

1370

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

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Introduced by M. of A. HOYT, ORTIZ, GREENE, ENGLEBRIGHT, CAHILL, CYMBROWITZ, BRADLEY, CHRISTENSEN, N. RIVERA, McENENY, ESPAILLAT, DESTITO, LENTOL, ALFANO, ALESSI, BENEDETTO, POWELL, GUNTHER, FIELDS -- Multi-Sponsored by -- M. of A. ARROYO, BARRA, BENJAMIN, BING, BOYLAND, BOYLE, BRENNAN, BUTLER, CALHOUN, CAMARA, CONTE, COOK, CUSICK, DIAZ, DINOWITZ, EDDINGTON, FARRELL, GLICK, GORDON, HEVESI, JACOBS, KOON, LIFTON, LUPARDO, MAYERSOHN, MOLINARO, PAULIN, PEOPLES, PRETLOW, QUINN, RAMOS, REILLY, J. RIVERA, P. RIVERA, SCARBOROUGH, SCHIMEL, STIRPE, TITUS, TOWNS, WEISENBERG, WRIGHT, ZEBROWSKI -- read once and referred 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 naturopathy
4 by providing licensure for qualified practitioners. It is the legislature's
5 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.

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

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6577. DEFINITION OF THE PRACTICE OF NATUROPATHY.
6578. TITLE AND DESIGNATION.
6579. QUALIFICATIONS FOR LICENSURE.
6580. STATE BOARD FOR NATUROPATHY.
6581. EXEMPTIONS.
6582. SPECIAL PROVISIONS.
6583. PROHIBITIONS.
6584. MANDATORY CONTINUING COMPETENCY.

S 6575. INTRODUCTION. THIS ARTICLE APPLIES TO THE LICENSURE AND REGULATION OF NATUROPATHIC DOCTORS TO PRACTICE NATUROPATHY IN THIS STATE. THE GENERAL PROVISIONS FOR ALL PROFESSIONS CONTAINED IN ARTICLE ONE HUNDRED THIRTY OF THIS TITLE APPLY TO THIS ARTICLE.

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

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

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

S 6579. QUALIFICATIONS FOR LICENSURE. TO QUALIFY FOR A LICENSE TO PRACTICE NATUROPATHY, AN APPLICANT SHALL FULFILL THE FOLLOWING REQUIREMENTS:

1. APPLICATION. FILE AN APPLICATION WITH THE DEPARTMENT;

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

3. EXPERIENCE. AS OF THE YEAR TWO THOUSAND FIFTEEN, HAVE SATISFACTORILY COMPLETED AN APPROVED CLINICAL POST-GRADUATE RESIDENCY TRAINING, OF NOT LESS THAN TWELVE MONTHS DURATION, UNDER THE DIRECT SUPERVISION OF A GRADUATE OF AN APPROVED PROGRAM WITH A MINIMUM OF TWO YEARS OF PROFESSIONAL CLINICAL ACTIVITY AND IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;

4. EXAMINATION. PASS AN EXAMINATION THAT MEETS NATIONALLY RECOGNIZED TEST DEVELOPMENT STANDARDS AND TEST COMPETENCIES FOR NATUROPATHIC DOCTORS SATISFACTORY TO THE BOARD AND IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;

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

6. CHARACTER. BE OF GOOD MORAL CHARACTER AS DETERMINED BY THE DEPARTMENT; AND

7. FEES. PAY A FEE OF THREE HUNDRED FIFTY DOLLARS TO THE DEPARTMENT FOR AN INITIAL LICENSE AND A FEE OF FIVE HUNDRED DOLLARS FOR EACH TRIENNIAL REGISTRATION PERIOD.

S 6580. STATE BOARD FOR NATUROPATHY. A STATE BOARD FOR NATUROPATHY SHALL BE APPOINTED BY THE BOARD OF REGENTS ON THE RECOMMENDATION OF THE

