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21

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sens. KAPLAN, SAVINO, THOMAS -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, the county law, the limited liability company law and the partnership law, in relation to the licensing of professional and clinical music therapists

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 163-A to read as follows:

ARTICLE 163-A MUSIC THERAPY

Section 8450. Introduction.

8451. Definitions.

8452. Authorized practice and the use of the titles "licensed professional music therapist" and "licensed clinical music therapist".

8453. State board for music therapy.

8454. Requirements for a license.

8455. Limited permits.

8456. Exemptions.

8457. Special provisions.

8458. Boundaries of professional competency.

8459. Mandatory continuing competency.

§ 8450. Introduction. This article applies to the profession and practice of music therapy, and to the use of the titles "licensed professional music therapist" and "licensed clinical music therapist". The general provisions for all professions contained in article one hundred thirty of this title apply to this article.

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

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1 § 8451. Definitions. 1. (a) The practice of licensed professional
2 music therapy shall mean the clinical and evidence-based use of music
3 interventions to accomplish individualized goals for people of all ages
4 and ability levels within a therapeutic relationship, through the devel-
5 opment of music therapy treatment plans specific to the needs and
6 strengths of the client who may be seen individually and/or in groups.

7 (b) A licensed professional music therapist uses interventions that
8 may include music improvisation, receptive music listening, song writ-
9 ing, lyric discussion, music and imagery, singing, music performance,
10 learning through music, music combined with other arts, music-assisted
11 relaxation, music-based education, electronic music technology, adapted
12 music interventions and movement to music.

13 (c) The practice of licensed professional music therapy does not
14 include the diagnosis or assessment of any physical, mental, or communi-
15 cation disorder.

16 2. (a) The practice of licensed clinical music therapy encompasses the
17 scope of practice of licensed professional music therapy and, in addi-
18 tion, includes the assessment, evaluation, and the therapeutic inter-
19 vention and treatment, which may be either primary, parallel or adjunc-
20 tive, of mental, emotional, developmental and behavioral disorders
21 through the use of music as approved by the department.

22 (b) Licensed clinical music therapists use assessment instruments and
23 mental health counseling and psychotherapy to identify, evaluate and
24 treat dysfunctions and disorders for purposes of providing appropriate
25 clinical music therapy services.

26 3. Psychotherapy means the treatment of mental, nervous, emotional,
27 behavioral and addictive disorders, and ailments by the use of both
28 verbal and behavioral methods of intervention in interpersonal relation-
29 ships with the intent of assisting the persons to modify attitudes,
30 thinking, effect, and behavior which are intellectually, socially and
31 emotionally maladaptive.

32 § 8452. Authorized practice and the use of the titles "licensed
33 professional music therapist" and "licensed clinical music therapist".

34 1. (a) Only a person licensed or exempt under this article shall prac-
35 tice "licensed professional music therapy" as defined in subdivision one
36 of section eighty-four hundred fifty-one of this article.

37 (b) Only a person licensed pursuant to subdivision one of section
38 eighty-four hundred fifty-four of this article shall use the title
39 "licensed professional music therapist" or the designation "LPMT".

40 2. (a) Only a person licensed or exempt under this article shall prac-
41 tice "licensed clinical music therapy" as defined in subdivision two of
42 section eighty-four hundred fifty-one of this article.

43 (b) Only a person licensed pursuant to subdivision two of section
44 eighty-four hundred fifty-four of this article shall use the title
45 "licensed clinical music therapist" or the designation "LCMT".

46 § 8453. State board for music therapy. A state board for music therapy
47 "the board", shall be appointed by the board of regents on recommenda-
48 tion of the commissioner for the purpose of assisting the board of
49 regents and the department on matters of professional licensing, prac-
50 tice, and conduct in accordance with section sixty-five hundred eight of
51 this title. The board shall be composed of not less than twelve members,
52 of which five shall be licensed professional music therapists, five
53 shall be licensed clinical music therapists, and two shall be members of
54 the public. Members of the first board need not be licensed prior to
55 their appointment to the board. The terms of the first appointed members
56 shall be staggered so that four are appointed for three years, four are

1 appointed for four years, and four are appointed for five years. An
2 executive secretary to the board shall be appointed by the board of
3 regents on recommendation of the commissioner and shall be licensed
4 pursuant to this article.

