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I N S E N A T E

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Introduced by Sens. LAVALLE, LARKIN, MORAHAN, PARKER, VOLKER -- 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 limited liability company law and the partnership law, in relation to the practice of naturopathy; and to amend the social services law, in relation to the reporting of child abuse

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

1 Section 1. Legislative intent. In order to protect the public health,  
2 safety and welfare of the citizens who desire naturopathic care, the  
3 legislature finds it is necessary to regulate the practice of naturopa-  
4 thy by providing licensure for qualified practitioners. It is the legis-  
5 lature's intent that only practitioners who meet and maintain standards  
6 of competence are recognized by the public as licensed naturopaths. The  
7 legislature recognizes that, unlike other currently licensed  
8 professions, naturopathic doctors are formally educated in the use of  
9 natural therapies, natural substances and pharmacological substances for  
10 common health conditions and disease prevention. Naturopaths serve the  
11 public as experts in drug/nutrient and drug/herb interactions.  
12 S 2. The education law is amended by adding a new article 132-A to  
13 read as follows:

14 ARTICLE 132-A  
15 NATUROPATHS

16 SECTION 6575. INTRODUCTION.  
17 6576. DEFINITIONS.  
18 6577. DEFINITION OF THE PRACTICE OF NATUROPATHY.  
19 6578. TITLE AND DESIGNATION.  
20 6579. QUALIFICATIONS FOR LICENSURE.  
21 6580. STATE BOARD FOR NATUROPATHY.  
22 6581. EXEMPTIONS.

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

LBD02881-02-9

1 6582. SPECIAL PROVISIONS.

2 6583. PROHIBITIONS.

3 6584. MANDATORY CONTINUING COMPETENCY.

4 S 6575. INTRODUCTION. THIS ARTICLE APPLIES TO THE LICENSURE AND REGU-  
5 LATION OF NATUROPATHIC DOCTORS TO PRACTICE NATUROPATHY IN THIS STATE.  
6 THE GENERAL PROVISIONS FOR ALL PROFESSIONS CONTAINED IN ARTICLE ONE  
7 HUNDRED THIRTY OF THIS TITLE APPLY TO THIS ARTICLE.

8 S 6576. DEFINITIONS. FOR THE PURPOSES OF THIS ARTICLE, THE TERM  
9 "BOARD" MEANS THE STATE BOARD FOR NATUROPATHY.

10 S 6577. DEFINITION OF THE PRACTICE OF NATUROPATHY. THE PRACTICE OF  
11 THE PROFESSION OF NATUROPATHY UTILIZES EDUCATION AND NATURAL THERAPIES  
12 TO SUPPORT AND STIMULATE A PATIENT'S INTRINSIC SELF-HEALING PROCESS TO  
13 PROMOTE WELLNESS AND TO PREVENT, DIAGNOSE, TREAT AND PRESCRIBE FOR HUMAN  
14 HEALTH CONDITIONS CONSISTENT WITH NATUROPATHIC PRACTICE. NATUROPATHIC  
15 DOCTORS SHALL HAVE THE AUTHORITY TO PRESCRIBE THE FOLLOWING SUBSTANCES:  
16 NUTRIENTS AND NUTRITIONAL AGENTS; NATURAL HORMONES; AND ANTIBIOTICS.

17 S 6578. TITLE AND DESIGNATION. ONLY A PERSON LICENSED UNDER THIS  
18 ARTICLE MAY USE ANY OR ALL OF THE FOLLOWING TERMS, CONSISTENT WITH  
19 ACADEMIC DEGREES EARNED: "DOCTOR OF NATUROPATHY", "DOCTOR OF NATUROPATH-  
20 IC MEDICINE" OR ITS ABBREVIATION, "ND", "NATUROPATH", "NATUROPATHIC  
21 DOCTOR" OR "LICENSED NATUROPATH". HOWEVER, NONE OF SUCH TERMS OR ANY  
22 COMBINATION OF SUCH TERMS SHALL BE SO USED TO CONVEY THE IDEA THAT THE  
23 INDIVIDUAL WHO USES SUCH TERM PRACTICES ANYTHING OTHER THAN NATUROPATHY.

