

STATE OF NEW YORK

5740--A

2021-2022 Regular Sessions

IN ASSEMBLY

February 24, 2021

Introduced by M. of A. LUPARDO, J. RIVERA, WILLIAMS, COOK, GALEF, GOTTFRIED, GUNTHER, WALLACE, BENEDETTO, ABBATE, DiPIETRO, PALMESANO, MONTESANO, RA, STECK, GRIFFIN, EPSTEIN, McDONALD, DICKENS, WALSH, McDONOUGH -- Multi-Sponsored by -- M. of A. ABINANTI, BARCLAY, BLANKENBUSH, BRABENEC, BYRNE, COLTON, CYMBROWITZ, DAVILA, DINOWITZ, ENGLEBRIGHT, HAWLEY, HEVESI, HUNTER, KIM, LAVINE, MORINELLO, NORRIS, PAULIN, PEOPLES-STOKES, QUART, L. ROSENTHAL, SIMON, THIELE, WEPRIN -- read once and referred to the Committee on Higher Education -- recommended to the Committee on Higher Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

1 Section 1. The education law is amended by adding a new article 169 to
2 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.

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

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8908. Special provisions.

8909. Separability.

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

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

1. The practice of "vision impairment specialist" shall mean providing assessment and evaluation of, and training for, persons who are visually impaired when such assessment, evaluation and training incorporates the full range of specialized skills and tasks subsumed in the specializations of the profession defined in this section as: (a) orientation and mobility training, and (b) vision rehabilitation therapy. Such services shall be rendered on the prescription or referral which may be directive as to treatment by a licensed physician, nurse practitioner, ophthalmologist or optometrist, provided however that no such treatment directive and low vision examination shall be required when the person being referred has been diagnosed within the previous twelve months as visually impaired, blind or legally blind as those terms are defined in subdivision six of this section and such services are being rendered consistent with that diagnosis, prescription or referral. Vision rehabilitation therapists, and orientation and mobility specialists may not prescribe optical low vision devices.

2. The practice of "vision impairment specialist" shall mean one who specializes in orientation and mobility training and/or vision rehabilitation therapy.

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

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

4. The practice of "vision rehabilitation therapy" shall mean: (a) the assessment of individual needs of persons who are visually impaired for skills training in independent living and communications; (b) the development of appropriate integrated service plans tailored to meet such individual needs as identified in such assessment process; (c) the provision of training in, and utilization of (i) equipment and adaptive devices intended and designed for use by persons who are visually impaired, including, in applied settings, reinforcing instruction for the use of optical devices as prescribed by optometrists or ophthalmologists, and (ii) specialized techniques adapted for persons who are visually impaired, including but not limited to Braille and other communication skills; adapted computer technology; personal management skills; home management skills; problem solving skills; resource management and,

1 as appropriate, professional referrals; and (d) the evaluation of
2 persons receiving such specialized training.

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

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

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

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

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

54 § 8904. Requirements for a license with a specialization as an orien-
55 tation and mobility specialist. To qualify for a license as an orien-

1 tation and mobility specialist, an applicant shall fulfill the following
2 requirements:

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

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

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

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

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

14 6. Registration: all licensed orientation and mobility specialists
15 shall register triennially with the department in accordance with the
16 commissioner's regulation.

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

19 § 8905. Requirements for a license with a specialization as a vision
20 rehabilitation therapist. To qualify for a license as a vision rehabili-
21 tation therapist an applicant shall fulfill the following requirements:

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

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

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

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

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

33 6. Registration: all licensed vision rehabilitation therapists shall
34 register triennially with the department in accordance with the commis-
35 sioner's regulations.

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

38 § 8906. Limited permits. The following requirements for a limited
39 permit shall apply to all professions licensed or certified pursuant to
40 this article:

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

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

47 3. The fee for each limited permit and for each renewal shall be
48 seventy dollars.

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

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

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

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

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

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

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

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

30 7. The instruction in the use of Braille.