5 § 8454. Requirements for a license. 1. To qualify for a license as a
6 "licensed professional music therapist," an applicant shall fulfill the
7 following requirements:

8 (a) Application: file an application with the department;

9 (b) Education: have received an education, including a baccalaureate
10 degree in music therapy from a program registered by the department or
11 determined by the department to be the substantial equivalent thereof,
12 in accordance with the commissioner's regulations;

13 (c) Experience: have completed at least twelve hundred hours of super-
14 vised clinical training experience in music therapy, with not less than
15 one hundred eighty hours of pre-internship experience and not less than
16 nine hundred hours of internship experience, satisfactory to the depart-
17 ment and in accordance with the commissioner's regulations;

18 (d) Examination: provide proof of passing a national board certifi-
19 cation examination or provide proof of being transitioned into a
20 national board certification credential, satisfactory to the board and
21 in accordance with the commissioner's regulations, currently available
22 to music therapists who have met the education and clinical training
23 standards of the profession;

24 (e) Age: be at least twenty-one years of age;

25 (f) Character: be of good moral character as determined by the depart-
26 ment; and

27 (g) Fees: pay a fee of one hundred seventy-five dollars for an initial
28 license and a fee of one hundred seventy dollars for each triennial
29 registration period.

30 2. To qualify for a license as a "licensed clinical music therapist,"
31 an applicant shall fulfill the following requirements:

32 (a) Application: file an application with the department;

33 (b) Education: have received an education, including a master's degree
34 or higher in music therapy or a related field from a program registered
35 by the department or determined by the department to be the substantial
36 equivalent thereof, in accordance with the commissioner's regulations.
37 The graduate coursework shall include, but not be limited to, the
38 following areas:

39 (i) human growth and development;

40 (ii) theories in music therapy;

41 (iii) group dynamics;

42 (iv) assessment and appraisal of individuals and groups;

43 (v) research and program evaluation;

44 (vi) professional orientation and ethics;

45 (vii) foundations of music therapy and psychopathology;

46 (viii) clinical instruction;

47 (c) Experience: have completed at least fifteen hundred hours of post-
48 master's supervised experience in music therapy satisfactory to the
49 department and in accordance with the commissioner's regulations. Satis-
50 factory experience obtained in an entity operating under a waiver issued
51 by the department pursuant to section sixty-five hundred three-a of this
52 title may be accepted by the department, notwithstanding that such expe-
53 rience may have been obtained prior to the effective date of such
54 section and/or prior to the entity having obtained a waiver. The
55 department may, for good cause shown, accept satisfactory experience
56 that was obtained in a setting that would have been eligible for a waiv-

er but which has not obtained a waiver from the department or experience that was obtained in good faith by the applicant under the belief that appropriate authorization had been obtained for the experience, provided that such experience meets all other requirements for acceptable experience;

(d) Examination: provide proof of passing a national board certification examination or provide proof of being transitioned into a national board certification credential, satisfactory to the board and in accordance with the commissioner's regulations, currently available to music therapists who have met the education and clinical training standards of the profession;

(e) Age: be at least twenty-one years of age;

(f) Character: be of good moral character as determined by the department; and

(g) Fees: pay a fee of one hundred seventy-five dollars for an initial license and a fee of one hundred seventy dollars for each triennial registration period.

§ 8455. Limited permits. 1. On recommendation of the board, the department may issue a limited permit to practice licensed professional music therapy and use the title licensed professional music therapist, or to practice licensed clinical music therapy and use the title licensed clinical music therapist to an applicant who has met all requirements for licensure as a licensed professional music therapist or licensed clinical music therapist except those relating to the examination and provided that the individual is under the general supervision of a professional supervisor, as determined by the department. This limited permit shall be valid for a period of not more than twenty-four months; such limited permits may be renewed, at the discretion of the department, for up to two additional one-year periods.

