S T A T E O F N E W Y O R K

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2009-2010 Regular Sessions

I N A S S E M B L Y

April 16, 2009

Introduced by M. of A. ENGLEBRIGHT, CAHILL, ROSENTHAL -- Multi-Sponsored by -- M. of A. MILLER -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, the business corporation law, the limited liability company law and the partnership law, in relation to the practice of geology

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

Section 1. The education law is amended by adding three new sections 7204-a, 7204-b and 7206-b to read as follows:

S 7204-A. THE PRACTICE OF THE PROFESSION OF GEOLOGY. THE PRACTICE OF THE PROFESSION OF GEOLOGY IS DEFINED AS THE PERFORMANCE OF GEOLOGY INCLUDING, BUT NOT LIMITED TO, RESEARCHING, INVESTIGATING, CONSULTING, AND GEOLOGICAL MAPPING, DESCRIBING THE NATURAL PROCESSES THAT ACT UPON THE EARTH'S MATERIALS, PREDICTING THE PROBABLE OCCURRENCE OF NATURAL RESOURCES, PREDICTING AND LOCATING NATURAL OR HUMAN-INDUCED PHENOMENA WHICH MAY BE USEFUL OR HAZARDOUS TO HUMANKIND AND RECOGNIZING, DETERMINING AND EVALUATING GEOLOGICAL FACTORS, AND THE INSPECTION AND PERFORMANCE OF GEOLOGICAL WORK AND THE RESPONSIBLE SUPERVISION THEREOF IN FURTHERANCE OF THE HEALTH, SAFETY, AND WELFARE OF THE PUBLIC; PROVIDED, HOWEVER, THAT GEOLOGICAL MAPPING SHALL NOT INCLUDE THE PRACTICE OF LAND SURVEYING AS DEFINED IN SECTION SEVENTY-TWO HUNDRED THREE OF THIS ARTICLE.

S 7204-B. PRACTICE OF GEOLOGY AND THE USE OF TITLE "LICENSED PROFESSIONAL GEOLOGIST". ONLY A PERSON LICENSED OR OTHERWISE AUTHORIZED UNDER THIS ARTICLE SHALL PRACTICE THE PROFESSION OF GEOLOGY OR USE THE TITLE "LICENSED PROFESSIONAL GEOLOGIST".

S 7206-B. REQUIREMENTS FOR A LICENSE AS A LICENSED GEOLOGIST. 1. TO QUALIFY FOR A LICENSE AS A LICENSED GEOLOGIST, AN APPLICANT SHALL FULFILL THE FOLLOWING REQUIREMENTS:

(A) APPLICATION: FILE AN APPLICATION WITH THE DEPARTMENT;

(B) EDUCATION: HAVE RECEIVED AN EDUCATION, INCLUDING A BACHELOR'S OR HIGHER DEGREE IN GEOLOGICAL SCIENCES, IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;

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

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(C) EXPERIENCE: HAVE AT LEAST FIVE YEARS PRACTICAL EXPERIENCE SATISFACTORY TO THE BOARD IN APPROPRIATE GEOLOGICAL WORK; UP TO ONE YEAR OF EXPERIENCE MAY BE CREDITED FOR AN ADVANCED DEGREE (MASTERS, DOCTORATE OR AN EQUIVALENT THEREOF) IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;

(D) EXAMINATION: PASS AN EXAMINATION SATISFACTORY TO THE BOARD AND IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;

(E) AGE: BE AT LEAST TWENTY-ONE YEARS OF AGE;

(F) CHARACTER: BE OF GOOD MORAL CHARACTER AS DETERMINED BY THE DEPARTMENT; AND

(G) FEES: PAY A FEE OF TWO HUNDRED TWENTY DOLLARS TO THE DEPARTMENT FOR ADMISSION TO A DEPARTMENT CONDUCTED EXAMINATION AND FOR AN INITIAL LICENSE, AND A FEE OF TWO HUNDRED TEN DOLLARS FOR EACH TRIENNIAL REGISTRATION PERIOD.