31 § 8908. Special provisions. An individual who meets the requirements
32 for a license as a licensed vision impairment specialist with a special-
33 ization in orientation and mobility and/or vision rehabilitation, except
34 for examination, experience and education, and who is certified or
35 registered by a national certifying body having certification or regis-
36 tration standards acceptable to the commissioner, or an individual who
37 has worked as a vision impairment specialist focused on vision rehabili-
38 tation therapy and/or orientation and mobility in a workplace setting
39 which is primarily devoted to the treatment of individuals with vision
40 loss and blindness for at least three years, may be licensed, without
41 meeting additional requirements as to examination, experience and educa-
42 tion, provided that such individual submits an application to the
43 department within three years of the effective date of this section.

44 § 8909. Separability. If any section of this article, or part thereof,
45 shall be adjudged by any court of competent jurisdiction to be invalid,
46 such judgment shall not affect, impair or invalidate the remainder of
47 any other section or part thereof.

48 § 2. Subparagraph (i) of paragraph a of subdivision 1 of section
49 6503-a of the education law, as amended by chapter 554 of the laws of
50 2013, is amended to read as follows:

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

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

1 a. Establish standards for preprofessional and professional education,
2 experience and licensing examinations as required to implement the arti-
3 cle for each profession. Notwithstanding any other provision of law, the
4 commissioner shall establish standards requiring that all persons apply-
5 ing, on or after January first, nineteen hundred ninety-one, initially,
6 or for the renewal of, a license, registration or limited permit to be a
7 physician, chiropractor, dentist, registered nurse, podiatrist, optome-
8 trist, psychiatrist, psychologist, licensed master social worker,
9 licensed clinical social worker, licensed creative arts therapist,
10 licensed marriage and family therapist, licensed mental health counse-
11 lor, licensed psychoanalyst, dental hygienist, licensed behavior
12 analyst, ~~[ex]~~ certified behavior analyst assistant or licensed vision
13 impairment specialist shall, in addition to all the other licensure,
14 certification or permit requirements, have completed two hours of
15 coursework or training regarding the identification and reporting of
16 child abuse and maltreatment. The coursework or training shall be
17 obtained from an institution or provider which has been approved by the
18 department to provide such coursework or training. The coursework or
19 training shall include information regarding the physical and behavioral
20 indicators of child abuse and maltreatment and the statutory reporting
21 requirements set out in sections four hundred thirteen through four
22 hundred twenty of the social services law, including but not limited to,
23 when and how a report must be made, what other actions the reporter is
24 mandated or authorized to take, the legal protections afforded repor-
25 ters, and the consequences for failing to report. Such coursework or
26 training may also include information regarding the physical and behav-
27 ioral indicators of the abuse of individuals with mental retardation and
28 other developmental disabilities and voluntary reporting of abused or
29 neglected adults to the office for people with developmental disabili-
30 ties or the local adult protective services unit. Each applicant shall
31 provide the department with documentation showing that he or she has
32 completed the required training. The department shall provide an
33 exemption from the child abuse and maltreatment training requirements to
34 any applicant who requests such an exemption and who shows, to the
35 department's satisfaction, that there would be no need because of the
36 nature of his or her practice for him or her to complete such training;

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

40 (a) The following persons and officials are required to report or
41 cause a report to be made in accordance with this title when they have
42 reasonable cause to suspect that a child coming before them in their
43 professional or official capacity is an abused or maltreated child, or
44 when they have reasonable cause to suspect that a child is an abused or
45 maltreated child where the parent, guardian, custodian or other person
46 legally responsible for such child comes before them in their profes-
47 sional or official capacity and states from personal knowledge facts,
48 conditions or circumstances which, if correct, would render the child an
49 abused or maltreated child: any physician; registered physician assist-
50 ant; surgeon; medical examiner; coroner; dentist; dental hygienist;
51 osteopath; optometrist; chiropractor; podiatrist; resident; intern;
52 psychologist; registered nurse; social worker; emergency medical techni-
53 cian; licensed creative arts therapist; licensed marriage and family
54 therapist; licensed mental health counselor; licensed psychoanalyst;
55 licensed behavior analyst; certified behavior analyst assistant;
56 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 personnel required to hold a teaching or administrative license or certificate; full or part-time compensated school employee required to hold a temporary coaching license or professional coaching certificate; social services worker; employee of a publicly-funded emergency shelter for families with children; director of a children's overnight camp, summer day camp or traveling summer day camp, as such camps are defined in section thirteen hundred ninety-two of the public health law; day care center worker; school-age child care worker; provider of family or group family day care; employee or volunteer in a residential care facility for children that is licensed, certified or operated by the office of children and family services; or any other child care or foster care worker; mental health professional; substance abuse counselor; alcoholism counselor; all persons credentialed by the office of alcoholism and substance abuse services; employees, who are expected to have regular and substantial contact with children, of a health home or health home care management agency contracting with a health home as designated by the department of health and authorized under section three hundred sixty-five-1 of this chapter or such employees who provide home and community based services under a demonstration program pursuant to section eleven hundred fifteen of the federal social security act who are expected to have regular and substantial contact with children; peace officer; police officer; district attorney or assistant district attorney; investigator employed in the office of a district attorney; or other law enforcement official.

