

4197

2009-2010 Regular Sessions

I N S E N A T E

April 16, 2009

Introduced by Sen. STAVISKY -- (at request of the State Education Department) -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to the practice of licensed professions by special education schools and early intervention agencies and their employees; and to repeal certain provisions of such law relating thereto

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

1 Section 1. Subdivision 6 of section 4410 of the education law is
2 REPEALED and a new subdivision 6 is added to read as follows:
3 6. PROFESSIONAL PRACTICE ISSUES. A. APPROVED PROGRAMS OPERATED BY
4 PRIVATE PROVIDERS SHALL BE SUBJECT TO REGISTRATION TO THE EXTENT
5 PROVIDED IN SECTION SIXTY-FIVE HUNDRED THREE-A OF THIS CHAPTER, AND, IF
6 REQUIRED TO BE REGISTERED, SHALL BE AUTHORIZED TO EMPLOY LICENSED
7 PROFESSIONALS OR CONTRACT WITH LICENSED PROFESSIONALS OR ENTITIES LEGAL-
8 LY AUTHORIZED TO PROVIDE PROFESSIONAL SERVICES IN ACCORDANCE WITH SUCH
9 SECTION SIXTY-FIVE HUNDRED THREE-A OF THIS CHAPTER.
10 B. AN APPROVED PROGRAM MAY BE FORMED AS AN EDUCATION CORPORATION, OR,
11 WITH THE CONSENT OF THE COMMISSIONER, AS A NOT-FOR-PROFIT CORPORATION,
12 BUSINESS CORPORATION OR LIMITED LIABILITY COMPANY. IN ADDITION, AN
13 APPROVED PROGRAM OR GROUP OF APPROPRIATELY LICENSED OR CERTIFIED PROFES-
14 SIONALS MAY BE FORMED AS A PROFESSIONAL SERVICE LIMITED LIABILITY COMPA-
15 NY OR AS A FOREIGN PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY IN
16 ACCORDANCE WITH THE APPLICABLE PROVISIONS OF ARTICLE TWELVE OR THIRTEEN
17 OF THE LIMITED LIABILITY COMPANY LAW OR AS A REGISTERED LIMITED LIABIL-
18 ITY PARTNERSHIP IN ACCORDANCE WITH SECTION 121-1500 OF THE PARTNERSHIP
19 LAW OR AS A NEW YORK REGISTERED FOREIGN LIMITED LIABILITY PARTNERSHIP IN
20 ACCORDANCE WITH SECTION 121-1502 OF THE PARTNERSHIP LAW. AN APPROVED
21 PROGRAM FORMED AS SUCH A PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY
22 OR REGISTERED LIMITED LIABILITY PARTNERSHIP MAY BE AUTHORIZED TO PROVIDE

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

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1 SPECIAL EDUCATION ITINERANT SERVICES OR OTHER EDUCATIONAL SERVICES NOT
2 INVOLVING PRACTICE OF A PROFESSION UNDER TITLE EIGHT OF THIS CHAPTER. AN
3 APPROVED PROGRAM OR GROUP OF PROFESSIONALS FORMED AS SUCH A PROFESSIONAL
4 SERVICE LIMITED LIABILITY COMPANY OR REGISTERED LIMITED LIABILITY PART-
5 NERSHIP MAY CONTRACT WITH INDIVIDUALS LICENSED OR OTHERWISE AUTHORIZED
6 TO PRACTICE, OR A PROFESSIONAL SERVICE CORPORATION, PARTNERSHIP OR OTHER
7 ENTITY LEGALLY AUTHORIZED TO PRACTICE, ANY PROFESSION UNDER TITLE EIGHT
8 OF THIS CHAPTER IN WHICH THE COMPANY WOULD NOT BE AUTHORIZED TO PROVIDE
9 PROFESSIONAL SERVICES UNDER THE APPLICABLE PROVISIONS OF SECTION TWELVE
10 HUNDRED THREE OR SUBDIVISION (A) OF SECTION THIRTEEN HUNDRED ONE OF THE
11 LIMITED LIABILITY COMPANY LAW OR SECTIONS 121-1500 OR 121-1502 OF THE
12 PARTNERSHIP LAW, SOLELY FOR THE PURPOSES OF CONDUCTING A MULTI-DISCIPLI-
13 NARY EVALUATION OF A PRESCHOOL CHILD SUSPECTED OF HAVING A DISABILITY OR
14 A PRESCHOOL CHILD WITH A DISABILITY OR PROVIDING RELATED SERVICES SPECI-
15 FIED IN THE INDIVIDUALIZED EDUCATION PROGRAM OF A PRESCHOOL CHILD.