24 S 6579. QUALIFICATIONS FOR LICENSURE. TO QUALIFY FOR A LICENSE TO  
25 PRACTICE NATUROPATHY, AN APPLICANT SHALL FULFILL THE FOLLOWING REQUIRE-  
26 MENTS:

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

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

34 3. EXPERIENCE. AS OF THE YEAR TWO THOUSAND FIFTEEN, HAVE SATISFACTORI-  
35 LY COMPLETED AN APPROVED CLINICAL POST-GRADUATE RESIDENCY TRAINING, OF  
36 NOT LESS THAN TWELVE MONTHS DURATION, UNDER THE DIRECT SUPERVISION OF A  
37 GRADUATE OF AN APPROVED PROGRAM WITH A MINIMUM OF TWO YEARS OF PROFES-  
38 SIONAL CLINICAL ACTIVITY AND IN ACCORDANCE WITH THE COMMISSIONER'S REGU-  
39 LATIONS;

40 4. EXAMINATION. PASS AN EXAMINATION THAT MEETS NATIONALLY RECOGNIZED  
41 TEST DEVELOPMENT STANDARDS AND TEST COMPETENCIES FOR NATUROPATHIC  
42 DOCTORS SATISFACTORY TO THE BOARD AND IN ACCORDANCE WITH THE COMMISSION-  
43 ER'S REGULATIONS;

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

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

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

50 S 6580. STATE BOARD FOR NATUROPATHY. A STATE BOARD FOR NATUROPATHY  
51 SHALL BE APPOINTED BY THE BOARD OF REGENTS ON THE RECOMMENDATION OF THE  
52 COMMISSIONER FOR THE PURPOSE OF ASSISTING THE BOARD OF REGENTS AND THE  
53 DEPARTMENT ON MATTERS OF LICENSING AND REGULATION. THE BOARD SHALL BE  
54 COMPOSED OF AT LEAST SIX LICENSED MEMBERS FROM THE PROFESSION LICENSED  
55 PURSUANT TO THIS ARTICLE AND AT LEAST TWO PUBLIC REPRESENTATIVES WHO DO  
56 NOT HOLD INTERESTS IN THE ORGANIZATION, FINANCING, OR DELIVERY OF NATU-

1 ROPATHIC SERVICES AND ONE LICENSED PHYSICIAN WHO IS EITHER A DOCTOR OF  
2 MEDICINE OR A DOCTOR OF OSTEOPATHY. MEMBERS OF THE FIRST BOARD NEED NOT  
3 BE LICENSED PRIOR TO THEIR APPOINTMENT TO THE BOARD BUT SHALL HAVE MET  
4 ALL OTHER REQUIREMENTS OF LICENSING UNDER SUBDIVISION TWO OF SECTION  
5 SIXTY-FIVE HUNDRED SEVENTY-NINE OF THIS ARTICLE AND SHALL HAVE RESIDED  
6 IN THE STATE OF NEW YORK FOR AT LEAST TWO YEARS PRECEDING THEIR APPOINT-  
7 MENT TO THE INITIAL BOARD. THE TERMS OF THE FIRST APPOINTED MEMBERS  
8 SHALL BE STAGGERED SO THAT THREE ARE APPOINTED FOR THREE YEARS, THREE  
9 ARE APPOINTED FOR FOUR YEARS, AND THREE ARE APPOINTED FOR FIVE YEARS. AN  
10 EXECUTIVE SECRETARY TO THE BOARD SHALL BE APPOINTED BY THE BOARD OF  
11 REGENTS ON RECOMMENDATION OF THE COMMISSIONER.

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

14 1. A LICENSED PHYSICIAN FROM PRACTICING HIS OR HER PROFESSION AS  
15 DEFINED UNDER ARTICLES ONE HUNDRED THIRTY-ONE AND ONE HUNDRED  
16 THIRTY-ONE-B OF THIS TITLE; A REGISTERED PROFESSIONAL NURSE OR A CERTI-  
17 FIED NURSE PRACTITIONER PRACTICING HIS OR HER PROFESSION AS DEFINED  
18 UNDER ARTICLE ONE HUNDRED THIRTY-NINE OF THIS TITLE; OR QUALIFIED  
19 MEMBERS OF OTHER PROFESSIONS LICENSED UNDER THIS TITLE FROM PERFORMING  
20 THE PRACTICE OF THEIR PROFESSIONS, EXCEPT THAT SUCH PERSONS MAY NOT HOLD  
21 THEMSELVES OUT UNDER THE TITLE NATUROPATH OR AS PERFORMING NATUROPATHY;

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

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

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

35 S 6583. PROHIBITIONS. A NATUROPATH LICENSED UNDER THIS ARTICLE SHALL  
36 NOT ENGAGE IN THE FOLLOWING ACTIVITIES OR SERVICES WHICH SHALL BE  
37 DEFINED AS PROFESSIONAL MISCONDUCT PURSUANT TO SECTION SIXTY-FIVE  
38 HUNDRED NINE OF THIS TITLE:

39 1. PERFORM GENERAL SURGERY;