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

§ 6505-b. Course work or training in infection control practices. Every dentist, registered nurse, licensed practical nurse, vision impairment specialist, podiatrist, optometrist and dental hygienist practicing in the state shall, on or before July first, nineteen hundred ninety-four and every four years thereafter, complete course work or training appropriate to the professional's practice approved by the department regarding infection control, which shall include sepsis, and barrier precautions, including engineering and work practice controls, in accordance with regulatory standards promulgated by the department, in consultation with the department of health, which shall be consistent, as far as appropriate, with such standards adopted by the department of health pursuant to section two hundred thirty-nine of the public health law to prevent the transmission of HIV, HBV, HCV and infections that could lead to sepsis in the course of professional practice. Each such professional shall document to the department at the time of registration commencing with the first registration after July first, nineteen hundred ninety-four that the professional has completed course work or training in accordance with this section, provided, however that a professional subject to the provisions of paragraph (f) of subdivision one of section twenty-eight hundred five-k of the public health law shall not be required to so document. The department shall provide an exemption from this requirement to anyone who requests such an exemption and who (i) clearly demonstrates to the department's satisfaction that there would be no need for him or her to complete such course work or training because of the nature of his or her practice or (ii) that he or she has completed course work or training deemed by the department to be

1 equivalent to the course work or training approved by the department
2 pursuant to this section. The department shall consult with organiza-
3 tions representative of professions, institutions and those with exper-
4 tise in infection control and HIV, HBV, HCV and infections that could
5 lead to sepsis with respect to the regulatory standards promulgated
6 pursuant to this section.

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

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

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

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

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

1 services as such services are defined in article 163 of the education
2 law, each member of such limited liability company must be licensed
3 pursuant to article 163 of the education law to practice creative arts
4 therapy in this state. With respect to a professional service limited
5 liability company formed to provide marriage and family therapy services
6 as such services are defined in article 163 of the education law, each
7 member of such limited liability company must be licensed pursuant to
8 article 163 of the education law to practice marriage and family therapy
9 in this state. With respect to a professional service limited liability
10 company formed to provide mental health counseling services as such
11 services are defined in article 163 of the education law, each member of
12 such limited liability company must be licensed pursuant to article 163
13 of the education law to practice mental health counseling in this state.
14 With respect to a professional service limited liability company formed
15 to provide psychoanalysis services as such services are defined in arti-
16 cle 163 of the education law, each member of such limited liability
17 company must be licensed pursuant to article 163 of the education law to
18 practice psychoanalysis in this state. With respect to a professional
19 service limited liability company formed to provide applied behavior
20 analysis services as such services are defined in article 167 of the
21 education law, each member of such limited liability company must be
22 licensed or certified pursuant to article 167 of the education law to
23 practice applied behavior analysis in this state. With respect to a
24 professional service limited liability company formed to provide vision
25 impairment specialist services as such services are defined in article
26 169 of the education law, each member of such limited liability company
27 must be licensed pursuant to article 169 of the education law to prac-
28 tice as a vision impairment specialist in this state.