2. The fee for each limited permit shall be seventy dollars.

§ 8456. Exemptions. Nothing contained in this article shall be construed to:

1. Apply to the practice, conduct, activities, services or use of any title by any person licensed or otherwise authorized to practice medicine within the state pursuant to article one hundred thirty-one of this title or by any person registered to perform services as a physician assistant within the state pursuant to article one hundred thirty-one-B of this title or by any person licensed or otherwise authorized to practice psychology within this state pursuant to article one hundred fifty-three of this title or by any person licensed or otherwise authorized to practice social work within this state pursuant to article one hundred fifty-four of this title, or by any person licensed or otherwise authorized to practice nursing as a registered professional nurse or nurse practitioner within this state pursuant to article one hundred thirty-nine of this title or by any person licensed or otherwise authorized to practice applied behavior analysis within the state pursuant to article one hundred sixty-seven of this title, or by any person licensed or otherwise authorized to practice mental health counseling, marriage and family therapy, creative arts therapy, or psychoanalysis within the state pursuant to article one hundred sixty-three of this title; provided, however, that no physician, physician's assistant, registered professional nurse, nurse practitioner, psychologist, licensed master social worker, licensed clinical social worker, licensed behavior analyst, certified behavior analyst assistant, licensed mental health counselor, licensed marriage and family therapist, licensed creative arts therapist, or licensed psychoanalyst may use the titles "licensed

1 professional music therapist," or "licensed clinical music therapist,"
2 unless licensed under this article.

3 2. Prohibit or limit any individual who is credentialed under any law,
4 including attorneys, rape crisis counselors, certified alcoholism coun-
5 selors and certified substance abuse counselors from providing mental
6 health services within their respective established authorities.

7 3. Prohibit or limit the practice of a profession licensed pursuant to
8 this article by a student, intern or resident in, and as part of, a
9 supervised educational program in an institution approved by the depart-
10 ment.

11 4. Prohibit or limit the provision of pastoral counseling services by
12 any member of the clergy or Christian Science practitioner, within the
13 context of his or her ministerial charge or obligation.

14 5. Prohibit or limit individuals, churches, schools, teachers, organ-
15 izations, or not-for-profit businesses, from providing instruction,
16 advice, support, encouragement, or information to individuals, families,
17 and relational groups.

18 6. Prohibit or limit an occupational therapist from performing work
19 consistent with article one hundred fifty-six of this title.

20 7. Prohibit or limit any individual whose training and national
21 certification attests to the individual's preparation and ability to
22 practice his or her certified profession or occupation, if that person
23 does not represent himself or herself as a licensed professional music
24 therapist or licensed clinical music therapist.

25 § 8457. Special provisions. 1. This section shall apply to all
26 professions licensed pursuant to this article, unless otherwise
27 provided.

28 2. Any nonexempt person practicing a profession to be licensed pursu-
29 ant to this article shall apply for a license under this article within
30 one year of the effective date of this article. If such person does not
31 meet the requirements for a license established within this article,
32 such person may meet alternative criteria determined by the department
33 to be the substantial equivalent of such criteria.

34 3. Any person who holds an active board certification credential in
35 music therapy from a national certification body having certification
36 standards acceptable to the commissioner shall be licensed as a licensed
37 professional music therapist on the effective date of this section with-
38 out meeting any additional education, experience, or examination
39 requirements.

40 4. Any person who holds an active board certification credential in
41 music therapy from a national certification body having certification
42 standards acceptable to the commissioner and a master's degree in music
43 therapy or a related field shall be licensed as a licensed clinical
44 music therapist on the effective date of this section without meeting
45 any additional education, experience, or examination requirements.

46 5. Any person who is licensed as a creative arts therapist and who
47 possesses a minimum of a bachelor's degree in music therapy or its
48 equivalent on the effective date of this section shall be licensed as a
49 licensed clinical music therapist without meeting any additional educa-
50 tion, experience, or examination requirements.

51 6. Any person who possesses a minimum of a baccalaureate degree in
52 music therapy on the effective date of this section, who has ten years
53 of post-graduate music therapy employment and holds an active board
54 certification credential in music therapy from a national certification
55 body or holds an active certification or registration in music therapy
56 from a national certifying or registering body having certification or

1 registration standards acceptable to the commissioner, and meets the
2 requirements for a license pursuant to this article, except for examina-
3 tion, and who files with the department within one year of the effective
4 date of this section, shall be licensed as a licensed clinical music
5 therapist.

