision b of section three of chapter
9 four hundred fifteen of the laws of nineteen hundred thirteen. A person
10 who is partially sighted is one who has functional vision impairment
11 that constitutes a significant limitation of visual capability resulting
12 from disease, trauma, or congenital condition, that cannot be fully
13 ameliorated by standard refractive correction, medication, or surgery,
14 and that is manifested by one or more of the following: insufficient
15 visual resolution, inadequate field of vision or reduced peak contrast
16 sensitivity.

17 7. "Board" shall mean the state board for vision impairment special-
18 ists as provided for in section eighty-nine thousand three of this arti-
19 cle.

20 § 8902. Use of titles. Only a person licensed or otherwise authorized
21 under this article shall be authorized to practice as a vision impair-
22 ment specialist or use the title "licensed orientation and mobility
23 specialist" or "licensed vision rehabilitation therapist" in connection
24 with his or her name or with any trade name in the conduct of his or her
25 profession.

26 § 8903. State board for vision impairment specialists. A state board
27 for vision impairment specialists shall be appointed by the board of
28 regents upon the recommendation of the commissioner for the purpose of
29 assisting the board of regents and the department on matters of profes-
30 sional licensing and professional conduct in accordance with section
31 sixty-five hundred eight of this title. The board shall consist of not
32 less than nine individuals, two of whom shall be licensed orientation
33 and mobility specialists, two of whom shall be licensed vision rehabili-
34 tation therapists, one ophthalmologist, one optometrist, one public
35 representative as defined in paragraph b of subdivision one of section
36 sixty-five hundred eight of this title and two of whom shall be blind
37 representatives of the public at large whose names will be placed in
38 nomination for the board from organizations of the blind or visually
39 impaired. Members of the initial board need not be licensed or certified
40 prior to their appointment to the board, so long as they are certified
41 by a national certifying or accrediting board, acceptable to the depart-
42 ment. Of the members first appointed, two shall be appointed for a three
43 year term, three shall be appointed for a four year term, and three
44 shall be appointed for a five year term. Thereafter all members shall
45 serve for five year terms. In the event that more than eight members are
46 appointed, a majority of the additional members shall be licensed orien-
47 tation and mobility specialists and licensed vision rehabilitation ther-
48 apists. The members of the board shall select one of themselves as chair
49 to serve for a one year term. An executive secretary shall be appointed
50 by the board of regents upon the recommendation of the commissioner.

51 § 8904. Requirements for a license with a specialization as an orien-
52 tation and mobility specialist. To qualify for a license as an orien-
53 tation and mobility specialist, an applicant shall fulfill the following
54 requirements:

55 1. Application: file an application with the department;

1 2. Education: have satisfactorily completed an approved curriculum in
2 orientation and mobility services including visual disabilities, vision
3 education, vision impairment or other equivalent program in a baccalau-
4 reate or graduate level program or a foreign equivalent, satisfactory to
5 the department and in accordance with the commissioner's regulations;

6 3. Examination: pass an examination satisfactory to the department in
7 accordance with the commissioner's regulations;

8 4. Age: be at least twenty-one years of age;

9 5. Character: be of good moral character as determined by the depart-
10 ment; and

11 6. Registration: all licensed orientation and mobility specialists
12 shall register triennially with the department in accordance with the
13 commissioner's regulation.

14 7. Fee: a fee of two hundred dollars for an initial license and a fee
15 of one hundred fifty dollars for each triennial registration period.

16 § 8905. Requirements for a license with a specialization as a vision
17 rehabilitation therapist. To qualify for a license as a vision rehabili-
18 tation therapist an applicant shall fulfill the following requirements:

19 1. Application: file an application with the department;

20 2. Education: have satisfactorily completed an approved curriculum in
21 vision rehabilitation therapy including visual disabilities, vision
22 education, vision impairment or other equivalent program in a baccalau-
23 reate or graduate level program, or a foreign equivalent, satisfactory
24 to the department and in accordance with the commissioner's regulations;

25 3. Examination: pass an examination satisfactory to the department in
26 accordance with the commissioner's regulations;

27 4. Age: be at least twenty-one years of age;

28 5. Character: be of good moral character as determined by the depart-
29 ment; and

30 6. Registration: all licensed vision rehabilitation therapists shall
31 register triennially with the department in accordance with the commis-
32 sioner's regulations.