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

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

1 service limited liability company shall be licensed pursuant to article
2 135 of the education law to practice veterinary medicine. With respect
3 to a foreign professional service limited liability company which
4 provides medical services as such services are defined in article 131 of
5 the education law, each member of such foreign professional service
6 limited liability company must be licensed pursuant to article 131 of
7 the education law to practice medicine in this state. With respect to a
8 foreign professional service limited liability company which provides
9 dental services as such services are defined in article 133 of the
10 education law, each member of such foreign professional service limited
11 liability company must be licensed pursuant to article 133 of the educa-
12 tion law to practice dentistry in this state. With respect to a foreign
13 professional service limited liability company which provides profes-
14 sional engineering, land surveying, geologic, architectural and/or land-
15 scape architectural services as such services are defined in article
16 145, article 147 and article 148 of the education law, each member of
17 such foreign professional service limited liability company must be
18 licensed pursuant to article 145, article 147 and/or article 148 of the
19 education law to practice one or more of such professions in this state.
20 With respect to a foreign professional service limited liability company
21 which provides licensed clinical social work services as such services
22 are defined in article 154 of the education law, each member of such
23 foreign professional service limited liability company shall be licensed
24 pursuant to article 154 of the education law to practice clinical social
25 work in this state. With respect to a foreign professional service
26 limited liability company which provides creative arts therapy services
27 as such services are defined in article 163 of the education law, each
28 member of such foreign professional service limited liability company
29 must be licensed pursuant to article 163 of the education law to prac-
30 tice creative arts therapy in this state. With respect to a foreign
31 professional service limited liability company which provides marriage
32 and family therapy services as such services are defined in article 163
33 of the education law, each member of such foreign professional service
34 limited liability company must be licensed pursuant to article 163 of
35 the education law to practice marriage and family therapy in this state.
36 With respect to a foreign professional service limited liability company
37 which provides mental health counseling services as such services are
38 defined in article 163 of the education law, each member of such foreign
39 professional service limited liability company must be licensed pursuant
40 to article 163 of the education law to practice mental health counseling
41 in this state. With respect to a foreign professional service limited
42 liability company which provides psychoanalysis services as such
43 services are defined in article 163 of the education law, each member of
44 such foreign professional service limited liability company must be
45 licensed pursuant to article 163 of the education law to practice
46 psychoanalysis in this state. With respect to a foreign professional
47 service limited liability company which provides applied behavior analy-
48 sis services as such services are defined in article 167 of the educa-
49 tion law, each member of such foreign professional service limited
50 liability company must be licensed or certified pursuant to article 167
51 of the education law to practice applied behavior analysis in this
52 state. With respect to a foreign professional service limited liability
53 company which provides vision impairment specialist services as such
54 services are defined in article 169 of the education law, each member of
55 such foreign professional service limited liability company must be

1 licensed pursuant to article 169 of the education law to practice as a
2 vision impairment specialist in this state.

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

6 (q) Each partner of a registered limited liability partnership formed
7 to provide medical services in this state must be licensed pursuant to
8 article 131 of the education law to practice medicine in this state and
9 each partner of a registered limited liability partnership formed to
10 provide dental services in this state must be licensed pursuant to arti-
11 cle 133 of the education law to practice dentistry in this state. Each
12 partner of a registered limited liability partnership formed to provide
13 veterinary services in this state must be licensed pursuant to article
14 135 of the education law to practice veterinary medicine in this state.
15 Each partner of a registered limited liability partnership formed to
16 provide professional engineering, land surveying, geological services,
17 architectural and/or landscape architectural services in this state must
18 be licensed pursuant to article 145, article 147 and/or article 148 of
19 the education law to practice one or more of such professions in this
20 state. Each partner of a registered limited liability partnership formed
21 to provide licensed clinical social work services in this state must be
22 licensed pursuant to article 154 of the education law to practice clin-
23 ical social work in this state. Each partner of a registered limited
24 liability partnership formed to provide creative arts therapy services
25 in this state must be licensed pursuant to article 163 of the education
26 law to practice creative arts therapy in this state. Each partner of a
27 registered limited liability partnership formed to provide marriage and
28 family therapy services in this state must be licensed pursuant to arti-
29 cle 163 of the education law to practice marriage and family therapy in
30 this state. Each partner of a registered limited liability partnership
31 formed to provide mental health counseling services in this state must
32 be licensed pursuant to article 163 of the education law to practice
33 mental health counseling in this state. Each partner of a registered
34 limited liability partnership formed to provide psychoanalysis services
35 in this state must be licensed pursuant to article 163 of the education
36 law to practice psychoanalysis in this state. Each partner of a regis-
37 tered limited liability partnership formed to provide applied behavior
38 analysis service in this state must be licensed or certified pursuant to
39 article 167 of the education law to practice applied behavior analysis
40 in this state. Each partner of a registered limited liability partner-
41 ship formed to provide vision impairment specialist services in this
42 state must be licensed or certified pursuant to article 169 of the
43 education law to practice as a vision impairment specialist in this
44 state.