6 7. Any person who possesses a master's degree in music therapy or a
7 related field on the effective date of this section, who has five years
8 of post-graduate music therapy employment and holds an active board
9 certification credential in music therapy from a national certification
10 body or holds an active certification or registration in music therapy
11 from a national certifying or registering body having certification or
12 registration standards acceptable to the commissioner, and meets the
13 requirements for a license pursuant to this article, except for examina-
14 tion, and who files with the department within one year of the effective
15 date of this section, shall be licensed as a licensed clinical music
16 therapist.

17 8. Any person licensed pursuant to this article may use accepted clas-
18 sifications of signs, symptoms, dysfunctions and disorders, as approved
19 in accordance with regulations promulgated by the department, in the
20 practice of such licensed profession.

21 § 8458. Boundaries of professional competency. 1. It shall be deemed
22 practicing outside the boundaries of his or her professional competence
23 for a person licensed pursuant to this article, in the case of treatment
24 of any serious mental illness, to provide any mental health service for
25 such illness on a continuous and sustained basis without a medical eval-
26 uation of the illness by, and in consultation with, a physician regard-
27 ing such illness. Such medical evaluation and consultation shall be to
28 determine and advise whether any medical care is indicated for such
29 illness. For purposes of this section, "serious mental illness" means
30 schizophrenia, schizoaffective disorder, bipolar disorder, major depres-
31 sive disorder, panic disorder, obsessive-compulsive disorder, atten-
32 tion-deficit hyperactivity disorder and autism spectrum disorder.

33 2. Any individual whose license or authority to practice derives from
34 the provisions of this article shall be prohibited from:

35 (a) prescribing or administering drugs as defined in this chapter as a
36 treatment, therapy, or professional service in the practice of his or
37 her profession; or

38 (b) using invasive procedures as a treatment, therapy, or professional
39 service in the practice of his or her profession. For purposes of this
40 subdivision, "invasive procedure" means any procedure in which human
41 tissue is cut, altered, or otherwise infiltrated by mechanical or other
42 means. Invasive procedure includes surgery, lasers, ionizing radiation,
43 therapeutic ultrasound, or electroconvulsive therapy.

44 § 8459. Mandatory continuing competency. 1. (a) Each licensed profes-
45 sional music therapist or licensed clinical music therapist shall regis-
46 ter triennially with the department to practice in the state and must
47 comply with the provisions of the mandatory continuing competency
48 requirements prescribed in this section, except as provided in para-
49 graphs (b) and (c) of this subdivision. Those who do not satisfy the
50 mandatory continuing competency requirements shall not be authorized to
51 practice until they have met such requirements, and they have been
52 issued a registration certificate, except that a person may practice
53 without having met such requirements if he or she is issued a condi-
54 tional registration pursuant to subdivision four of this section.

55 (b) Each licensed professional music therapist or licensed clinical
56 music therapist shall be exempt from the mandatory continuing competency

1 requirement for the triennial registration period during which they are
2 first licensed. Adjustment to the mandatory continuing competency
3 requirements may be granted by the department for reasons of health of
4 the licensee where certified by an appropriate health care professional,
5 for extended active duty with the armed forces of the United States, or
6 for other good cause acceptable to the department which may prevent
7 compliance.

8 (c) A licensed professional music therapist or licensed clinical music
9 therapist not engaged in practice, as determined by the department,
10 shall be exempt from the mandatory continuing competency requirement
11 upon the filing of a statement with the department declaring such
12 status. Any licensee who returns to the practice of music therapy during
13 the triennial registration period shall notify the department prior to
14 reentering the profession and shall meet such mandatory continuing
15 competency requirements as shall be prescribed by regulations of the
16 commissioner.

17 2. At the end of each triennial registration period, an applicant for
18 re-registration as a licensed professional music therapist or licensed
19 clinical music therapist must provide proof of holding an active board
20 certification credential in music therapy from a national certification
21 body having certification standards acceptable to the commissioner.