33 7. Fee: a fee of two hundred dollars for an initial license and a fee
34 of one hundred fifty dollars for each triennial registration period.

35 § 8906. Limited permits. The following requirements for a limited
36 permit shall apply to all professions licensed or certified pursuant to
37 this article:

38 1. On the recommendation of the board, the department may issue a
39 limited permit to an applicant who meets the education requirements for
40 licensure, except the examination and/or experience requirements, in
41 accordance with regulations promulgated therefor.

42 2. Limited permits shall be for one year and may be renewed, at the
43 discretion of the department, for one additional year.

44 3. The fee for each limited permit and for each renewal shall be
45 seventy dollars.

46 4. A limited permit holder shall practice only under supervision as
47 determined in accordance with the commissioner's regulations.

48 § 8907. Exempt persons. This article shall not be construed to affect
49 or prevent the following, provided that no title, sign, card or device
50 shall be used in such manner as to tend to convey the impression that
51 the person rendering such service is a licensed vision impairment
52 specialist:

53 1. The practice of licensed vision impairment specialist as an inte-
54 gral part of a program of study by students enrolled in approved educa-
55 tional or training programs in (a) orientation and mobility training or
56 (b) vision rehabilitation therapy.

2. Nothing contained in this article shall be construed to limit the scopes of practice of any other profession licensed under this title; provided, however, that such practitioners may not hold themselves out under the titles "licensed vision impairment specialist", and/or "licensed vision impairment specialist with a specialization in orientation and mobility", and/or "licensed vision impairment specialist with a specialization in vision rehabilitation therapy".

3. Nothing in this article shall be construed as prohibiting a person from performing the duties of a licensed vision impairment specialist, in the course of such employment, if such person is employed by a federal, state, county, town, city or village agency or other political subdivision except that this exception from licensure shall not apply to persons employed by institutions regulated primarily by the education department.

4. This article shall not be construed to prohibit care delivered by any family member, household member or friend, or person employed primarily in a domestic capacity who does not hold himself or herself out, or accept employment, as a person licensed to practice as a vision impairment specialist under the provisions of this article; provided, however, that if such person is remunerated, the person does not hold himself or herself out as one who accepts employment for performing such care.

5. The instruction in the use of a dog guide.

6. Nothing in this article shall be construed as prohibiting a licensed teacher of the visually impaired from performing any of the duties, tasks or responsibilities within that scope of practice.

7. The instruction in the use of Braille.

§ 8908. Special provisions. An individual who meets the requirements for a license as a licensed vision impairment specialist with a specialization in orientation and mobility and/or vision rehabilitation, except for examination, experience and education, and who is certified or registered by a national certifying body having certification or registration standards acceptable to the commissioner, or an individual who has worked as a vision impairment specialist focused on vision rehabilitation therapy and/or orientation and mobility in a workplace setting which is primarily devoted to the treatment of individuals with vision loss and blindness for at least three years, may be licensed, without meeting additional requirements as to examination, experience and education, provided that such individual submits an application to the department within three years of the effective date of this section.

§ 8909. Separability. If any section of this article, or part thereof, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of any other section or part thereof.

§ 2. Subparagraph (i) of paragraph a of subdivision 1 of section 6503-a of the education law, as amended by chapter 554 of the laws of 2013, is amended to read as follows:

(i) services provided under article one hundred fifty-four, one hundred sixty-three ~~[ex]~~, one hundred sixty-seven or article one hundred sixty-nine of this title for which licensure would be required, or

§ 3. Paragraph a of subdivision 3 of section 6507 of the education law, as amended by chapter 672 of the laws of 2019, is amended to read as follows:

a. Establish standards for preprofessional and professional education, experience and licensing examinations as required to implement the article for each profession. Notwithstanding any other provision of law, the commissioner shall establish standards requiring that all persons apply-