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

48 (q) Each partner of a foreign limited liability partnership which
49 provides medical services in this state must be licensed pursuant to
50 article 131 of the education law to practice medicine in the state and
51 each partner of a foreign limited liability partnership which provides
52 dental services in the state must be licensed pursuant to article 133 of
53 the education law to practice dentistry in this state. Each partner of a
54 foreign limited liability partnership which provides veterinary service
55 in the state shall be licensed pursuant to article 135 of the education
56 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 limited liability partnership which provides licensed clinical social work services in this state must be licensed pursuant to article 154 of the education law to practice licensed clinical social work in this state. Each partner of a foreign limited liability partnership which provides 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 foreign limited liability partnership which provides 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 foreign limited liability partnership which provides 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 foreign limited liability partnership which provides 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 foreign limited liability partnership which provides applied behavior analysis services 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 foreign limited liability partnership which provides vision impairment specialist services in this state must be licensed pursuant to article 169 of the education law to practice as a vision impairment specialist in this state.

§ 11. a. Nothing in this act 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 programs licensed, certified, operated, or funded and regulated by the office of children and family services including the commission for the blind and visually impaired, the state education department or the department of health; provided, however, that this section shall not authorize the use of any title authorized pursuant to article 169 of the education law.

b. On or before September 1, 2023, each office identified in subdivision a of this section that licenses, certifies, operates or funds and regulates programs that employ individuals to provide services that would otherwise be restricted to individuals licensed or authorized under article 169 of the education law, shall submit to the commissioner of education, in such form and detail as requested by such commissioner, data in relation to: the number of individuals employed in exempt programs licensed, certified, operated, or funded and regulated by each office identified in subdivision a of this section on September 1, 2022 who are providing services that would otherwise be restricted to those licensed or authorized under article 169 of the education law; and the occupational title of individuals who on July 1, 2023 are not licensed or otherwise authorized under title 8 of the education law, and who are engaged in the practice of vision impairment specialist for the purpose of providing vision impairment specialist services to persons who are blind or visually impaired.

c. The commissioner of education, after receipt of this data and in consultation with the offices identified in subdivision a of this

1 section, in consultation with not-for-profit providers, professional
2 associations, consumers and other key stakeholders, shall prepare a
3 report that recommends changes in any laws, rules or regulations neces-
4 sary to ensure appropriate licensure or other authorization of individ-
5 uals providing services that are within the restricted practice of
6 professions licensed or otherwise authorized under article 169 of the
7 education law. Such report shall include an estimate of the fiscal
8 impact of any such recommended changes and, to the extent practicable,
9 how such recommendations will result in improved outcomes. The commis-
10 sioner of education shall submit the report to the governor, the speaker
11 of the assembly, the temporary president of the senate, and the chairs
12 of the senate and assembly higher education committees by January 1,
13 2024. The commissioners of the agencies identified in subdivision a of
14 this section shall be provided an opportunity to include statements or
15 alternative recommendations in such report.

16 § 12. This act shall take effect eighteen months after it shall have
17 become a law; provided, further, that the provisions of subdivision a of
18 section eleven of this act shall expire July 1, 2024 when upon such date
19 the provisions of such subdivision shall be deemed repealed. The
20 commissioner of education and the board of regents are authorized to
21 promulgate such rules and regulations and take any other measures as may
22 be necessary for the timely implementation of this act on or before its
23 effective date, including but not limited to the appointment of the
24 state board for vision rehabilitation services, the acceptance and proc-
25 essing of applications for licensure, and the issuance of licenses.