16 C. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE
17 EXEMPTION IN SUBDIVISION TWO OF SECTION EIGHTY-TWO HUNDRED SEVEN OF THIS
18 CHAPTER SHALL APPLY TO PERSONS EMPLOYED BY A CENTER-BASED PROGRAM
19 APPROVED PURSUANT TO SUBDIVISION NINE OF THIS SECTION TO PERFORM THE
20 DUTIES OF A SPEECH-LANGUAGE PATHOLOGIST, AUDIOLOGIST, TEACHER OF THE
21 SPEECH AND HEARING IMPAIRED OR TEACHER OF THE DEAF TO STUDENTS ENROLLED
22 IN SUCH APPROVED CENTER-BASED PROGRAM IN THE COURSE OF THEIR EMPLOYMENT.

23 D. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE
24 EXEMPTION IN SUBDIVISION ONE OF SECTION SEVENTY-SIX HUNDRED FIVE OF THIS
25 CHAPTER SHALL APPLY TO PERSONS EMPLOYED BY A CENTER-BASED PROGRAM
26 APPROVED PURSUANT TO SUBDIVISION NINE OF THIS SECTION AS A SCHOOL
27 PSYCHOLOGIST TO PROVIDE ACTIVITIES, SERVICES AND USE OF THE TITLE
28 PSYCHOLOGIST TO STUDENTS ENROLLED IN SUCH APPROVED CENTER-BASED PROGRAM
29 IN THE COURSE OF THEIR EMPLOYMENT.

30 S 2. Paragraphs b and d of subdivision 9 of section 4410 of the educa-
31 tion law, as amended by chapter 705 of the laws of 1992, are amended to
32 read as follows:

33 b. As part of an application submitted pursuant to paragraph a of this
34 subdivision, a provider of special services or programs shall submit a
35 description of its multi-disciplinary evaluation component, if any,
36 which shall be subject to the approval of the commissioner in accordance
37 with regulations adopted for such purpose after consultation with the
38 appropriate advisory committee. Such components or program may rely in
39 part on formal written agreements or affiliations with appropriately
40 certified or licensed professionals, or agencies employing such profes-
41 sionals, provided that such professionals or agencies perform their
42 responsibilities in conformance with regulations of the commissioner and
43 that providers fully disclose any such arrangements on all applications
44 for program approval, AND PROVIDED FURTHER THAT THE PROVIDER CERTIFIES
45 THAT IT SHALL APPLY FOR AND OBTAIN REGISTRATION PURSUANT TO SECTION
46 SIXTY-FIVE HUNDRED THREE-A OF THIS CHAPTER PRIOR TO PROVIDING EVALUATION
47 SERVICES PURSUANT TO SUCH WRITTEN AGREEMENTS OR AFFILIATIONS. Nothing
48 herein shall require a provider of special services or programs to have
49 a multidisciplinary evaluation program.

50 d. Providers may make application to conduct a program that relies on
51 formal written agreements or affiliations with other approved programs
52 or appropriately certified or licensed professionals, provided that such
53 arrangements are fully disclosed on all applications to the commissioner
54 for program approval, AND PROVIDED FURTHER THAT THE PROVIDER CERTIFIES
55 THAT IT SHALL APPLY FOR AND OBTAIN REGISTRATION PURSUANT TO SECTION
56 SIXTY-FIVE HUNDRED THREE-A OF THIS CHAPTER PRIOR TO PROVIDING RELATED

1 SERVICES PURSUANT TO ANY SUCH WRITTEN AGREEMENTS OR AFFILIATIONS INVOLV-
2 ING LICENSED PROFESSIONALS.

3 S 3. Paragraph (a) of subdivision 9-a of section 4410 of the education
4 law, as added by chapter 82 of the laws of 1995, is amended to read as
5 follows:

6 (a) A school district or a group of appropriately licensed and/or
7 certified professionals associated with a public or private agency may
8 apply to the commissioner for approval as an evaluator on a form
9 prescribed by the commissioner. The commissioner shall approve evalu-
10 ators pursuant to this subdivision consistent with the approval process
11 for the multi-disciplinary evaluation component of programs approved
12 pursuant to subdivision nine of this section consistent with regulations
13 adopted pursuant to such subdivision.