40 2. PRACTICE OR CLAIM TO PRACTICE AS A MEDICAL DOCTOR, OSTEOPATH,  
41 DENTIST, PODIATRIST, OPTOMETRIST, PSYCHOLOGIST, ADVANCED PRACTICE  
42 PROFESSIONAL NURSE, PHYSICIAN ASSISTANT, CHIROPRACTOR, PHYSICAL THERA-  
43 PIST, ACUPUNCTURIST, MENTAL HEALTH THERAPIST OR ANY OTHER HEALTH CARE  
44 PROFESSIONAL NOT AUTHORIZED IN THIS CHAPTER;

45 3. USE GENERAL OR SPINAL ANESTHETICS;

46 4. ADMINISTER IONIZING RADIOACTIVE SUBSTANCES FOR THERAPEUTIC  
47 PURPOSES;

48 5. USE ELECTRICAL SHOCK THERAPY;

49 6. USE ELECTROMYOGRAPHY (EMG);

50 7. PRACTICE PSYCHOTHERAPY; OR

51 8. SET FRACTURES.

52 S 6584. MANDATORY CONTINUING COMPETENCY. 1. A. EACH LICENSED NATURO-  
53 PATH REQUIRED UNDER THIS ARTICLE TO REGISTER TRIENNIALLY WITH THE  
54 DEPARTMENT TO PRACTICE IN THE STATE SHALL COMPLY WITH THE PROVISIONS OF  
55 THE MANDATORY CONTINUING COMPETENCY REQUIREMENTS PRESCRIBED IN SUBDIVI-  
56 SION TWO OF THIS SECTION, EXCEPT AS PROVIDED IN PARAGRAPHS B AND C OF

1 THIS SUBDIVISION. LICENSED NATUROPATHS WHO DO NOT SATISFY THE MANDATORY  
2 CONTINUING COMPETENCY REQUIREMENTS SHALL NOT BE AUTHORIZED TO PRACTICE  
3 UNTIL THEY HAVE MET SUCH REQUIREMENTS, AND THEY HAVE BEEN ISSUED A  
4 REGISTRATION CERTIFICATE, EXCEPT THAT A LICENSED NATUROPATH MAY PRACTICE  
5 WITHOUT HAVING MET SUCH REQUIREMENTS IF HE OR SHE IS ISSUED A CONDI-  
6 TIONAL REGISTRATION PURSUANT TO SUBDIVISION THREE OF THIS SECTION.

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

12 C. A LICENSED NATUROPATH NOT ENGAGED IN PRACTICE, AS DETERMINED BY THE  
13 DEPARTMENT, SHALL BE EXEMPT FROM THE MANDATORY CONTINUING COMPETENCY  
14 REQUIREMENT UPON THE FILING OF A STATEMENT WITH THE DEPARTMENT DECLARING  
15 SUCH STATUS. ANY LICENSEE WHO RETURNS TO THE PRACTICE OF LICENSED NATU-  
16 ROPATH DURING THE TRIENNIAL REGISTRATION PERIOD SHALL NOTIFY THE DEPART-  
17 MENT PRIOR TO REENTERING THE PROFESSION AND SHALL MEET SUCH MANDATORY  
18 CONTINUING COMPETENCY REQUIREMENTS AS SHALL BE PRESCRIBED BY REGULATIONS  
19 OF THE COMMISSIONER.

20 2. A. DURING EACH TRIENNIAL REGISTRATION PERIOD AN APPLICANT FOR  
21 REGISTRATION AS A LICENSED NATUROPATH SHALL COMPLETE A MINIMUM OF THIR-  
22 TY-SIX HOURS OF LEARNING ACTIVITIES WHICH CONTRIBUTE TO CONTINUING  
23 COMPETENCE, AS SPECIFIED IN SUBDIVISION FOUR OF THIS SECTION, PROVIDED  
24 FURTHER THAT AT LEAST TWENTY-FOUR HOURS SHALL BE IN AREAS OF STUDY  
25 PERTINENT TO THE SCOPE OF PRACTICE OF NATUROPATHY. WITH THE EXCEPTION  
26 OF CONTINUING EDUCATION HOURS TAKEN DURING THE REGISTRATION PERIOD IMME-  
27 DIATELY PRECEDING THE EFFECTIVE DATE OF THIS SECTION, CONTINUING EDUCA-  
28 TION HOURS TAKEN DURING ONE TRIENNIUM MAY NOT BE TRANSFERRED TO A SUBSE-  
29 QUENT TRIENNIUM.