ing, on or after January first, nineteen hundred ninety-one, initially, or for the renewal of, a license, registration or limited permit to be a physician, chiropractor, dentist, registered nurse, podiatrist, optometrist, psychiatrist, psychologist, licensed master social worker, licensed clinical social worker, licensed creative arts therapist, licensed marriage and family therapist, licensed mental health counselor, licensed psychoanalyst, dental hygienist, licensed behavior analyst, ~~[or]~~ certified behavior analyst assistant or licensed vision impairment specialist shall, in addition to all the other licensure, certification or permit requirements, have completed two hours of coursework or training regarding the identification and reporting of child abuse and maltreatment. The coursework or training shall be obtained from an institution or provider which has been approved by the department to provide such coursework or training. The coursework or training shall include information regarding the physical and behavioral indicators of child abuse and maltreatment and the statutory reporting requirements set out in sections four hundred thirteen through four hundred twenty of the social services law, including but not limited to, when and how a report must be made, what other actions the reporter is mandated or authorized to take, the legal protections afforded reporters, and the consequences for failing to report. Such coursework or training may also include information regarding the physical and behavioral indicators of the abuse of individuals with mental retardation and other developmental disabilities and voluntary reporting of abused or neglected adults to the office for people with developmental disabilities or the local adult protective services unit. Each applicant shall provide the department with documentation showing that he or she has completed the required training. The department shall provide an exemption from the child abuse and maltreatment training requirements to any applicant who requests such an exemption and who shows, to the department's satisfaction, that there would be no need because of the nature of his or her practice for him or her to complete such training;

§ 4. Paragraph (a) of subdivision 1 of section 413 of the social services law, as amended by section 7 of part C of chapter 57 of the laws of 2018, is amended to read as follows:

(a) The following persons and officials are required to report or cause a report to be made in accordance with this title when they have reasonable cause to suspect that a child coming before them in their professional or official capacity is an abused or maltreated child, or when they have reasonable cause to suspect that a child is an abused or maltreated child where the parent, guardian, custodian or other person legally responsible for such child comes before them in their professional or official capacity and states from personal knowledge facts, conditions or circumstances which, if correct, would render the child an abused or maltreated child: any physician; registered physician assistant; surgeon; medical examiner; coroner; dentist; dental hygienist; osteopath; optometrist; chiropractor; podiatrist; resident; intern; psychologist; registered nurse; social worker; emergency medical technician; licensed creative arts therapist; licensed marriage and family therapist; licensed mental health counselor; licensed psychoanalyst; licensed behavior analyst; certified behavior analyst assistant; licensed vision impairment specialist; hospital personnel engaged in the admission, examination, care or treatment of persons; a Christian Science practitioner; school official, which includes but is not limited to school teacher, school guidance counselor, school psychologist, school social worker, school nurse, school administrator or other school

1 personnel required to hold a teaching or administrative license or
2 certificate; full or part-time compensated school employee required to
3 hold a temporary coaching license or professional coaching certificate;
4 social services worker; employee of a publicly-funded emergency shelter
5 for families with children; director of a children's overnight camp,
6 summer day camp or traveling summer day camp, as such camps are defined
7 in section thirteen hundred ninety-two of the public health law; day
8 care center worker; school-age child care worker; provider of family or
9 group family day care; employee or volunteer in a residential care
10 facility for children that is licensed, certified or operated by the
11 office of children and family services; or any other child care or
12 foster care worker; mental health professional; substance abuse counse-
13 lor; alcoholism counselor; all persons credentialed by the office of
14 alcoholism and substance abuse services; employees, who are expected to
15 have regular and substantial contact with children, of a health home or
16 health home care management agency contracting with a health home as
17 designated by the department of health and authorized under section
18 three hundred sixty-five-1 of this chapter or such employees who provide
19 home and community based services under a demonstration program pursuant
20 to section eleven hundred fifteen of the federal social security act who
21 are expected to have regular and substantial contact with children;
22 peace officer; police officer; district attorney or assistant district
23 attorney; investigator employed in the office of a district attorney; or
24 other law enforcement official.

25 § 5. Section 6505-b of the education law, as amended by chapter 10 of
26 the laws of 2018, is amended to read as follows:

27 § 6505-b. Course work or training in infection control practices.
28 Every dentist, registered nurse, licensed practical nurse, vision
29 impairment specialist, podiatrist, optometrist and dental hygienist
30 practicing in the state shall, on or before July first, nineteen hundred
31 ninety-four and every four years thereafter, complete course work or
32 training appropriate to the professional's practice approved by the
33 department regarding infection control, which shall include sepsis, and
34 barrier precautions, including engineering and work practice controls,
35 in accordance with regulatory standards promulgated by the department,
36 in consultation with the department of health, which shall be consist-
37 ent, as far as appropriate, with such standards adopted by the depart-
38 ment of health pursuant to section two hundred thirty-nine of the public
39 health law to prevent the transmission of HIV, HBV, HCV and infections
40 that could lead to sepsis in the course of professional practice. Each
41 such professional shall document to the department at the time of regis-
42 tration commencing with the first registration after July first, nine-
43 teen hundred ninety-four that the professional has completed course work
44 or training in accordance with this section, provided, however that a
45 professional subject to the provisions of paragraph (f) of subdivision
46 one of section twenty-eight hundred five-k of the public health law
47 shall not be required to so document. The department shall provide an
48 exemption from this requirement to anyone who requests such an exemption
49 and who (i) clearly demonstrates to the department's satisfaction that
50 there would be no need for him or her to complete such course work or
51 training because of the nature of his or her practice or (ii) that he or
52 she has completed course work or training deemed by the department to be
53 equivalent to the course work or training approved by the department
54 pursuant to this section. The department shall consult with organiza-
55 tions representative of professions, institutions and those with exper-
56 tise in infection control and HIV, HBV, HCV and infections that could

1 lead to sepsis with respect to the regulatory standards promulgated
2 pursuant to this section.

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

6 (a) Notwithstanding the education law or any other provision of law,
7 one or more professionals each of whom is authorized by law to render a
8 professional service within the state, or one or more professionals, at
9 least one of whom is authorized by law to render a professional service
10 within the state, may form, or cause to be formed, a professional
11 service limited liability company for pecuniary profit under this arti-
12 cle for the purpose of rendering the professional service or services as
13 such professionals are authorized to practice. With respect to a profes-
14 sional service limited liability company formed to provide medical
15 services as such services are defined in article 131 of the education
16 law, each member of such limited liability company must be licensed
17 pursuant to article 131 of the education law to practice medicine in
18 this state. With respect to a professional service limited liability
19 company formed to provide dental services as such services are defined
20 in article 133 of the education law, each member of such limited liabil-
21 ity company must be licensed pursuant to article 133 of the education
22 law to practice dentistry in this state. With respect to a professional
23 service limited liability company formed to provide veterinary services
24 as such services are defined in article 135 of the education law, each
25 member of such limited liability company must be licensed pursuant to
26 article 135 of the education law to practice veterinary medicine in this
27 state. With respect to a professional service limited liability company
28 formed to provide professional engineering, land surveying, architec-
29 tural, landscape architectural and/or geological services as such
30 services are defined in article 145, article 147 and article 148 of the
31 education law, each member of such limited liability company must be
32 licensed pursuant to article 145, article 147 and/or article 148 of the
33 education law to practice one or more of such professions in this state.
34 With respect to a professional service limited liability company formed
35 to provide licensed clinical social work services as such services are
36 defined in article 154 of the education law, each member of such limited
37 liability company shall be licensed pursuant to article 154 of the
38 education law to practice licensed clinical social work in this state.
39 With respect to a professional service limited liability company formed
40 to provide creative arts therapy services as such services are defined
41 in article 163 of the education law, each member of such limited liabil-
42 ity company must be licensed pursuant to article 163 of the education
43 law to practice creative arts therapy in this state. With respect to a
44 professional service limited liability company formed to provide
45 marriage and family therapy services as such services are defined in
46 article 163 of the education law, each member of such limited liability
47 company must be licensed pursuant to article 163 of the education law to
48 practice marriage and family therapy in this state. With respect to a
49 professional service limited liability company formed to provide mental
50 health counseling services as such services are defined in article 163
51 of the education law, each member of such limited liability company must
52 be licensed pursuant to article 163 of the education law to practice
53 mental health counseling in this state. With respect to a professional
54 service limited liability company formed to provide psychoanalysis
55 services as such services are defined in article 163 of the education
56 law, each member of such limited liability company must be licensed

1 pursuant to article 163 of the education law to practice psychoanalysis
2 in this state. With respect to a professional service limited liability
3 company formed to provide applied behavior analysis services as such
4 services are defined in article 167 of the education law, each member of
5 such limited liability company must be licensed or certified pursuant to
6 article 167 of the education law to practice applied behavior analysis
7 in this state. With respect to a professional service limited liability
8 company formed to provide vision impairment specialist services as such
9 services are defined in article 169 of the education law, each member of
10 such limited liability company must be licensed pursuant to article 169
11 of the education law to practice as a vision impairment specialist in
12 this state. In addition to engaging in such profession or professions, a
13 professional service limited liability company may engage in any other
14 business or activities as to which a limited liability company may be
15 formed under section two hundred one of this chapter. Notwithstanding
16 any other provision of this section, a professional service limited
17 liability company (i) authorized to practice law may only engage in
18 another profession or business or activities or (ii) which is engaged in
19 a profession or other business or activities other than law may only
20 engage in the practice of law, to the extent not prohibited by any other
21 law of this state or any rule adopted by the appropriate appellate divi-
22 sion of the supreme court or the court of appeals.