14 Such application shall include, but not be limited to, a description
15 of the multi-disciplinary evaluation services proposed to be provided
16 and a demonstration that all agency employees and staff who provide such
17 evaluation services shall have appropriate licensure and/or certifi-
18 cation and that the individual who shall have direct supervision
19 responsibilities over such staff shall have an appropriate level of
20 experience in providing evaluation or services to preschool or kinder-
21 garten-aged children with [handicapping conditions] DISABILITIES. TO BE
22 ELIGIBLE FOR APPROVAL AS AN EVALUATOR ON AND AFTER JULY FIRST, TWO THOU-
23 SAND NINE, A GROUP OF APPROPRIATELY LICENSED OR CERTIFIED PROFESSIONALS
24 SHALL BE FORMED AS A PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY,
25 FOREIGN PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY, REGISTERED
26 LIMITED LIABILITY PARTNERSHIP OR NEW YORK FOREIGN REGISTERED LIMITED
27 LIABILITY PARTNERSHIP. THE APPROVAL OF ANY GROUPS OF LICENSED OR CERTI-
28 FIED PROFESSIONALS THAT ARE IN EXISTENCE ON JULY FIRST, TWO THOUSAND
29 NINE AND WOULD NOT BE ELIGIBLE FOR APPROVAL THEREAFTER SHALL TERMINATE
30 ON JULY FIRST, TWO THOUSAND TEN.

31 S 4. The education law is amended by adding a new section 6503-a to
32 read as follows:

33 S 6503-A. REGISTRATION OF CERTAIN SPECIAL EDUCATION SCHOOLS. 1. DEFI-
34 NITIONS. AS USED IN THIS SECTION:

35 A. "SPECIAL EDUCATION SCHOOL" MEANS AN APPROVED PROGRAM AS DEFINED IN
36 PARAGRAPH A OF SUBDIVISION ONE OF SECTION FORTY-FOUR HUNDRED TEN OF THIS
37 CHAPTER THAT IS LAWFULLY OPERATED BY A PRIVATE CORPORATION, LIMITED
38 LIABILITY COMPANY, REGISTERED LIMITED LIABILITY PARTNERSHIP, OR OTHER
39 PRIVATE ENTITY; AN APPROVED PRIVATE NONRESIDENTIAL OR RESIDENTIAL SCHOOL
40 FOR THE EDUCATION OF STUDENTS WITH DISABILITIES THAT IS LOCATED WITHIN
41 THE STATE; A CHILD CARE INSTITUTION AS DEFINED IN SECTION FOUR THOUSAND
42 ONE OF THIS CHAPTER THAT OPERATES A PRIVATE SCHOOL FOR THE EDUCATION OF
43 STUDENTS WITH DISABILITIES OR AN INSTITUTION FOR THE DEAF OR BLIND OPER-
44 ATING PURSUANT TO ARTICLE EIGHTY-FIVE OF THIS CHAPTER THAT EITHER: (1)
45 CONDUCTS A MULTI-DISCIPLINARY EVALUATION FOR PURPOSES OF ARTICLES
46 EIGHTY-ONE OR EIGHTY-NINE OF THIS CHAPTER THAT INVOLVES THE PRACTICE OF
47 ONE OR MORE PROFESSIONS FOR WHICH A LICENSE IS REQUIRED PURSUANT TO THIS
48 TITLE AND NO EXCEPTION FROM CORPORATE PRACTICE RESTRICTIONS APPLIES, OR
49 (2) PROVIDES RELATED SERVICES TO STUDENTS ENROLLED IN THE SCHOOL OR
50 APPROVED PROGRAM THAT INVOLVES THE PRACTICE OF ONE OR MORE PROFESSIONS
51 FOR WHICH A LICENSE IS REQUIRED PURSUANT TO THIS TITLE AND NO EXCEPTION
52 FROM PRACTICE RESTRICTIONS APPLIES. SUCH TERM SHALL NOT INCLUDE A SCHOOL
53 DISTRICT, BOARD OF COOPERATIVE EDUCATIONAL SERVICES, MUNICIPALITY, STATE
54 AGENCY OR OTHER PUBLIC ENTITY. NOTHING IN THIS SECTION SHALL BE
55 CONSTRUED TO REQUIRE REGISTRATION OF A CHILD CARE INSTITUTION THAT
56 CONDUCTS MULTI-DISCIPLINARY EVALUATIONS OR PROVIDES RELATED SERVICES