COMMISSIONER FOR THE PURPOSE OF ASSISTING THE BOARD OF REGENTS AND THE DEPARTMENT ON MATTERS OF LICENSING AND REGULATION. THE BOARD SHALL BE COMPOSED OF AT LEAST SIX LICENSED MEMBERS FROM THE PROFESSION LICENSED PURSUANT TO THIS ARTICLE AND AT LEAST TWO PUBLIC REPRESENTATIVES WHO DO NOT HOLD INTERESTS IN THE ORGANIZATION, FINANCING, OR DELIVERY OF NATUROPATHIC SERVICES AND ONE LICENSED PHYSICIAN WHO IS EITHER A DOCTOR OF MEDICINE OR A DOCTOR OF OSTEOPATHY. MEMBERS OF THE FIRST BOARD NEED NOT BE LICENSED PRIOR TO THEIR APPOINTMENT TO THE BOARD BUT SHALL HAVE MET ALL OTHER REQUIREMENTS OF LICENSING UNDER SUBDIVISION TWO OF SECTION SIXTY-FIVE HUNDRED SEVENTY-NINE OF THIS ARTICLE AND SHALL HAVE RESIDED IN THE STATE OF NEW YORK FOR AT LEAST TWO YEARS PRECEDING THEIR APPOINTMENT TO THE INITIAL BOARD. THE TERMS OF THE FIRST APPOINTED MEMBERS SHALL BE STAGGERED SO THAT THREE ARE APPOINTED FOR THREE YEARS, THREE ARE APPOINTED FOR FOUR YEARS, AND THREE ARE APPOINTED FOR FIVE YEARS. AN EXECUTIVE SECRETARY TO THE BOARD SHALL BE APPOINTED BY THE BOARD OF REGENTS ON RECOMMENDATION OF THE COMMISSIONER.

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

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

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

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

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

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

1. PERFORM GENERAL SURGERY;

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

3. USE GENERAL OR SPINAL ANESTHETICS;

4. ADMINISTER IONIZING RADIOACTIVE SUBSTANCES FOR THERAPEUTIC PURPOSES;

5. USE ELECTRICAL SHOCK THERAPY;

6. USE ELECTROMYOGRAPHY (EMG);

7. PRACTICE PSYCHOTHERAPY; OR

8. SET FRACTURES.

1 S 6584. MANDATORY CONTINUING COMPETENCY. 1. A. EACH LICENSED NATURO-
2 PATH REQUIRED UNDER THIS ARTICLE TO REGISTER TRIENNIALLY WITH THE
3 DEPARTMENT TO PRACTICE IN THE STATE SHALL COMPLY WITH THE PROVISIONS OF
4 THE MANDATORY CONTINUING COMPETENCY REQUIREMENTS PRESCRIBED IN SUBDIVI-
5 SION TWO OF THIS SECTION, EXCEPT AS PROVIDED IN PARAGRAPHS B AND C OF
6 THIS SUBDIVISION. LICENSED NATUROPATHS WHO DO NOT SATISFY THE MANDATORY
7 CONTINUING COMPETENCY REQUIREMENTS SHALL NOT BE AUTHORIZED TO PRACTICE
8 UNTIL THEY HAVE MET SUCH REQUIREMENTS, AND THEY HAVE BEEN ISSUED A
9 REGISTRATION CERTIFICATE, EXCEPT THAT A LICENSED NATUROPATH MAY PRACTICE
10 WITHOUT HAVING MET SUCH REQUIREMENTS IF HE OR SHE IS ISSUED A CONDI-
11 TIONAL REGISTRATION PURSUANT TO SUBDIVISION THREE OF THIS SECTION.

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

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

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

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

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

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

50 THE FEE FOR SUCH A CONDITIONAL REGISTRATION SHALL BE THE SAME AS, AND
51 IN ADDITION TO, THE FEE FOR THE TRIENNIAL REGISTRATION. THE DURATION OF
52 SUCH CONDITIONAL REGISTRATION SHALL BE DETERMINED BY THE DEPARTMENT BUT
53 SHALL NOT EXCEED ONE YEAR. ANY LICENSEE WHO IS NOTIFIED OF THE DENIAL OF
54 REGISTRATION FOR FAILURE TO SUBMIT EVIDENCE, SATISFACTORY TO THE DEPART-
55 MENT, OF REQUIRED CONTINUING COMPETENCY LEARNING ACTIVITIES AND WHO

PRACTICES WITHOUT SUCH REGISTRATION, SHALL BE SUBJECT TO DISCIPLINARY PROCEEDINGS PURSUANT TO SECTION SIXTY-FIVE HUNDRED TEN OF THIS TITLE.