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

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

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

45 THE FEE FOR SUCH A CONDITIONAL REGISTRATION SHALL BE THE SAME AS, AND  
46 IN ADDITION TO, THE FEE FOR THE TRIENNIAL REGISTRATION. THE DURATION OF  
47 SUCH CONDITIONAL REGISTRATION SHALL BE DETERMINED BY THE DEPARTMENT BUT  
48 SHALL NOT EXCEED ONE YEAR. ANY LICENSEE WHO IS NOTIFIED OF THE DENIAL OF  
49 REGISTRATION FOR FAILURE TO SUBMIT EVIDENCE, SATISFACTORY TO THE DEPART-  
50 MENT, OF REQUIRED CONTINUING COMPETENCY LEARNING ACTIVITIES AND WHO  
51 PRACTICES WITHOUT SUCH REGISTRATION, SHALL BE SUBJECT TO DISCIPLINARY  
52 PROCEEDINGS PURSUANT TO SECTION SIXTY-FIVE HUNDRED TEN OF THIS TITLE.

53 4. AS USED IN SUBDIVISION TWO OF THIS SECTION, "ACCEPTABLE LEARNING  
54 ACTIVITIES" SHALL MEAN ACTIVITIES WHICH CONTRIBUTE TO PROFESSIONAL PRAC-  
55 TICE IN NATUROPATHIC MEDICINE, AND WHICH MEET THE STANDARDS PRESCRIBED  
56 IN THE REGULATIONS OF THE COMMISSIONER. SUCH LEARNING ACTIVITIES SHALL

1 INCLUDE, BUT NOT BE LIMITED TO, COLLEGIATE LEVEL CREDIT AND NON-CREDIT  
2 COURSES, SELF-STUDY ACTIVITIES, INDEPENDENT STUDY, FORMAL MENTORING  
3 ACTIVITIES, PUBLICATIONS IN PROFESSIONAL JOURNALS, PROFESSIONAL DEVELOP-  
4 MENT PROGRAMS AND TECHNICAL SESSIONS; SUCH LEARNING ACTIVITIES MAY BE  
5 OFFERED AND SPONSORED BY NATIONAL, STATE AND LOCAL PROFESSIONAL ASSOCI-  
6 ATIONS AND OTHER ORGANIZATIONS OR PARTIES ACCEPTABLE TO THE DEPARTMENT,  
7 AND ANY OTHER ORGANIZED EDUCATIONAL AND TECHNICAL LEARNING ACTIVITIES  
8 ACCEPTABLE TO THE DEPARTMENT. THE DEPARTMENT MAY, IN ITS DISCRETION AND  
9 AS NEEDED TO CONTRIBUTE TO THE HEALTH AND WELFARE OF THE PUBLIC, REQUIRE  
10 THE COMPLETION OF CONTINUING COMPETENCY LEARNING ACTIVITIES IN SPECIFIC  
11 SUBJECTS TO FULFILL THIS MANDATORY CONTINUING COMPETENCY REQUIREMENT.  
12 LEARNING ACTIVITIES MUST BE TAKEN FROM A SPONSOR APPROVED BY THE DEPART-  
13 MENT, PURSUANT TO THE REGULATIONS OF THE COMMISSIONER.

14 5. LICENSED NATUROPATHS SHALL MAINTAIN ADEQUATE DOCUMENTATION OF  
15 COMPLETION OF:

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

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

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

26 S 3. Subdivision (a) of section 1203 of the limited liability company  
27 law, as separately amended by chapters 420 and 676 of the laws of 2002,  
28 is amended to read as follows:

29 (a) Notwithstanding the education law or any other provision of law,  
30 one or more professionals each of whom is authorized by law to render a  
31 professional service within the state, or one or more professionals, at  
32 least one of whom is authorized by law to render a professional service  
33 within the state, may form, or cause to be formed, a professional  
34 service limited liability company for pecuniary profit under this arti-  
35 cle for the purpose of rendering the professional service or services as  
36 such professionals are authorized to practice. With respect to a profes-  
37 sional service limited liability company formed to provide medical  
38 services as such services are defined in article 131 of the education  
39 law, each member of such limited liability company must be licensed  
40 pursuant to article 131 of the education law to practice medicine in  
41 this state. With respect to a professional service limited liability  
42 company formed to provide dental services as such services are defined  
43 in article 133 of the education law, each member of such limited liabil-  
44 ity company must be licensed pursuant to article 133 of the education  
45 law to practice dentistry in this state. With respect to a professional  
46 service limited liability company formed to provide veterinary services  
47 as such services are defined in article 135 of the education law, each  
48 member of such limited liability company must be licensed pursuant to  
49 article 135 of the education law to practice veterinary medicine in this  
50 state. With respect to a professional service limited liability company  
51 formed to provide professional engineering, land surveying, architec-  
52 tural and/or landscape architectural services as such services are  
53 defined in article 145, article 147 and article 148 of the education  
54 law, each member of such limited liability company must be licensed  
55 pursuant to article 145, article 147 and/or article 148 of the education  
56 law to practice one or more of such professions in this state. With