23 § 7. Subdivision (b) of section 1207 of the limited liability company
24 law, as amended by chapter 475 of the laws of 2014, is amended to read
25 as follows:

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

1 liability company formed to provide marriage and family therapy services
2 as such services are defined in article 163 of the education law, each
3 member of such limited liability company must be licensed pursuant to
4 article 163 of the education law to practice marriage and family therapy
5 in this state. With respect to a professional service limited liability
6 company formed to provide mental health counseling services as such
7 services are defined in article 163 of the education law, each member of
8 such limited liability company must be licensed pursuant to article 163
9 of the education law to practice mental health counseling in this state.
10 With respect to a professional service limited liability company formed
11 to provide psychoanalysis services as such services are defined in arti-
12 cle 163 of the education law, each member of such limited liability
13 company must be licensed pursuant to article 163 of the education law to
14 practice psychoanalysis in this state. With respect to a professional
15 service limited liability company formed to provide applied behavior
16 analysis services as such services are defined in article 167 of the
17 education law, each member of such limited liability company must be
18 licensed or certified pursuant to article 167 of the education law to
19 practice applied behavior analysis in this state. With respect to a
20 professional service limited liability company formed to provide vision
21 impairment specialist services as such services are defined in article
22 169 of the education law, each member of such limited liability company
23 must be licensed pursuant to article 169 of the education law to prac-
24 tice as a vision impairment specialist in this state.

25 § 8. Subdivision (a) of section 1301 of the limited liability company
26 law, as amended by chapter 475 of the laws of 2014, is amended to read
27 as follows:

28 (a) "Foreign professional service limited liability company" means a
29 professional service limited liability company, whether or not denomi-
30 nated as such, organized under the laws of a jurisdiction other than
31 this state, (i) each of whose members and managers, if any, is a profes-
32 sional authorized by law to render a professional service within this
33 state and who is or has been engaged in the practice of such profession
34 in such professional service limited liability company or a predecessor
35 entity, or will engage in the practice of such profession in the profes-
36 sional service limited liability company within thirty days of the date
37 such professional becomes a member, or each of whose members and manag-
38 ers, if any, is a professional at least one of such members is author-
39 ized by law to render a professional service within this state and who
40 is or has been engaged in the practice of such profession in such
41 professional service limited liability company or a predecessor entity,
42 or will engage in the practice of such profession in the professional
43 service limited liability company within thirty days of the date such
44 professional becomes a member, or (ii) authorized by, or holding a
45 license, certificate, registration or permit issued by the licensing
46 authority pursuant to, the education law to render a professional
47 service within this state; except that all members and managers, if any,
48 of a foreign professional service limited liability company that
49 provides health services in this state shall be licensed in this state.
50 With respect to a foreign professional service limited liability company
51 which provides veterinary services as such services are defined in arti-
52 cle 135 of the education law, each member of such foreign professional
53 service limited liability company shall be licensed pursuant to article
54 135 of the education law to practice veterinary medicine. With respect
55 to a foreign professional service limited liability company which
56 provides medical services as such services are defined in article 131 of