4. AS USED IN SUBDIVISION TWO OF THIS SECTION, "ACCEPTABLE LEARNING ACTIVITIES" SHALL MEAN ACTIVITIES WHICH CONTRIBUTE TO PROFESSIONAL PRACTICE IN NATUROPATHIC MEDICINE, AND WHICH MEET THE STANDARDS PRESCRIBED IN THE REGULATIONS OF THE COMMISSIONER. SUCH LEARNING ACTIVITIES SHALL INCLUDE, BUT NOT BE LIMITED TO, COLLEGIATE LEVEL CREDIT AND NON-CREDIT COURSES, SELF-STUDY ACTIVITIES, INDEPENDENT STUDY, FORMAL MENTORING ACTIVITIES, PUBLICATIONS IN PROFESSIONAL JOURNALS, PROFESSIONAL DEVELOPMENT PROGRAMS AND TECHNICAL SESSIONS; SUCH LEARNING ACTIVITIES MAY BE OFFERED AND SPONSORED BY NATIONAL, STATE AND LOCAL PROFESSIONAL ASSOCIATIONS AND OTHER ORGANIZATIONS OR PARTIES ACCEPTABLE TO THE DEPARTMENT, AND ANY OTHER ORGANIZED EDUCATIONAL AND TECHNICAL LEARNING ACTIVITIES ACCEPTABLE TO THE DEPARTMENT. THE DEPARTMENT MAY, IN ITS DISCRETION AND AS NEEDED TO CONTRIBUTE TO THE HEALTH AND WELFARE OF THE PUBLIC, REQUIRE THE COMPLETION OF CONTINUING COMPETENCY LEARNING ACTIVITIES IN SPECIFIC SUBJECTS TO FULFILL THIS MANDATORY CONTINUING COMPETENCY REQUIREMENT. LEARNING ACTIVITIES MUST BE TAKEN FROM A SPONSOR APPROVED BY THE DEPARTMENT, PURSUANT TO THE REGULATIONS OF THE COMMISSIONER.

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

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

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

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

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

1 formed to provide professional engineering, land surveying, architec-
2 tural and/or landscape architectural services as such services are
3 defined in article 145, article 147 and article 148 of the education
4 law, each member of such limited liability company must be licensed
5 pursuant to article 145, article 147 and/or article 148 of the education
6 law to practice one or more of such professions in this state. With
7 respect to a professional service limited liability company formed to
8 provide licensed clinical social work services as such services are
9 defined in article 154 of the education law, each member of such limited
10 liability company shall be licensed pursuant to article 154 of the
11 education law to practice licensed clinical social work in this state.
12 With respect to a professional service limited liability company formed
13 to provide creative arts therapy services as such services are defined
14 in article 163 of the education law, each member of such limited liabil-
15 ity company must be licensed pursuant to article 163 of the education
16 law to practice creative arts therapy in this state. With respect to a
17 professional service limited liability company formed to provide
18 marriage and family therapy services as such services are defined in
19 article 163 of the education law, each member of such limited liability
20 company must be licensed pursuant to article 163 of the education law to
21 practice marriage and family therapy in this state. With respect to a
22 professional service limited liability company formed to provide mental
23 health counseling services as such services are defined in article 163
24 of the education law, each member of such limited liability company must
25 be licensed pursuant to article 163 of the education law to practice
26 mental health counseling in this state. With respect to a professional
27 service limited liability company formed to provide psychoanalysis
28 services as such services are defined in article 163 of the education
29 law, each member of such limited liability company must be licensed
30 pursuant to article 163 of the education law to practice psychoanalysis
31 in this state. WITH RESPECT TO A PROFESSIONAL SERVICE LIMITED LIABILITY
32 COMPANY FORMED TO PROVIDE NATUROPATHIC SERVICES AS SUCH SERVICES ARE
33 DEFINED IN ARTICLE 132-A OF THE EDUCATION LAW, EACH MEMBER OF SUCH
34 LIMITED LIABILITY COMPANY MUST BE LICENSED PURSUANT TO ARTICLE 132-A OF
35 THE EDUCATION LAW TO PRACTICE NATUROPATHY IN THIS STATE. In addition to
36 engaging in such profession or professions, a professional service
37 limited liability company may engage in any other business or activities
38 as to which a limited liability company may be formed under section two
39 hundred one of this chapter. Notwithstanding any other provision of
40 this section, a professional service limited liability company (i)
41 authorized to practice law may only engage in another profession or
42 business or activities or (ii) which is engaged in a profession or other
43 business or activities other than law may only engage in the practice of
44 law, to the extent not prohibited by any other law of this state or any
45 rule adopted by the appropriate appellate division of the supreme court
46 or the court of appeals.