22 3. (a) During each triennial registration period an applicant for
23 registration as a licensed professional music therapist or licensed
24 clinical music therapist shall complete a minimum of thirty-six hours of
25 acceptable learning activities which contribute to continuing compe-
26 tence, as specified in subdivision four of this section. A maximum of
27 twelve hours of the thirty-six hours may be self-instructional course-
28 work acceptable to the department. At least twenty-four hours of the
29 thirty-six hours shall be in areas of study pertinent to the scope of
30 practice of music therapy. With the exception of continuing education
31 hours taken during the registration period immediately preceding the
32 effective date of this section, continuing education hours taken during
33 one triennium may not be transferred to a subsequent triennium.

34 (b) Thereafter, a licensee who has not satisfied the mandatory contin-
35 uing competency requirements shall not be issued a triennial registra-
36 tion certificate by the department and shall not practice unless and
37 until a conditional registration certificate is issued as provided for
38 in subdivision four of this section.

39 4. The department, in its discretion, may issue a conditional regis-
40 tration to a licensee who fails to meet the continuing competency
41 requirements established in subdivision three of this section, but who
42 agrees to make up any deficiencies and complete any additional learning
43 activities which the department may require. The fee for such a condi-
44 tional registration shall be the same as, and in addition to, the fee
45 for the triennial registration. The duration of such conditional regis-
46 tration shall be determined by the department but shall not exceed one
47 year. Any licensee who is notified of the denial of registration for
48 failure to submit evidence, satisfactory to the department, of required
49 continuing competency learning activities and who practices without such
50 registration may be subject to disciplinary proceedings pursuant to
51 section sixty-five hundred ten of this title.

52 5. As used in subdivision three of this section, "acceptable learning
53 activities" shall mean activities which contribute to professional prac-
54 tice in music therapy, and which meet the standards prescribed in the
55 regulations of the commissioner. Such learning activities shall include,
56 but not be limited to, collegiate level credit and non-credit courses,

1 self-study activities, independent study, formal mentoring activities,
2 professional development programs and technical sessions, publications
3 in professional journals and professional development programs; such
4 learning activities may be offered and sponsored by national, state,
5 regional, and local professional associations and other organizations or
6 parties acceptable to the department, and any other organized educa-
7 tional and technical learning activities acceptable to the department.
8 Providers (other than those indicated below as exempt from the approval
9 process) must submit an application to the state board for music thera-
10 py. Types of approved providers include:

11 (a) any higher education institution that offers programs that are
12 registered in New York state as leading to licensure in music therapy;

13 (b) a national, regional, state, or local sponsor or provider of
14 coursework or training that is approved by the American Music Therapy
15 Association (AMTA) or the Certification Board for Music Therapists, Inc.
16 (CBMT); postsecondary institutions, or a consortium of such insti-
17 tutions, that offer programs that are registered as leading to either
18 licensure in music therapy or authorization to practice as a music ther-
19 apist, or equivalent professional education programs accredited by an
20 acceptable accrediting agency, for credit and non-credit offerings;

21 (c) an entity, hospital or health facility defined in section two
22 thousand eight hundred one of the public health law;

23 (d) or an equivalent organization as determined by the department.
24 Organizations that fall under the first three paragraphs listed above do
25 not have to submit a fee or an application for approval as a provider of
26 continuing education for music therapists. However, they must register
27 with the state board for music therapy by completing an approved provid-
28 er registration form. Educational institutions which provide education
29 as part of a licensure qualifying program or sponsors who have had their
30 course approved by the Certification Board for Music Therapists, Inc.
31 (CBMT) do not need to submit an application. Courses approved by the
32 CBMT automatically qualify for approval in New York state. The depart-
33 ment may, in its discretion and as needed to contribute to the health
34 and welfare of the public, require the completion of continuing compe-
35 tency learning activities in specific subjects to fulfill this mandatory
36 continuing competency requirement. Learning activities must be taken
37 from a sponsor approved by the department, pursuant to the regulations
38 of the commissioner.

39 6. A licensed professional music therapist or licensed clinical music
40 therapist shall maintain adequate documentation of completion of accept-
41 able continuing competency activities and shall provide such documenta-
42 tion at the request of the department. Failure to provide such documenta-
43 tion upon request of the department shall be an act of misconduct
44 subject to the disciplinary proceedings pursuant to section sixty-five
45 hundred ten of this title.