1 THROUGH AN APPROVED PRIVATE NONRESIDENTIAL SCHOOL OPERATED BY SUCH CHILD
2 CARE INSTITUTION, PROVIDED THAT SUCH SCHOOL IS REGISTERED PURSUANT TO
3 THIS SECTION.

4 B. "EARLY INTERVENTION AGENCY" FOR PURPOSES OF THIS SECTION MEANS AN
5 AGENCY WHICH IS APPROVED OR IS SEEKING APPROVAL BY THE DEPARTMENT OF
6 HEALTH IN ACCORDANCE WITH TITLE TWO-A OF ARTICLE TWENTY-FIVE OF THE
7 PUBLIC HEALTH LAW TO DELIVER EARLY INTERVENTION PROGRAM MULTIDISCIPLI-
8 NARY EVALUATIONS, SERVICE COORDINATION SERVICES AND EARLY INTERVENTION
9 PROGRAM SERVICES, AND IS LAWFULLY OPERATED BY A NOT-FOR-PROFIT CORPO-
10 RATION, PRIVATE CORPORATION, LIMITED LIABILITY COMPANY, REGISTERED
11 LIMITED LIABILITY PARTNERSHIP, OR OTHER PRIVATE ENTITY.

12 C. "EARLY INTERVENTION PROGRAM SERVICES" MEANS EARLY INTERVENTION
13 SERVICES AS DEFINED IN SUBDIVISION SEVEN OF SECTION TWENTY-FIVE HUNDRED
14 FORTY-ONE OF THE PUBLIC HEALTH LAW THAT ARE PROVIDED UNDER THE EARLY
15 INTERVENTION PROGRAM AND AUTHORIZED IN AN ELIGIBLE CHILD'S INDIVIDUAL-
16 IZED FAMILY SERVICES PLAN.

17 D. "MULTI-DISCIPLINARY EVALUATION" FOR PURPOSES OF A SPECIAL EDUCATION
18 SCHOOL MEANS A MULTI-DISCIPLINARY EVALUATION OF A PRESCHOOL CHILD
19 SUSPECTED OF HAVING A DISABILITY OR A PRESCHOOL CHILD WITH A DISABILITY
20 THAT IS CONDUCTED PURSUANT TO SECTION FORTY-FOUR HUNDRED TEN OF THIS
21 CHAPTER OR AN EVALUATION OF A SCHOOL-AGE CHILD SUSPECTED OF HAVING A
22 DISABILITY OR WITH A DISABILITY WHICH IS CONDUCTED BY A CHILD CARE
23 INSTITUTION THAT OPERATES A SPECIAL EDUCATION SCHOOL OR THE SPECIAL
24 EDUCATION SCHOOL OPERATED BY SUCH INSTITUTION PURSUANT TO SUBDIVISION
25 THREE OF SECTION FOUR THOUSAND TWO OF THIS CHAPTER OR BY AN INSTITUTION
26 FOR THE DEAF OR BLIND OPERATING PURSUANT TO ARTICLE EIGHTY-FIVE OF THIS
27 CHAPTER OR AN EVALUATION OF A SCHOOL-AGE CHILD SUSPECTED OF HAVING A
28 DISABILITY OR WITH A DISABILITY THAT IS AUTHORIZED TO BE CONDUCTED BY A
29 SPECIAL EDUCATION SCHOOL PURSUANT TO ANY OTHER PROVISION OF THIS CHAPTER
30 AND THE REGULATIONS OF THE COMMISSIONER FOR PURPOSES OF IDENTIFICATION
31 OF THE CHILD AS A CHILD WITH A DISABILITY OR THE DEVELOPMENT OF AN INDI-
32 VIDUALIZED EDUCATION PROGRAM FOR THE CHILD.