1 the education law, each member of such foreign professional service
2 limited liability company must be licensed pursuant to article 131 of
3 the education law to practice medicine in this state. With respect to a
4 foreign professional service limited liability company which provides
5 dental services as such services are defined in article 133 of the
6 education law, each member of such foreign professional service limited
7 liability company must be licensed pursuant to article 133 of the educa-
8 tion law to practice dentistry in this state. With respect to a foreign
9 professional service limited liability company which provides profes-
10 sional engineering, land surveying, geologic, architectural and/or land-
11 scape architectural services as such services are defined in article
12 145, article 147 and article 148 of the education law, each member of
13 such foreign professional service limited liability company must be
14 licensed pursuant to article 145, article 147 and/or article 148 of the
15 education law to practice one or more of such professions in this state.
16 With respect to a foreign professional service limited liability company
17 which provides licensed clinical social work services as such services
18 are defined in article 154 of the education law, each member of such
19 foreign professional service limited liability company shall be licensed
20 pursuant to article 154 of the education law to practice clinical social
21 work in this state. With respect to a foreign professional service
22 limited liability company which provides creative arts therapy services
23 as such services are defined in article 163 of the education law, each
24 member of such foreign professional service limited liability company
25 must be licensed pursuant to article 163 of the education law to prac-
26 tice creative arts therapy in this state. With respect to a foreign
27 professional service limited liability company which provides marriage
28 and family therapy services as such services are defined in article 163
29 of the education law, each member of such foreign professional service
30 limited liability company must be licensed pursuant to article 163 of
31 the education law to practice marriage and family therapy in this state.
32 With respect to a foreign professional service limited liability company
33 which provides mental health counseling services as such services are
34 defined in article 163 of the education law, each member of such foreign
35 professional service limited liability company must be licensed pursuant
36 to article 163 of the education law to practice mental health counseling
37 in this state. With respect to a foreign professional service limited
38 liability company which provides psychoanalysis services as such
39 services are defined in article 163 of the education law, each member of
40 such foreign professional service limited liability company must be
41 licensed pursuant to article 163 of the education law to practice
42 psychoanalysis in this state. With respect to a foreign professional
43 service limited liability company which provides applied behavior analy-
44 sis services as such services are defined in article 167 of the educa-
45 tion law, each member of such foreign professional service limited
46 liability company must be licensed or certified pursuant to article 167
47 of the education law to practice applied behavior analysis in this
48 state. With respect to a foreign professional service limited liability
49 company which provides vision impairment specialist services as such
50 services are defined in article 169 of the education law, each member of
51 such foreign professional service limited liability company must be
52 licensed pursuant to article 169 of the education law to practice as a
53 vision impairment specialist in this state.

54 § 9. Subdivision (q) of section 121-1500 of the partnership law, as
55 amended by chapter 475 of the laws of 2014, is amended to read as
56 follows:

(q) Each partner of a registered limited liability partnership formed to provide medical services in this state must be licensed pursuant to article 131 of the education law to practice medicine in this state and each partner of a registered limited liability partnership formed to provide dental services in this state must be licensed pursuant to article 133 of the education law to practice dentistry in this state. Each partner of a registered limited liability partnership formed to provide veterinary services in this state must be licensed pursuant to article 135 of the education law to practice veterinary medicine in this state. Each partner of a registered limited liability partnership formed to provide professional engineering, land surveying, geological services, architectural and/or landscape architectural services in this state 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. Each partner of a registered limited liability partnership formed to provide licensed clinical social work services in this state must be licensed pursuant to article 154 of the education law to practice clinical social work in this state. Each partner of a registered limited liability partnership formed to provide creative arts therapy services in this state must be licensed pursuant to article 163 of the education law to practice creative arts therapy in this state. Each partner of a registered limited liability partnership formed to provide marriage and family therapy services in this state must be licensed pursuant to article 163 of the education law to practice marriage and family therapy in this state. Each partner of a registered limited liability partnership formed to provide mental health counseling services in this state must be licensed pursuant to article 163 of the education law to practice mental health counseling in this state. Each partner of a registered limited liability partnership formed to provide psychoanalysis services in this state must be licensed pursuant to article 163 of the education law to practice psychoanalysis in this state. Each partner of a registered limited liability partnership formed to provide applied behavior analysis service in this state must be licensed or certified pursuant to article 167 of the education law to practice applied behavior analysis in this state. Each partner of a registered limited liability partnership formed to provide vision impairment specialist services in this state must be licensed or certified pursuant to article 169 of the education law to practice as a vision impairment specialist in this state.