2. IN LIEU OF THE EDUCATION AND EXPERIENCE REQUIREMENTS SPECIFIED IN PARAGRAPHS (B) AND (C) OF SUBDIVISION ONE OF THIS SECTION, TWELVE YEARS OF PRACTICAL EXPERIENCE IN GEOLOGICAL WORK OF A GRADE AND CHARACTER SATISFACTORY TO THE BOARD MAY BE ACCEPTED BY THE DEPARTMENT.

3. AN APPLICANT WHO APPLIES FOR LICENSURE WITHIN ONE YEAR AFTER THE EFFECTIVE DATE OF THIS SECTION SHALL BE QUALIFIED FOR A LICENSE AS A LICENSED GEOLOGIST WITHOUT A WRITTEN EXAMINATION IF THE APPLICANT HAS SATISFIED THE REQUIREMENTS OF EDUCATION AND EXPERIENCE DESCRIBED IN PARAGRAPHS (B) AND (C) OF SUBDIVISION ONE OR SUBDIVISION TWO OF THIS SECTION NO LATER THAN ONE YEAR AFTER THE EFFECTIVE DATE OF THIS SECTION.

S 2. Subdivision 3 of section 7207 of the education law is renumbered subdivision 4 and a new subdivision 3 is added to read as follows:

3. ON RECOMMENDATION OF THE BOARD, THE DEPARTMENT MAY ISSUE A LIMITED PERMIT TO PRACTICE AS A LICENSED GEOLOGIST TO A GEOLOGIST NOT A RESIDENT OF THIS STATE AND HAVING NO ESTABLISHED PLACE OF PRACTICE IN THIS STATE WHO IS LEGALLY QUALIFIED TO PRACTICE AS SUCH IN HIS OR HER OWN COUNTRY OR STATE WITH STANDARDS EQUIVALENT TO THOSE ENUMERATED IN THIS ARTICLE AND WHO SUBMITS EVIDENCE SATISFACTORY TO THE BOARD ESTABLISHED AND RECOGNIZED PROFESSIONAL STANDING IN HIS OR HER OWN COUNTRY OR STATE AND WHO SUBMITS SATISFACTORY CERTIFICATION AS TO CHARACTER AND QUALIFICATIONS FROM AT LEAST TWO LICENSED PROFESSIONAL GEOLOGISTS, ONE OF WHOM SHALL BE A RESIDENT OF THIS STATE. SUCH LIMITED PERMIT SHALL BE ISSUED SOLELY IN CONNECTION WITH THE SPECIFIC PROJECT FOR WHICH SUCH LIMITED PERMIT IS GRANTED. THE FEE FOR EACH LIMITED PERMIT SHALL BE ONE HUNDRED FIVE DOLLARS.

S 3. The section heading of section 7208 of the education law, as added by chapter 987 of the laws of 1971, is amended to read as follows:

Exempt persons FOR THE PROFESSIONS OF ENGINEERING AND LAND SURVEYING.

S 4. The education law is amended by adding a new section 7208-a to read as follows:

S 7208-A. EXEMPT PERSONS IN OR RELATED TO THE PROFESSION OF GEOLOGY. NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO AFFECT OR PREVENT:

1. THE EMPLOYMENT AND SUPERVISION OF INTERNS AND OTHER PERSONS QUALIFIED BY EDUCATION OR EXPERIENCE BY LICENSED GEOLOGISTS AS ASSISTANTS IN THE PERFORMANCE OF GEOLOGICAL SERVICES, OR AS CONSULTANTS OR EMPLOYEES IN SPECIAL FIELDS RELATED TO BUT NOT UNIQUELY GEOLOGY, PROVIDED THAT THE LICENSED GEOLOGIST EMPLOYING OR SUPERVISING SUCH PERSONS SHALL NOT BE RELIEVED OF ANY RESPONSIBILITY WHATSOEVER BY DELEGATION TO SUCH PERSONS.