46 7. The mandatory continuing competency fee shall be forty-five
47 dollars, payable on or before the first day of each triennial registra-
48 tion period, and shall be paid in addition to the triennial registration
49 fee.

50 § 2. Subdivision 13 of section 700 of the county law, as added by
51 chapter 358 of the laws of 2012, is amended to read as follows:

52 13. In order to provide services to crime victims, witnesses, and
53 other persons involved in the criminal justice system, and to support
54 crime prevention programs, the district attorney may employ or contract
55 with persons licensed and registered to practice or otherwise authorized
56 under article one hundred fifty-three, one hundred fifty-four, [or] one

1 hundred sixty-three, or one hundred sixty-three-A of the education law,
2 or contract with entities authorized to provide the services specified
3 in such articles, in connection with the provision of any services that
4 such persons or entities are authorized to provide and that are author-
5 ized by the district attorney.

6 § 3. Subparagraph (i) of paragraph a and paragraph d of subdivision 1
7 of section 6503-a of the education law, subparagraph (i) of paragraph a
8 as amended by chapter 554 of the laws of 2013, and paragraph d as added
9 by chapter 130 of the laws of 2010, are amended to read as follows:

10 (i) services provided under article one hundred fifty-four, one
11 hundred sixty-three, one hundred sixty-three-A, or one hundred sixty-
12 seven of this title for which licensure would be required, or

13 d. Such waiver shall provide that services rendered pursuant to this
14 section, directly or indirectly, shall be provided only by a person
15 appropriately licensed to provide such services pursuant to article one
16 hundred thirty-one, one hundred thirty-nine, one hundred fifty-three,
17 one hundred fifty-four, ~~or~~ one hundred sixty-three, or one hundred
18 sixty-three-A of this title, or by a person otherwise authorized to
19 provide such services under such articles, or by a professional entity
20 authorized by law to provide such services.

21 § 4. Paragraph c of subdivision 2 of section 6503-a of the education
22 law, as added by chapter 130 of the laws of 2010, is amended to read as
23 follows:

24 c. an institution of higher education authorized to provide a program
25 leading to licensure in a profession defined under article one hundred
26 thirty-one, one hundred thirty-nine, one hundred fifty-three, one
27 hundred fifty-four ~~or~~ one hundred sixty-three, or one hundred sixty-
28 three-A of this title, to the extent that the scope of such services is
29 limited to the services authorized to be provided within such registered
30 program; or

31 § 5. Subdivision 4 of section 7605 of the education law, as amended by
32 chapter 554 of the laws of 2013, is amended to read as follows:

33 4. The practice, conduct, activities, or services by any person
34 licensed or otherwise authorized to practice nursing as a registered
35 professional nurse or nurse practitioner within the state pursuant to
36 article one hundred thirty-nine of this title or by any person licensed
37 or otherwise authorized to practice social work within the state pursu-
38 ant to article one hundred fifty-four of this title, or by any person
39 licensed or otherwise authorized to practice mental health counseling,
40 marriage and family therapy, creative arts therapy, or psychoanalysis
41 within the state pursuant to article one hundred sixty-three of this
42 title, or by any person licensed or otherwise authorized to practice
43 music therapy within the state pursuant to article one hundred sixty-
44 three-A of this title, or any person licensed or otherwise authorized to
45 practice applied behavior analysis within the state pursuant to article
46 one hundred sixty-seven of this title or any individual who is creden-
47 tialed under any law, including attorneys, rape crisis counselors,
48 certified alcoholism counselors, and certified substance abuse counse-
49 lers from providing mental health services within their respective
50 established authorities.