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

(q) Each partner of a foreign limited liability partnership which provides medical services in this state must be licensed pursuant to article 131 of the education law to practice medicine in the state and each partner of a foreign limited liability partnership which provides dental services in the state must be licensed pursuant to article 133 of the education law to practice dentistry in this state. Each partner of a foreign limited liability partnership which provides veterinary service in the state shall be licensed pursuant to article 135 of the education law to practice veterinary medicine in this state. Each partner of a foreign limited liability partnership which provides professional engineering, land surveying, geological services, architectural and/or landscape architectural services in this state 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. Each partner of a foreign

1 limited liability partnership which provides licensed clinical social
2 work services in this state must be licensed pursuant to article 154 of
3 the education law to practice licensed clinical social work in this
4 state. Each partner of a foreign limited liability partnership which
5 provides creative arts therapy services in this state must be licensed
6 pursuant to article 163 of the education law to practice creative arts
7 therapy in this state. Each partner of a foreign limited liability part-
8 nership which provides marriage and family therapy services in this
9 state must be licensed pursuant to article 163 of the education law to
10 practice marriage and family therapy in this state. Each partner of a
11 foreign limited liability partnership which provides mental health coun-
12 seling services in this state must be licensed pursuant to article 163
13 of the education law to practice mental health counseling in this state.
14 Each partner of a foreign limited liability partnership which provides
15 psychoanalysis services in this state must be licensed pursuant to arti-
16 cle 163 of the education law to practice psychoanalysis in this state.
17 Each partner of a foreign limited liability partnership which provides
18 applied behavior analysis services in this state must be licensed or
19 certified pursuant to article 167 of the education law to practice
20 applied behavior analysis in this state. Each partner of a foreign
21 limited liability partnership which provides vision impairment special-
22 ist services in this state must be licensed pursuant to article 169 of
23 the education law to practice as a vision impairment specialist in this
24 state.

25 § 11. a. Nothing in this act shall be construed as prohibiting a
26 person from performing the duties of a licensed vision impairment
27 specialist, in the course of such employment, if such person is employed
28 by programs licensed, certified, operated, or funded and regulated by
29 the office of children and family services including the commission for
30 the blind and visually impaired, the state education department or the
31 department of health; provided, however, that this section shall not
32 authorize the use of any title authorized pursuant to article 169 of the
33 education law.

34 b. On or before September 1, 2021, each office identified in subdivi-
35 sion a of this section that licenses, certifies, operates or funds and
36 regulates programs that employ individuals to provide services that
37 would otherwise be restricted to individuals licensed or authorized
38 under article 169 of the education law, shall submit to the commissioner
39 of education, in such form and detail as requested by such commissioner,
40 data in relation to: the number of individuals employed in exempt
41 programs licensed, certified, operated, or funded and regulated by each
42 office identified in subdivision a of this section on September 1, 2020
43 who are providing services that would otherwise be restricted to those
44 licensed or authorized under article 169 of the education law; and the
45 occupational title of individuals who on July 1, 2021 are not licensed
46 or otherwise authorized under title 8 of the education law, and who are
47 engaged in the practice of vision impairment specialist for the purpose
48 of providing vision impairment specialist services to persons who are
49 blind or visually impaired.

50 c. The commissioner of education, after receipt of this data and in
51 consultation with the offices identified in subdivision a of this
52 section, in consultation with not-for-profit providers, professional
53 associations, consumers and other key stakeholders, shall prepare a
54 report that recommends changes in any laws, rules or regulations neces-
55 sary to ensure appropriate licensure or other authorization of individ-
56 uals providing services that are within the restricted practice of

1 professions licensed or otherwise authorized under article 169 of the
2 education law. Such report shall include an estimate of the fiscal
3 impact of any such recommended changes and, to the extent practicable,
4 how such recommendations will result in improved outcomes. The commis-
5 sioner of education shall submit the report to the governor, the speaker
6 of the assembly, the temporary president of the senate, and the chairs
7 of the senate and assembly higher education committees by January 1,
8 2022. The commissioners of the agencies identified in subdivision a of
9 this section shall be provided an opportunity to include statements or
10 alternative recommendations in such report.

11 § 12. This act shall take effect eighteen months after it shall have
12 become a law; provided, further, that the provisions of subdivision a of
13 section eleven of this act shall expire July 1, 2022 when upon such date
14 the provisions of such subdivision shall be deemed repealed. The
15 commissioner of education and the board of regents are authorized to
16 promulgate such rules and regulations and take any other measures as may
17 be necessary for the timely implementation of this act on or before its
18 effective date, including but not limited to the appointment of the
19 state board for vision rehabilitation services, the acceptance and proc-
20 essing of applications for licensure, and the issuance of licenses.