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

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

1 such limited liability company must be licensed pursuant to article 133
2 of the education law to practice dentistry in this state. With respect
3 to a professional service limited liability company formed to provide
4 veterinary services as such services are defined in article 135 of the
5 education law, each member of such limited liability company must be
6 licensed pursuant to article 135 of the education law to practice veter-
7 inary medicine in this state. With respect to a professional service
8 limited liability company formed to provide professional engineering,
9 land surveying, architectural and/or landscape architectural services as
10 such services are defined in article 145, article 147 and article 148 of
11 the education law, each member of such limited liability company must be
12 licensed pursuant to article 145, article 147 and/or article 148 of the
13 education law to practice one or more of such professions in this state.
14 With respect to a professional service limited liability company formed
15 to provide licensed clinical social work services as such services are
16 defined in article 154 of the education law, each member of such limited
17 liability company shall be licensed pursuant to article 154 of the
18 education law to practice licensed clinical social work in this state.
19 With respect to a professional service limited liability company formed
20 to provide creative arts therapy services as such services are defined
21 in article 163 of the education law, each member of such limited liabil-
22 ity company must be licensed pursuant to article 163 of the education
23 law to practice creative arts therapy in this state. With respect to a
24 professional service limited liability company formed to provide
25 marriage and family therapy services as such services are defined in
26 article 163 of the education law, each member of such limited liability
27 company must be licensed pursuant to article 163 of the education law to
28 practice marriage and family therapy in this state. With respect to a
29 professional service limited liability company formed to provide mental
30 health counseling services as such services are defined in article 163
31 of the education law, each member of such limited liability company must
32 be licensed pursuant to article 163 of the education law to practice
33 mental health counseling in this state. With respect to a professional
34 service limited liability company formed to provide psychoanalysis
35 services as such services are defined in article 163 of the education
36 law, each member of such limited liability company must be licensed
37 pursuant to article 163 of the education law to practice psychoanalysis
38 in this state. WITH RESPECT TO A PROFESSIONAL SERVICE LIMITED LIABILITY
39 COMPANY FORMED TO PROVIDE NATUROPATHIC SERVICES AS SUCH SERVICES ARE
40 DEFINED IN ARTICLE 132-A OF THE EDUCATION LAW, EACH MEMBER OF SUCH
41 LIMITED LIABILITY COMPANY MUST BE LICENSED PURSUANT TO ARTICLE 132-A OF
42 THE EDUCATION LAW TO PRACTICE NATUROPATHY IN THIS STATE.

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

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

1 ized by law to render a professional service within this state and who
2 is or has been engaged in the practice of such profession in such
3 professional service limited liability company or a predecessor entity,
4 or will engage in the practice of such profession in the professional
5 service limited liability company within thirty days of the date such
6 professional becomes a member, or (ii) authorized by, or holding a
7 license, certificate, registration or permit issued by the licensing
8 authority pursuant to, the education law to render a professional
9 service within this state; except that all members and managers, if any,
10 of a foreign professional service limited liability company that
11 provides health services in this state shall be licensed in this state.
12 With respect to a foreign professional service limited liability company
13 which provides veterinary services as such services are defined in arti-
14 cle 135 of the education law, each member of such foreign professional
15 service limited liability company shall be licensed pursuant to article
16 135 of the education law to practice veterinary medicine. With respect
17 to a foreign professional service limited liability company which
18 provides medical services as such services are defined in article 131 of
19 the education law, each member of such foreign professional service
20 limited liability company must be licensed pursuant to article 131 of
21 the education law to practice medicine in this state. With respect to a
22 foreign professional service limited liability company which provides
23 dental services as such services are defined in article 133 of the
24 education law, each member of such foreign professional service limited
25 liability company must be licensed pursuant to article 133 of the educa-
26 tion law to practice dentistry in this state. With respect to a foreign
27 professional service limited liability company which provides profes-
28 sional engineering, land surveying, architectural and/or landscape
29 architectural services as such services are defined in article 145,
30 article 147 and article 148 of the education law, each member of such
31 foreign professional service limited liability company must be licensed
32 pursuant to article 145, article 147 and/or article 148 of the education
33 law to practice one or more of such professions in this state. With
34 respect to a foreign professional service limited liability company
35 which provides licensed clinical social work services as such services
36 are defined in article 154 of the education law, each member of such
37 foreign professional service limited liability company shall be licensed
38 pursuant to article 154 of the education law to practice clinical social
39 work in this state. With respect to a foreign professional service
40 limited liability company which provides creative arts therapy services
41 as such services are defined in article 163 of the education law, each
42 member of such foreign professional service limited liability company
43 must be licensed pursuant to article 163 of the education law to prac-
44 tice creative arts therapy in this state. With respect to a foreign
45 professional service limited liability company which provides marriage
46 and family therapy services as such services are defined in article 163
47 of the education law, each member of such foreign professional service
48 limited liability company must be licensed pursuant to article 163 of
49 the education law to practice marriage and family therapy in this state.
50 With respect to a foreign professional service limited liability company
51 which provides mental health counseling services as such services are
52 defined in article 163 of the education law, each member of such foreign
53 professional service limited liability company must be licensed pursuant
54 to article 163 of the education law to practice mental health counseling
55 in this state. With respect to a foreign professional service limited
56 liability company which provides psychoanalysis services as such