33 E. "MULTI-DISCIPLINARY EVALUATION" FOR PURPOSES OF THE EARLY INTER-
34 VENTION PROGRAM MEANS A PROFESSIONAL, OBJECTIVE ASSESSMENT CONDUCTED BY
35 APPROPRIATELY QUALIFIED PERSONNEL IN ACCORDANCE WITH SECTION TWENTY-FIVE
36 HUNDRED FORTY-FOUR OF THE PUBLIC HEALTH LAW AND ITS IMPLEMENTING REGU-
37 LATIONS TO DETERMINE A CHILD'S ELIGIBILITY FOR EARLY INTERVENTION
38 PROGRAM SERVICES.

39 F. "RELATED SERVICES" MEANS RELATED SERVICES AS DEFINED IN PARAGRAPH G
40 OF SUBDIVISION TWO OF SECTION FOUR THOUSAND TWO, PARAGRAPH K OF SUBDIVI-
41 SION TWO OF SECTION FORTY-FOUR HUNDRED ONE, OR PARAGRAPH J OF SUBDIVI-
42 SION ONE OF SECTION FORTY-FOUR HUNDRED TEN OF THIS CHAPTER PROVIDED TO A
43 CHILD WITH A DISABILITY PURSUANT TO SUCH CHILD'S INDIVIDUALIZED EDUCA-
44 TION PROGRAM.

45 2. REGISTRATION. A. NO SPECIAL EDUCATION SCHOOL MAY EMPLOY INDIVIDUALS
46 LICENSED PURSUANT TO THIS ARTICLE TO CONDUCT COMPONENTS OF A MULTI-DIS-
47 CIPLINARY EVALUATION OF A CHILD WITH A DISABILITY OR A CHILD SUSPECTED
48 OF HAVING A DISABILITY OR TO PROVIDE RELATED SERVICES TO CHILDREN WITH
49 DISABILITIES ENROLLED IN THE SCHOOL, AND NO SPECIAL EDUCATION SCHOOL MAY
50 PROVIDE SUCH AN EVALUATION COMPONENT OR RELATED SERVICES BY CONTRACT
51 WITH AN INDIVIDUAL LICENSED OR OTHERWISE AUTHORIZED TO PRACTICE PURSUANT
52 TO THIS ARTICLE OR A PROFESSIONAL SERVICE CORPORATION, PROFESSIONAL
53 SERVICE LIMITED LIABILITY COMPANY, OR REGISTERED LIMITED LIABILITY PART-
54 NERSHIP AUTHORIZED BY LAW TO PROVIDE PROFESSIONAL SERVICES, UNLESS SUCH
55 SCHOOL IS REGISTERED PURSUANT TO THIS SECTION. ALL SPECIAL EDUCATION
56 SCHOOLS APPROVED BY THE COMMISSIONER AS OF THE EFFECTIVE DATE OF THIS

SECTION SHALL BE DEEMED REGISTERED PURSUANT TO THIS SECTION FOR A PERIOD COMMENCING ON SUCH EFFECTIVE DATE AND ENDING ON JULY FIRST, TWO THOUSAND TEN.

B. NO EARLY INTERVENTION AGENCY MAY EMPLOY OR CONTRACT WITH INDIVIDUALS LICENSED PURSUANT TO THIS ARTICLE OR WITH A PROFESSIONAL SERVICE CORPORATION, PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY, PARTNERSHIP OR REGISTERED LIMITED LIABILITY PARTNERSHIP AUTHORIZED BY LAW TO PROVIDE THE APPLICABLE PROFESSIONAL SERVICES, TO CONDUCT AN EARLY INTERVENTION PROGRAM MULTIDISCIPLINARY EVALUATION, PROVIDE SERVICE COORDINATION SERVICES OR EARLY INTERVENTION PROGRAM SERVICES UNLESS SUCH AGENCY IS REGISTERED PURSUANT TO THIS SECTION AND APPROVED BY THE DEPARTMENT OF HEALTH IN ACCORDANCE WITH TITLE TWO-A OF ARTICLE TWENTY-FIVE OF THE PUBLIC HEALTH LAW AS AN EARLY INTERVENTION PROGRAM PROVIDER. ALL EARLY INTERVENTION AGENCIES IN EXISTENCE AS OF THE EFFECTIVE DATE OF THIS SECTION SHALL BE DEEMED REGISTERED PURSUANT TO THIS SECTION FOR A PERIOD COMMENCING ON SUCH EFFECTIVE DATE AND ENDING ON JULY FIRST, TWO THOUSAND TEN. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE AN EARLY INTERVENTION AGENCY TO REGISTER IN ACCORDANCE WITH THIS SECTION PROVIDED THAT IT IS OTHERWISE AUTHORIZED BY LAW TO PROVIDE THE APPLICABLE PROFESSIONAL SERVICES.