2. THE PRACTICE OF PROFESSIONAL ENGINEERING BY A PROFESSIONAL ENGINEER LICENSED PURSUANT TO THIS ARTICLE TO PRACTICE ENGINEERING IN THIS STATE OR AN ENTITY AUTHORIZED PURSUANT TO SECTION SEVENTY-TWO HUNDRED TEN OF THIS ARTICLE TO PROVIDE ENGINEERING IN THIS STATE, INCLUDING THE INVES-

TIGATION, ACQUISITION, EVALUATION, AND INTERPRETATION OF THE PHYSICAL AND CHEMICAL PROPERTIES OF THE SOIL, ROCK, GROUNDWATER, EARTH MATERIALS AND DATA RELATED THERETO, AND THE PERFORMANCE OF ACTIVITIES AS SPECIFIED IN SECTION SEVENTY-TWO HUNDRED FOUR-A OF THIS ARTICLE, PROVIDED THAT NO SUCH PERSON SHALL USE THE DESIGNATION, OR HOLD HIMSELF OR HERSELF OUT AS A "LICENSED PROFESSIONAL GEOLOGIST," UNLESS LICENSED AS SUCH IN THIS STATE.

3. THE PRACTICE OF LAND SURVEYING BY ANY PERSON THAT IS LICENSED OR OTHERWISE AUTHORIZED TO PRACTICE LAND SURVEYING IN THIS STATE, PROVIDED THAT NO SUCH PERSON SHALL USE THE DESIGNATION OR HOLD HIMSELF OR HERSELF OUT AS A "LICENSED PROFESSIONAL GEOLOGIST" UNLESS LICENSED AS SUCH IN THIS STATE.

4. THE EXECUTION OF WORK BY CONTRACTORS OR BY OTHERS OF WORK PREPARED BY A LICENSED GEOLOGIST, OR THE SUPERINTENDENCE OF SUCH WORK AS A SUPERINTENDENT, FOREMAN OR INSPECTOR.

5. THE PRACTICE OF THE PROFESSION OF GEOLOGY BY OFFICERS AND EMPLOYEES OF THIS STATE PRACTICING SOLELY AS OFFICERS AND EMPLOYEES; PROVIDED, HOWEVER, THAT THIS EXEMPTION SHALL NOT APPLY TO OFFICERS AND EMPLOYEES OF THE STATE OF NEW YORK WHO COMMENCE EMPLOYMENT OR THE PERFORMANCE OF WORK RELATED ACTIVITIES AFTER THE EFFECTIVE DATE OF THIS SECTION.

6. THE EXECUTION OF GEOLOGICAL RESEARCH AND/OR TEACHING CONDUCTED AT ACCREDITED EDUCATIONAL INSTITUTIONS AND NOT-FOR-PROFIT RESEARCH INSTITUTIONS, CONDUCTED SOLELY THROUGH THOSE INSTITUTIONS.

7. WORK CUSTOMARILY PERFORMED BY PHYSICAL OR NATURAL SCIENTISTS PROVIDED SUCH WORK DOES NOT INCLUDE GEOLOGICAL INVESTIGATIONS, BEING IN RESPONSIBLE CHARGE OF GEOLOGICAL WORK, OR THE DRAWING OF GEOLOGICAL CONCLUSIONS AND RECOMMENDATIONS.

8. WORK CUSTOMARILY PERFORMED BY WELL DRILLERS CERTIFIED PURSUANT TO THE PROVISIONS OF THE ENVIRONMENTAL CONSERVATION LAW.

S 5. The section heading of section 7209 of the education law, as added by chapter 987 of the laws of 1971, is amended to read as follows:

Special provisions FOR THE PROFESSIONS OF ENGINEERING AND LAND SURVEYING.

S 6. The education law is amended by adding a new section 7209-a to read as follows:

S 7209-A. SPECIAL PROVISIONS FOR THE PROFESSION OF GEOLOGY. 1. EVERY LICENSED GEOLOGIST SHALL HAVE A SEAL, APPROVED BY THE BOARD, WHICH SHALL CONTAIN THE NAME OF THE LICENSED GEOLOGIST AND THE WORDS "LICENSED PROFESSIONAL GEOLOGIST" AND SUCH OTHER WORDS OR FIGURES AS THE BOARD MAY DEEM NECESSARY. ALL GEOLOGICAL DRAWINGS AND REPORTS, PREPARED BY SUCH GEOLOGIST OR BY A FULL-TIME OR PART-TIME SUBORDINATE EMPLOYED UNDER HIS OR HER SUPERVISION, SHALL BE STAMPED WITH SUCH SEAL AND SHALL ALSO BE SIGNED ON THE ORIGINAL WITH THE PERSONAL SIGNATURE OF SUCH GEOLOGIST WHEN FILED WITH APPROPRIATE PUBLIC OFFICIALS. NO OFFICIAL OF THIS STATE, OR OF ANY COUNTY, CITY, TOWN OR VILLAGE THEREIN, CHARGED WITH THE ENFORCEMENT OF LAWS, ORDINANCES OR REGULATIONS SHALL ACCEPT OR APPROVE ANY GEOLOGIC DRAWINGS OR REPORTS THAT ARE NOT STAMPED:

(A) WITH THE SEAL OF A LICENSED PROFESSIONAL GEOLOGIST AND BEARING THE AUTHORIZED FACSIMILE OF THE SIGNATURE OF SUCH LICENSED PROFESSIONAL GEOLOGIST;

(B) WITH THE OFFICIAL SEAL AND AUTHORIZED FACSIMILE OF THE SIGNATURE OF A GEOLOGIST WHO HAS BEEN GRANTED A LIMITED PERMIT PURSUANT TO SUBDIVISION THREE OF SECTION SEVENTY-TWO HUNDRED SEVEN OF THIS ARTICLE, PROVIDED THAT THE GEOLOGIC DRAWINGS AND REPORTS ARE ACCOMPANIED BY AND HAVE ATTACHED THERETO WRITTEN AUTHORIZATION ISSUED BY THE DEPARTMENT CERTIFYING TO THE GRANTING OF SUCH LIMITED PERMIT; OR

(C) WITH THE SEAL OF A LICENSED PROFESSIONAL ENGINEER AND BEARING THE AUTHORIZED FACSIMILE OF THE SIGNATURE OF SUCH LICENSED PROFESSIONAL ENGINEER; PROVIDED, HOWEVER, THAT NOTHING IN THIS SUBDIVISION SHALL BE DEEMED TO EXPAND THE SCOPE OF THE PRACTICE OF A LICENSED PROFESSIONAL ENGINEER AS DEFINED IN SECTION SEVENTY-TWO HUNDRED ONE OF THIS ARTICLE.

2. ALL GEOLOGIC DRAWINGS AND REPORTS TO WHICH SUCH SEAL HAS BEEN APPLIED SHALL ALSO BE STAMPED WITH APPROPRIATE WORDING WARNING THAT IT IS A VIOLATION OF THIS LAW FOR ANY PERSON, UNLESS HE OR SHE IS ACTING UNDER THE DIRECTION OF A LICENSED GEOLOGIST OR PROFESSIONAL ENGINEER, TO ALTER A DRAWING OR REPORT IN ANY WAY. IF AN ITEM BEARING THE SEAL OF A LICENSED PROFESSIONAL GEOLOGIST OR PROFESSIONAL ENGINEER IS ALTERED, THE ALTERING PARTY SHALL AFFIX TO THE ITEM HIS OR HER SEAL AND THE NOTATION "ALTERED BY" FOLLOWED BY HIS OR HER SIGNATURE AND THE DATE OF SUCH ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION.

3. ENGINEERS, LAND SURVEYORS, ARCHITECTS, LANDSCAPE ARCHITECTS AND LICENSED GEOLOGISTS MAY JOIN IN THE FORMATION OF A JOINT-ENTERPRISE, A PARTNERSHIP, A PROFESSIONAL SERVICE CORPORATION OR A PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY, OR MAY FORM ANY DESIRED COMBINATION OF SUCH PROFESSIONS, AND MAY USE IN THE NAME OF SUCH ENTITY OR ENTITIES THE TITLE OF ANY OF THE PROFESSIONS WHICH WILL BE PRACTICED. AFTER THE NAME OF EACH MEMBER, HIS OR HER PROFESSION SHALL BE INDICATED.