1 respect to a professional service limited liability company formed to  
2 provide licensed clinical social work services as such services are  
3 defined in article 154 of the education law, each member of such limited  
4 liability company shall be licensed pursuant to article 154 of the  
5 education law to practice licensed clinical social work in this state.  
6 With respect to a professional service limited liability company formed  
7 to provide creative arts therapy services as such services are defined  
8 in article 163 of the education law, each member of such limited liabil-  
9 ity company must be licensed pursuant to article 163 of the education  
10 law to practice creative arts therapy in this state. With respect to a  
11 professional service limited liability company formed to provide  
12 marriage and family therapy services as such services are defined in  
13 article 163 of the education law, each member of such limited liability  
14 company must be licensed pursuant to article 163 of the education law to  
15 practice marriage and family therapy in this state. With respect to a  
16 professional service limited liability company formed to provide mental  
17 health counseling services as such services are defined in article 163  
18 of the education law, each member of such limited liability company must  
19 be licensed pursuant to article 163 of the education law to practice  
20 mental health counseling in this state. With respect to a professional  
21 service limited liability company formed to provide psychoanalysis  
22 services as such services are defined in article 163 of the education  
23 law, each member of such limited liability company must be licensed  
24 pursuant to article 163 of the education law to practice psychoanalysis  
25 in this state. WITH RESPECT TO A PROFESSIONAL SERVICE LIMITED LIABILITY  
26 COMPANY FORMED TO PROVIDE NATUROPATHIC SERVICES AS SUCH SERVICES ARE  
27 DEFINED IN ARTICLE 132-A OF THE EDUCATION LAW, EACH MEMBER OF SUCH  
28 LIMITED LIABILITY COMPANY MUST BE LICENSED PURSUANT TO ARTICLE 132-A OF  
29 THE EDUCATION LAW TO PRACTICE NATUROPATHY IN THIS STATE. In addition to  
30 engaging in such profession or professions, a professional service  
31 limited liability company may engage in any other business or activities  
32 as to which a limited liability company may be formed under section two  
33 hundred one of this chapter. Notwithstanding any other provision of  
34 this section, a professional service limited liability company (i)  
35 authorized to practice law may only engage in another profession or  
36 business or activities or (ii) which is engaged in a profession or other  
37 business or activities other than law may only engage in the practice of  
38 law, to the extent not prohibited by any other law of this state or any  
39 rule adopted by the appropriate appellate division of the supreme court  
40 or the court of appeals.

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

44 (b) with respect to a professional service limited liability company  
45 formed to provide medical services as such services are defined in arti-  
46 cle 131 of the education law, each member of such limited liability  
47 company must be licensed pursuant to article 131 of the education law to  
48 practice medicine in this state. With respect to a professional service  
49 limited liability company formed to provide dental services as such  
50 services are defined in article 133 of the education law, each member of  
51 such limited liability company must be licensed pursuant to article 133  
52 of the education law to practice dentistry in this state. With respect  
53 to a professional service limited liability company formed to provide  
54 veterinary services as such services are defined in article 135 of the  
55 education law, each member of such limited liability company must be  
56 licensed pursuant to article 135 of the education law to practice veter-

1 inary medicine in this state. With respect to a professional service  
2 limited liability company formed to provide professional engineering,  
3 land surveying, architectural and/or landscape architectural services as  
4 such services are defined in article 145, article 147 and article 148 of  
5 the education law, each member of such limited liability company must be  
6 licensed pursuant to article 145, article 147 and/or article 148 of the  
7 education law to practice one or more of such professions in this state.  
8 With respect to a professional service limited liability company formed  
9 to provide licensed clinical social work services as such services are  
10 defined in article 154 of the education law, each member of such limited  
11 liability company shall be licensed pursuant to article 154 of the  
12 education law to practice licensed clinical social work in this state.  
13 With respect to a professional service limited liability company formed  
14 to provide creative arts therapy services as such services are defined  
15 in article 163 of the education law, each member of such limited liabil-  
16 ity company must be licensed pursuant to article 163 of the education  
17 law to practice creative arts therapy in this state. With respect to a  
18 professional service limited liability company formed to provide  
19 marriage and family therapy services as such services are defined in  
20 article 163 of the education law, each member of such limited liability  
21 company must be licensed pursuant to article 163 of the education law to  
22 practice marriage and family therapy in this state. With respect to a  
23 professional service limited liability company formed to provide mental  
24 health counseling services as such services are defined in article 163  
25 of the education law, each member of such limited liability company must  
26 be licensed pursuant to article 163 of the education law to practice  
27 mental health counseling in this state. With respect to a professional  
28 service limited liability company formed to provide psychoanalysis  
29 services as such services are defined in article 163 of the education  
30 law, each member of such limited liability company must be licensed  
31 pursuant to article 163 of the education law to practice psychoanalysis  
32 in this state. WITH RESPECT TO A PROFESSIONAL SERVICE LIMITED LIABILITY  
33 COMPANY FORMED TO PROVIDE NATUROPATHIC SERVICES AS SUCH SERVICES ARE  
34 DEFINED IN ARTICLE 132-A OF THE EDUCATION LAW, EACH MEMBER OF SUCH  
35 LIMITED LIABILITY COMPANY MUST BE LICENSED PURSUANT TO ARTICLE 132-A OF  
36 THE EDUCATION LAW TO PRACTICE NATUROPATHY IN THIS STATE.