3. OBTAINING A REGISTRATION. A SPECIAL EDUCATION SCHOOL AND EARLY INTERVENTION AGENCY SHALL BE REGISTERED AS FOLLOWS:

A. APPLICATION FOR REGISTRATION SHALL BE MADE ON A FORM PRESCRIBED BY THE DEPARTMENT.

B. THE APPLICATION FOR INITIAL REGISTRATION SHALL BE ACCOMPANIED BY A FEE OF THREE HUNDRED FORTY-FIVE DOLLARS.

4. RENEWAL OF REGISTRATION. ALL SPECIAL EDUCATION SCHOOL AND EARLY INTERVENTION AGENCY REGISTRATIONS SHALL BE RENEWED ON DATES SET BY THE DEPARTMENT. THE TRIENNIAL REGISTRATION FEE SHALL BE TWO HUNDRED SIXTY DOLLARS OR A PRO-RATED PORTION THEREOF AS DETERMINED BY THE DEPARTMENT. AN EARLY INTERVENTION AGENCY'S REGISTRATION SHALL NOT BE RENEWED UNLESS THE AGENCY IS APPROVED TO PROVIDE EARLY INTERVENTION PROGRAM MULTIDISCIPLINARY EVALUATIONS, SERVICE COORDINATION OR EARLY INTERVENTION PROGRAM SERVICES IN ACCORDANCE WITH TITLE TWO-A OF ARTICLE TWENTY-FIVE OF THE PUBLIC HEALTH LAW.

5. CHANGE OF LOCATION. IN THE EVENT THAT A CHANGE IN THE LOCATION OF THE CHIEF ADMINISTRATIVE OFFICES OF A SPECIAL EDUCATION SCHOOL OR EARLY INTERVENTION AGENCY IS CONTEMPLATED, THE OWNER SHALL NOTIFY THE OFFICE OF PROFESSIONS OF THE DEPARTMENT OF THE CHANGE OF LOCATION AT LEAST THIRTY DAYS PRIOR TO RELOCATION.

6. APPLICANT REGISTRATION. AN APPLICANT FOR REGISTRATION AS A SPECIAL EDUCATION SCHOOL OR EARLY INTERVENTION AGENCY SHALL BE OF GOOD MORAL CHARACTER, AS DETERMINED BY THE DEPARTMENT. IN THE CASE OF A CORPORATE APPLICANT, THE REQUIREMENT SHALL EXTEND TO ALL OFFICERS AND DIRECTORS AND TO STOCKHOLDERS HAVING A TEN PERCENT OR GREATER INTEREST IN THE CORPORATION.

7. PROFESSIONAL PRACTICE. A. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, A REGISTERED SPECIAL EDUCATION SCHOOL MAY EMPLOY INDIVIDUALS LICENSED OR OTHERWISE AUTHORIZED TO PRACTICE ANY PROFESSION PURSUANT TO THIS ARTICLE TO CONDUCT COMPONENTS OF A MULTI-DISCIPLINARY EVALUATION OF A CHILD WITH A DISABILITY OR A CHILD SUSPECTED OF HAVING A DISABILITY OR TO PROVIDE RELATED SERVICES TO CHILDREN WITH DISABILITIES ENROLLED IN THE SCHOOL OR MAY PROVIDE COMPONENTS OF SUCH AN EVALUATION OR SUCH RELATED SERVICES BY CONTRACT WITH AN INDIVIDUAL LICENSED OR OTHERWISE AUTHORIZED TO PRACTICE PURSUANT TO THIS ARTICLE OR A PROFESSIONAL SERVICE CORPORATION, PROFESSIONAL SERVICE LIMITED LIABILITY

1 COMPANY, PARTNERSHIP OR REGISTERED LIMITED LIABILITY PARTNERSHIP AUTHOR-
2 IZED BY LAW TO PROVIDE THE APPLICABLE PROFESSIONAL SERVICES.