1 services are defined in article 163 of the education law, each member of
2 such foreign professional service limited liability company must be
3 licensed pursuant to article 163 of the education law to practice
4 psychoanalysis in this state. WITH RESPECT TO A FOREIGN PROFESSIONAL
5 SERVICE LIMITED LIABILITY COMPANY FORMED TO PROVIDE NATUROPATHIC
6 SERVICES AS SUCH SERVICES ARE DEFINED IN ARTICLE 132-A OF THE EDUCATION
7 LAW, EACH MEMBER OF SUCH LIMITED LIABILITY COMPANY MUST BE LICENSED
8 PURSUANT TO ARTICLE 132-A OF THE EDUCATION LAW TO PRACTICE NATUROPATHY
9 IN THIS STATE.

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

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

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

50 (q) Each partner of a foreign limited liability partnership which
51 provides medical services in this state must be licensed pursuant to
52 article 131 of the education law to practice medicine in the state and
53 each partner of a foreign limited liability partnership which provides
54 dental services in the state must be licensed pursuant to article 133 of
55 the education law to practice dentistry in this state. Each partner of a
56 foreign limited liability partnership which provides veterinary service

1 in the state shall be licensed pursuant to article 135 of the education
2 law to practice veterinary medicine in this state. Each partner of a
3 foreign limited liability partnership which provides professional engi-
4 neering, land surveying, architectural and/or landscape architectural
5 services in this state must be licensed pursuant to article 145, article
6 147 and/or article 148 of the education law to practice one or more of
7 such professions. Each partner of a foreign limited liability partner-
8 ship which provides licensed clinical social work services in this state
9 must be licensed pursuant to article 154 of the education law to prac-
10 tice licensed clinical social work in this state. Each partner of a
11 foreign limited liability partnership which provides creative arts ther-
12 apy services in this state must be licensed pursuant to article 163 of
13 the education law to practice creative arts therapy in this state. Each
14 partner of a foreign limited liability partnership which provides
15 marriage and family therapy services in this state must be licensed
16 pursuant to article 163 of the education law to practice marriage and
17 family therapy in this state. Each partner of a foreign limited liabil-
18 ity partnership which provides mental health counseling services in this
19 state must be licensed pursuant to article 163 of the education law to
20 practice mental health counseling in this state. Each partner of a
21 foreign limited liability partnership which provides psychoanalysis
22 services in this state must be licensed pursuant to article 163 of the
23 education law to practice psychoanalysis in this state. EACH PARTNER OF
24 A FOREIGN LIMITED LIABILITY PARTNERSHIP WHICH PROVIDES NATUROPATHIC
25 SERVICES IN THIS STATE MUST BE LICENSED PURSUANT TO ARTICLE 132-A OF THE
26 EDUCATION LAW TO PRACTICE NATUROPATHY IN THIS STATE.

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

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

1 services; peace officer; police officer; district attorney or assistant
2 district attorney; investigator employed in the office of a district
3 attorney; or other law enforcement official.

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

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

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