51 § 6. Subdivision 1 of section 7706 of the education law, as amended by
52 chapter 554 of the laws of 2013, is amended to read as follows:

53 1. Apply to the practice, conduct, activities, services or use of any
54 title by any person licensed or otherwise authorized to practice medi-
55 cine within the state pursuant to article one hundred thirty-one of this
56 title or by any person registered to perform services as a physician

1 assistant within the state pursuant to article one hundred thirty-one-B
2 of this title or by any person licensed or otherwise authorized to prac-
3 tice psychology within this state pursuant to article one hundred
4 fifty-three of this title or by any person licensed or otherwise author-
5 ized to practice nursing as a registered professional nurse or nurse
6 practitioner within this state pursuant to article one hundred thirty-
7 nine of this title or by any person licensed or otherwise authorized to
8 practice occupational therapy within this state pursuant to article one
9 hundred fifty-six of this title or by any person licensed or otherwise
10 authorized to practice mental health counseling, marriage and family
11 therapy, creative arts therapy, or psychoanalysis within the state
12 pursuant to article one hundred sixty-three of this title, or by any
13 person licensed or otherwise authorized to practice music therapy within
14 the state pursuant to article one hundred sixty-three-A of this title,
15 or by any person licensed or otherwise authorized to practice applied
16 behavior analysis within the state pursuant to article one hundred
17 sixty-seven of this title; provided, however, that no physician, physi-
18 cian assistant, registered professional nurse, nurse practitioner,
19 psychologist, occupational therapist, licensed mental health counselor,
20 licensed marriage and family therapist, licensed creative arts thera-
21 pist, licensed psychoanalyst, licensed professional music therapist,
22 licensed clinical music therapist, licensed behavior analyst or certi-
23 fied behavior analyst assistant may use the titles "licensed clinical
24 social worker" or "licensed master social worker", unless licensed under
25 this article.

26 § 7. Subdivision 1 of section 8410 of the education law, as amended by
27 chapter 554 of the laws of 2013, is amended to read as follows:

28 1. Apply to the practice, conduct, activities, services or use of any
29 title by any person licensed or otherwise authorized to practice medi-
30 cine within the state pursuant to article one hundred thirty-one of this
31 title or by any person registered to perform services as a physician
32 assistant within the state pursuant to article one hundred thirty-one-B
33 of this title or by any person licensed or otherwise authorized to prac-
34 tice psychology within this state pursuant to article one hundred
35 fifty-three of this title or by any person licensed or otherwise author-
36 ized to practice social work within this state pursuant to article one
37 hundred fifty-four of this title, or by any person licensed or otherwise
38 authorized to practice nursing as a registered professional nurse or
39 nurse practitioner within this state pursuant to article one hundred
40 thirty-nine of this title or by any person licensed or otherwise author-
41 ized to practice applied behavior analysis within the state pursuant to
42 article one hundred sixty-seven of this title or by any person licensed
43 or otherwise authorized to practice music therapy within this state
44 pursuant to article one hundred sixty-three-A of this title; provided,
45 however, that no physician, physician's assistant, registered profes-
46 sional nurse, nurse practitioner, psychologist, licensed master social
47 worker, licensed clinical social worker, licensed behavior analyst [✗],
48 certified behavior analyst assistant, licensed professional music thera-
49 pist, or licensed clinical music therapist may use the titles "licensed
50 mental health counselor", "licensed marriage and family therapist",
51 "licensed creative arts therapist", or "licensed psychoanalyst", unless
52 licensed under this article.

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

(a) Notwithstanding the education law or any other provision of law, one or more professionals each of whom is authorized by law to render a professional service within the state, or one or more professionals, at least one of whom is authorized by law to render a professional service within the state, may form, or cause to be formed, a professional service limited liability company for pecuniary profit under this article for the purpose of rendering the professional service or services as such professionals are authorized to practice. With respect to a professional service limited liability company formed to provide medical services as such services are defined in article 131 of the education law, each member of such limited liability company must be licensed pursuant to article 131 of the education law to practice medicine in this state. With respect to a professional service limited liability company formed to provide dental services as such services are defined in article 133 of the education law, each member of such limited liability company must be licensed pursuant to article 133 of the education law to practice dentistry in this state. With respect to a professional service limited liability company formed to provide veterinary services as such services are defined in article 135 of the education law, each member of such limited liability company must be licensed pursuant to article 135 of the education law to practice veterinary medicine in this state. With respect to a professional service limited liability company formed to provide professional engineering, land surveying, architectural, landscape architectural and/or geological services as such services are defined in article 145, article 147 and article 148 of the education law, each member of such limited liability company must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions in this state. With respect to a professional service limited liability company formed to provide licensed clinical social work services as such services are defined in article 154 of the education law, each member of such limited liability company shall be licensed pursuant to article 154 of the education law to practice licensed clinical social work in this state. With respect to a professional service limited liability company formed to provide creative arts therapy services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice creative arts therapy in this state. With respect to a professional service limited liability company formed to provide marriage and family therapy services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice marriage and family therapy in this state. With respect to a professional service limited liability company formed to provide mental health counseling services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice mental health counseling in this state. With respect to a professional service limited liability company formed to provide psychoanalysis services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice psychoanalysis in this state. With respect to a professional service limited liability company formed to provide music therapy services as such services are defined in article 163-A of the education law, each member of such limited liability company must be licensed pursuant to article 163-A of