3 B. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, A
4 REGISTERED EARLY INTERVENTION AGENCY THAT IS APPROVED IN ACCORDANCE WITH
5 TITLE TWO-A OF ARTICLE TWENTY-FIVE OF THE PUBLIC HEALTH LAW MAY EMPLOY
6 INDIVIDUALS LICENSED OR OTHERWISE AUTHORIZED TO PRACTICE ANY PROFESSION
7 PURSUANT TO THIS ARTICLE OR WITH A PROFESSIONAL SERVICE CORPORATION,
8 PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY, PARTNERSHIP OR REGIS-
9 TERED LIMITED LIABILITY PARTNERSHIP AUTHORIZED TO CONDUCT EARLY INTER-
10 VENTION PROGRAM MULTI-DISCIPLINARY EVALUATIONS, PROVIDE SERVICE COORDI-
11 NATION SERVICES AND EARLY INTERVENTION PROGRAM SERVICES.

12 C. A REGISTERED SPECIAL EDUCATION SCHOOL OR EARLY INTERVENTION AGENCY
13 SHALL NOT PRACTICE ANY PROFESSION LICENSED PURSUANT TO THIS TITLE OR
14 HOLD ITSELF OUT TO THE PUBLIC AS AUTHORIZED TO PROVIDE PROFESSIONAL
15 SERVICES PURSUANT TO THIS TITLE EXCEPT AS AUTHORIZED BY THIS SECTION OR
16 OTHERWISE AUTHORIZED BY LAW.

17 8. SUPERVISION OF PROFESSIONAL PRACTICE. A SPECIAL EDUCATION SCHOOL OR
18 EARLY INTERVENTION AGENCY SHALL BE UNDER THE SUPERVISION OF THE REGENTS
19 OF THE UNIVERSITY OF THE STATE OF NEW YORK AND THE DEPARTMENT PURSUANT
20 TO THIS TITLE AND BE SUBJECT TO DISCIPLINARY PROCEEDINGS AND PENALTIES
21 IN THE SAME MANNER AND TO THE SAME EXTENT AS IS PROVIDED WITH RESPECT TO
22 INDIVIDUALS AND THEIR LICENSES, CERTIFICATES, AND REGISTRATIONS IN THE
23 PROVISIONS OF THIS TITLE RELATING TO THE APPLICABLE PROFESSION, AND THE
24 REGISTRATION OF A SPECIAL EDUCATION SCHOOL OR EARLY INTERVENTION AGENCY
25 SHALL BE SUBJECT TO SUSPENSION, REVOCATION OR ANNULMENT FOR CAUSE.
26 NOTWITHSTANDING THE PROVISIONS OF THIS SUBDIVISION, A SPECIAL EDUCATION
27 SCHOOL OR EARLY INTERVENTION AGENCY THAT CONDUCTS OR CONTRACTS FOR A
28 COMPONENT OF A MULTI-DISCIPLINARY EVALUATION THAT INVOLVES THE PRACTICE
29 OF MEDICINE SHALL BE SUBJECT TO THE PRE-HEARING PROCEDURES AND HEARING
30 PROCEDURES AS IS PROVIDED WITH RESPECT TO INDIVIDUAL PHYSICIANS AND
31 THEIR LICENSES IN TITLE TWO-A OF ARTICLE TWO OF THE PUBLIC HEALTH LAW.
32 NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, UPON REVOCATION
33 OR OTHER TERMINATION BY THE COMMISSIONER OF APPROVAL OF THE SPECIAL
34 EDUCATION SCHOOL PURSUANT TO ARTICLE EIGHTY-NINE OF THIS CHAPTER AND THE
35 REGULATIONS OF THE COMMISSIONER IMPLEMENTING SUCH ARTICLE OR OF THE
36 EARLY INTERVENTION AGENCY BY THE COMMISSIONER OF HEALTH PURSUANT TO
37 TITLE TWO-A OF ARTICLE TWENTY-FIVE OF THE PUBLIC HEALTH LAW AND IMPLEMENTING
38 REGULATIONS, THE SCHOOL'S OR EARLY INTERVENTION AGENCY'S REGISTRATION
39 PURSUANT TO THIS SECTION SHALL BE DEEMED REVOKED AND ANNULLED.

40 S 5. This act shall take effect immediately.