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

40 (a) "Foreign professional service limited liability company" means a  
41 professional service limited liability company, whether or not denomi-  
42 nated as such, organized under the laws of a jurisdiction other than  
43 this state, (i) each of whose members and managers, if any, is a profes-  
44 sional authorized by law to render a professional service within this  
45 state and who is or has been engaged in the practice of such profession  
46 in such professional service limited liability company or a predecessor  
47 entity, or will engage in the practice of such profession in the profes-  
48 sional service limited liability company within thirty days of the date  
49 such professional becomes a member, or each of whose members and manag-  
50 ers, if any, is a professional at least one of such members is author-  
51 ized by law to render a professional service within this state and who  
52 is or has been engaged in the practice of such profession in such  
53 professional service limited liability company or a predecessor entity,  
54 or will engage in the practice of such profession in the professional  
55 service limited liability company within thirty days of the date such  
56 professional becomes a member, or (ii) authorized by, or holding a

1 license, certificate, registration or permit issued by the licensing  
2 authority pursuant to, the education law to render a professional  
3 service within this state; except that all members and managers, if any,  
4 of a foreign professional service limited liability company that  
5 provides health services in this state shall be licensed in this state.  
6 With respect to a foreign professional service limited liability company  
7 which provides veterinary services as such services are defined in arti-  
8 cle 135 of the education law, each member of such foreign professional  
9 service limited liability company shall be licensed pursuant to article  
10 135 of the education law to practice veterinary medicine. With respect  
11 to a foreign professional service limited liability company which  
12 provides medical services as such services are defined in article 131 of  
13 the education law, each member of such foreign professional service  
14 limited liability company must be licensed pursuant to article 131 of  
15 the education law to practice medicine in this state. With respect to a  
16 foreign professional service limited liability company which provides  
17 dental services as such services are defined in article 133 of the  
18 education law, each member of such foreign professional service limited  
19 liability company must be licensed pursuant to article 133 of the educa-  
20 tion law to practice dentistry in this state. With respect to a foreign  
21 professional service limited liability company which provides profes-  
22 sional engineering, land surveying, architectural and/or landscape  
23 architectural services as such services are defined in article 145,  
24 article 147 and article 148 of the education law, each member of such  
25 foreign professional service limited liability company must be licensed  
26 pursuant to article 145, article 147 and/or article 148 of the education  
27 law to practice one or more of such professions in this state. With  
28 respect to a foreign professional service limited liability company  
29 which provides licensed clinical social work services as such services  
30 are defined in article 154 of the education law, each member of such  
31 foreign professional service limited liability company shall be licensed  
32 pursuant to article 154 of the education law to practice clinical social  
33 work in this state. With respect to a foreign professional service  
34 limited liability company which provides creative arts therapy services  
35 as such services are defined in article 163 of the education law, each  
36 member of such foreign professional service limited liability company  
37 must be licensed pursuant to article 163 of the education law to prac-  
38 tice creative arts therapy in this state. With respect to a foreign  
39 professional service limited liability company which provides marriage  
40 and family therapy services as such services are defined in article 163  
41 of the education law, each member of such foreign professional service  
42 limited liability company must be licensed pursuant to article 163 of  
43 the education law to practice marriage and family therapy in this state.  
44 With respect to a foreign professional service limited liability company  
45 which provides mental health counseling services as such services are  
46 defined in article 163 of the education law, each member of such foreign  
47 professional service limited liability company must be licensed pursuant  
48 to article 163 of the education law to practice mental health counseling  
49 in this state. With respect to a foreign professional service limited  
50 liability company which provides psychoanalysis services as such  
51 services are defined in article 163 of the education law, each member of  
52 such foreign professional service limited liability company must be  
53 licensed pursuant to article 163 of the education law to practice  
54 psychoanalysis in this state. WITH RESPECT TO A FOREIGN PROFESSIONAL  
55 SERVICE LIMITED LIABILITY COMPANY FORMED TO PROVIDE NATUROPATHIC  
56 SERVICES AS SUCH SERVICES ARE DEFINED IN ARTICLE 132-A OF THE EDUCATION



1 LAW, EACH MEMBER OF SUCH LIMITED LIABILITY COMPANY MUST BE LICENSED  
2 PURSUANT TO ARTICLE 132-A OF THE EDUCATION LAW TO PRACTICE NATUROPATHY  
3 IN THIS STATE.