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

18 § 9. Subdivision (b) of section 1207 of the limited liability company
19 law, as amended by chapter 475 of the laws of 2014, is amended to read
20 as follows:

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

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

20 § 10. Subdivision (a) of section 1301 of the limited liability company
21 law, as amended by chapter 475 of the laws of 2014, is amended to read
22 as follows:

23 (a) "Foreign professional service limited liability company" means a
24 professional service limited liability company, whether or not denomi-
25 nated as such, organized under the laws of a jurisdiction other than
26 this state, (i) each of whose members and managers, if any, is a profes-
27 sional authorized by law to render a professional service within this
28 state and who is or has been engaged in the practice of such profession
29 in such professional service limited liability company or a predecessor
30 entity, or will engage in the practice of such profession in the profes-
31 sional service limited liability company within thirty days of the date
32 such professional becomes a member, or each of whose members and manag-
33 ers, if any, is a professional at least one of such members is author-
34 ized by law to render a professional service within this state and who
35 is or has been engaged in the practice of such profession in such
36 professional service limited liability company or a predecessor entity,
37 or will engage in the practice of such profession in the professional
38 service limited liability company within thirty days of the date such
39 professional becomes a member, or (ii) authorized by, or holding a
40 license, certificate, registration or permit issued by the licensing
41 authority pursuant to, the education law to render a professional
42 service within this state; except that all members and managers, if any,
43 of a foreign professional service limited liability company that
44 provides health services in this state shall be licensed in this state.
45 With respect to a foreign professional service limited liability company
46 which provides veterinary services as such services are defined in arti-
47 cle 135 of the education law, each member of such foreign professional
48 service limited liability company shall be licensed pursuant to article
49 135 of the education law to practice veterinary medicine. With respect
50 to a foreign professional service limited liability company which
51 provides medical services as such services are defined in article 131 of
52 the education law, each member of such foreign professional service
53 limited liability company must be licensed pursuant to article 131 of
54 the education law to practice medicine in this state. With respect to a
55 foreign professional service limited liability company which provides
56 dental services as such services are defined in article 133 of the

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

§ 11. Subdivision (q) of section 121-1500 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 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 arti-

cle 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 music therapy services in this state must be licensed pursuant to article 163-A of the education law to practice music therapy 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.

§ 12. 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 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

1 therapy in this state. Each partner of a foreign limited liability part-
2 nership which provides marriage and family therapy services in this
3 state must be licensed pursuant to article 163 of the education law to
4 practice marriage and family therapy in this state. Each partner of a
5 foreign limited liability partnership which provides mental health coun-
6 seling services in this state must be licensed pursuant to article 163
7 of the education law to practice mental health counseling in this state.
8 Each partner of a foreign limited liability partnership which provides
9 psychoanalysis services in this state must be licensed pursuant to arti-
10 cle 163 of the education law to practice psychoanalysis in this state.
11 Each partner of a registered limited liability partnership formed to
12 provide music therapy services in this state must be licensed pursuant
13 to article 163-A of the education law to practice music therapy in this
14 state. Each partner of a foreign limited liability partnership which
15 provides applied behavior analysis services in this state must be
16 licensed or certified pursuant to article 167 of the education law to
17 practice applied behavior analysis in this state.
18 § 13. This act shall take effect twenty-four months after it shall
19 have become a law. Effective immediately the addition, amendment and/or
20 repeal of any rule or regulation necessary for the implementation of
21 this act on its effective date are authorized to be made and completed
22 on or before such date.