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

7 (q) Each partner of a registered limited liability partnership formed  
8 to provide medical services in this state must be licensed pursuant to  
9 article 131 of the education law to practice medicine in this state and  
10 each partner of a registered limited liability partnership formed to  
11 provide dental services in this state must be licensed pursuant to arti-  
12 cle 133 of the education law to practice dentistry in this state. Each  
13 partner of a registered limited liability partnership formed to provide  
14 veterinary services in this state must be licensed pursuant to article  
15 135 of the education law to practice veterinary medicine in this state.  
16 Each partner of a registered limited liability partnership formed to  
17 provide professional engineering, land surveying, architectural and/or  
18 landscape architectural services in this state must be licensed pursuant  
19 to article 145, article 147 and/or article 148 of the education law to  
20 practice one or more of such professions in this state. Each partner of  
21 a registered limited liability partnership formed to provide licensed  
22 clinical social work services in this state must be licensed pursuant to  
23 article 154 of the education law to practice clinical social work in  
24 this state. Each partner of a registered limited liability partnership  
25 formed to provide creative arts therapy services in this state must be  
26 licensed pursuant to article 163 of the education law to practice crea-  
27 tive arts therapy in this state. Each partner of a registered limited  
28 liability partnership formed to provide marriage and family therapy  
29 services in this state must be licensed pursuant to article 163 of the  
30 education law to practice marriage and family therapy in this state.  
31 Each partner of a registered limited liability partnership formed to  
32 provide mental health counseling services in this state must be licensed  
33 pursuant to article 163 of the education law to practice mental health  
34 counseling in this state. Each partner of a registered limited liability  
35 partnership formed to provide psychoanalysis services in this state must  
36 be licensed pursuant to article 163 of the education law to practice  
37 psychoanalysis in this state. EACH PARTNER OF A REGISTERED LIMITED  
38 LIABILITY PARTNERSHIP FORMED TO PROVIDE NATUROPATHIC SERVICES IN THIS  
39 STATE MUST BE LICENSED PURSUANT TO ARTICLE 132-A OF THE EDUCATION LAW TO  
40 PRACTICE NATUROPATHY IN THIS STATE.

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

44 (q) Each partner of a foreign limited liability partnership which  
45 provides medical services in this state must be licensed pursuant to  
46 article 131 of the education law to practice medicine in the state and  
47 each partner of a foreign limited liability partnership which provides  
48 dental services in the state must be licensed pursuant to article 133 of  
49 the education law to practice dentistry in this state. Each partner of a  
50 foreign limited liability partnership which provides veterinary service  
51 in the state shall be licensed pursuant to article 135 of the education  
52 law to practice veterinary medicine in this state. Each partner of a  
53 foreign limited liability partnership which provides professional engi-  
54 neering, land surveying, architectural and/or landscape architectural  
55 services in this state must be licensed pursuant to article 145, article  
56 147 and/or article 148 of the education law to practice one or more of

1 such professions. Each partner of a foreign limited liability partner-  
2 ship which provides licensed clinical social work services in this state  
3 must be licensed pursuant to article 154 of the education law to prac-  
4 tice licensed clinical social work in this state. Each partner of a  
5 foreign limited liability partnership which provides creative arts ther-  
6 apy services in this state must be licensed pursuant to article 163 of  
7 the education law to practice creative arts therapy in this state. Each  
8 partner of a foreign limited liability partnership which provides  
9 marriage and family therapy services in this state must be licensed  
10 pursuant to article 163 of the education law to practice marriage and  
11 family therapy in this state. Each partner of a foreign limited liabil-  
12 ity partnership which provides mental health counseling services in this  
13 state must be licensed pursuant to article 163 of the education law to  
14 practice mental health counseling in this state. Each partner of a  
15 foreign limited liability partnership which provides psychoanalysis  
16 services in this state must be licensed pursuant to article 163 of the  
17 education law to practice psychoanalysis in this state. EACH PARTNER OF  
18 A FOREIGN LIMITED LIABILITY PARTNERSHIP WHICH PROVIDES NATUROPATHIC  
19 SERVICES IN THIS STATE MUST BE LICENSED PURSUANT TO ARTICLE 132-A OF THE  
20 EDUCATION LAW TO PRACTICE NATUROPATHY IN THIS STATE.

21 S 8. Paragraph (a) of subdivision 1 of section 413 of the social  
22 services law, as amended by chapter 366 of the laws of 2008, is amended  
23 to read as follows:

24 (a) The following persons and officials are required to report or  
25 cause a report to be made in accordance with this title when they have  
26 reasonable cause to suspect that a child coming before them in their  
27 professional or official capacity is an abused or maltreated child, or  
28 when they have reasonable cause to suspect that a child is an abused or  
29 maltreated child where the parent, guardian, custodian or other person  
30 legally responsible for such child comes before them in their profes-  
31 sional or official capacity and states from personal knowledge facts,  
32 conditions or circumstances which, if correct, would render the child an  
33 abused or maltreated child: any physician; registered physician assist-  
34 ant; surgeon; medical examiner; coroner; dentist; dental hygienist;  
35 osteopath; optometrist; chiropractor; podiatrist; LICENSED NATUROPATH  
36 resident; intern; psychologist; registered nurse; social worker; emer-  
37 gency medical technician; licensed creative arts therapist; licensed  
38 marriage and family therapist; licensed mental health counselor;  
39 licensed psychoanalyst; hospital personnel engaged in the admission,  
40 examination, care or treatment of persons; a Christian Science practi-  
41 tioner; school official, which includes but is not limited to school  
42 teacher, school guidance counselor, school psychologist, school social  
43 worker, school nurse, school administrator or other school personnel  
44 required to hold a teaching or administrative license or certificate;  
45 social services worker; day care center worker; provider of family or  
46 group family day care; employee or volunteer in a residential care  
47 facility defined in subdivision seven of section four hundred twelve of  
48 this title or any other child care or foster care worker; mental health  
49 professional; substance abuse counselor; alcoholism counselor; all  
50 persons credentialed by the office of alcoholism and substance abuse  
51 services; peace officer; police officer; district attorney or assistant  
52 district attorney; investigator employed in the office of a district  
53 attorney; or other law enforcement official.

54 S 9. Paragraph (a) of subdivision 1 of section 413 of the social  
55 services law, as separately amended by chapters 323 and 366 of the laws  
56 of 2008, is amended to read as follows:

1 (a) The following persons and officials are required to report or  
2 cause a report to be made in accordance with this title when they have  
3 reasonable cause to suspect that a child coming before them in their  
4 professional or official capacity is an abused or maltreated child, or  
5 when they have reasonable cause to suspect that a child is an abused or  
6 maltreated child where the parent, guardian, custodian or other person  
7 legally responsible for such child comes before them in their profes-  
8 sional or official capacity and states from personal knowledge facts,  
9 conditions or circumstances which, if correct, would render the child an  
10 abused or maltreated child: any physician; registered physician assist-  
11 ant; surgeon; medical examiner; coroner; dentist; dental hygienist;  
12 osteopath; optometrist; chiropractor; podiatrist; LICENSED NATUROPATH;  
13 resident; intern; psychologist; registered nurse; social worker; emer-  
14 gency medical technician; licensed creative arts therapist; licensed  
15 marriage and family therapist; licensed mental health counselor;  
16 licensed psychoanalyst; hospital personnel engaged in the admission,  
17 examination, care or treatment of persons; a Christian Science practi-  
18 tioner; school official, which includes but is not limited to school  
19 teacher, school guidance counselor, school psychologist, school social  
20 worker, school nurse, school administrator or other school personnel  
21 required to hold a teaching or administrative license or certificate;  
22 social services worker; day care center worker; school-age child care  
23 worker; provider of family or group family day care; employee or volun-  
24 teer in a residential care facility defined in subdivision four of  
25 section four hundred twelve-a of this title or any other child care or  
26 foster care worker; mental health professional; substance abuse counse-  
27 lor; alcoholism counselor; all persons credentialed by the office of  
28 alcoholism and substance abuse services; peace officer; police officer;  
29 district attorney or assistant district attorney; investigator employed  
30 in the office of a district attorney; or other law enforcement official.

31 S 10. This act shall take effect on the one hundred eightieth day  
32 after it shall have become a law; provided however, that effective imme-  
33 diately, the addition, amendment and/or repeal of any rule or regulation  
34 necessary for the implementation of this act on its effective date are  
35 authorized and directed to be made and completed by the commissioner of  
36 education and the board of regents on or before such effective date;  
37 provided further that the amendments to paragraph (a) of subdivision 1  
38 of section 413 of the social services law made by section eight of this  
39 act shall not affect the expiration of such subdivision and shall be  
40 deemed to expire therewith; and provided further that the amendments to  
41 paragraph (a) of subdivision 1 of section 413 of the social services law  
42 made by section nine of this act shall take effect on the same date and  
43 in the same manner as section 14 of chapter 323 of the laws of 2008  
44 takes effect.