4. A LICENSED PROFESSIONAL GEOLOGIST IS NOT AUTHORIZED TO PRACTICE PROFESSIONAL ENGINEERING UNLESS HE OR SHE IS LICENSED AS A PROFESSIONAL ENGINEER PURSUANT TO THIS ARTICLE.

S 7. Subdivision 4 of section 7209 of the education law, as added by chapter 987 of the laws of 1971, is amended to read as follows:

4. Engineers, land surveyors, architects, [and] landscape architects AND LICENSED GEOLOGISTS may join in the formation of a joint enterprise, [or] a partnership [or], a professional service corporation, A PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY OR A REGISTERED LIMITED LIABILITY PARTNERSHIP, or may form any desired combination of such professions and may use in the name of such [corporation] ENTITY OR ENTITIES the title of any of the professions which will be practiced. After the name of each member his OR HER profession shall be indicated.

S 8. Subdivision 2 of section 7307 of the education law, as added by chapter 987 of the laws of 1971, is amended to read as follows:

2. Engineers, land surveyors, architects [and], landscape architects AND LICENSED GEOLOGISTS may join in the formation of a joint enterprise, [or] a partnership [or], a professional service corporation, A PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY OR A REGISTERED LIMITED LIABILITY PARTNERSHIP, or may form any desired combination of such professions and may use in the name of such corporation the title of any of the professions which will be practiced. After the name of each member his OR HER profession shall be indicated.

S 9. The article heading of article 145 of the education law, as added by chapter 987 of the laws of 1971, is amended to read as follows:

ENGINEERING [AND], LAND SURVEYING AND GEOLOGY

S 10. Section 7200 of the education law, as added by chapter 987 of the laws of 1971, is amended to read as follows:

S 7200. Introduction. This article applies to the professions of engineering [and], land surveying AND GEOLOGY. The general provisions for all professions contained in article one hundred thirty of this title apply to this article.

S 11. Section 7205 of the education law, as amended by chapter 521 of the laws of 1998, is amended to read as follows:

S 7205. State board for engineering [and], land surveying AND GEOLOGY. A state board for engineering [and], land surveying AND GEOLOGY shall be appointed by the board of regents on recommendation of the commissioner for the purpose of assisting the board of regents and the department on matters of professional licensing and professional conduct in accordance with section sixty-five hundred eight of this title. The board shall be composed of not less than seven professional engineers and not less than two land surveyors licensed in this state AND NOT LESS THAN TWO GEOLOGISTS LICENSED IN THIS STATE. An executive secretary to the board shall be appointed by the board of regents on recommendation of the commissioner and shall be a professional engineer [or], land surveyor OR GEOLOGIST licensed in this state.

S 12. Paragraph (a) of section 1503 of the business corporation law, as added by chapter 974 of the laws of 1970, is amended to read as follows:

(a) Notwithstanding any other provision of law, one or more individuals duly authorized by law to render the same professional service within the state may organize, or cause to be organized, a professional service corporation for pecuniary profit under this article for the purpose of rendering the same professional service, except that one or more individuals duly authorized by law to practice professional engineering, architecture, landscape architecture [or], land surveying OR GEOLOGY within the state may organize, or cause to be organized, a professional service corporation for pecuniary profit under this article for the purpose of rendering such professional services as such individuals are authorized to practice.

S 13. Paragraph (b) of section 1504 of the business corporation law, as added by chapter 974 of the laws of 1970, is amended to read as follows:

(b) Each final plan and report made or issued by a corporation practicing professional engineering, architecture, landscape architecture [or], land surveying OR GEOLOGY shall bear the name and seal of one or more professional engineers, architects, landscape architects, [or] land surveyors OR GEOLOGISTS, respectively, who are in responsible charge of such plan or report.

S 14. 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 formed to provide professional engineering, land surveying, architectural [and/or], landscape architectural AND/OR GEOLOGICAL services as such services are defined in article 145, article 147 and article 148 of the education law, each member of such limited liability company must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions in this state. With respect to a professional service limited liability company formed to provide licensed clinical social work services as such services are defined in article 154 of the education law, each member of such limited liability company shall be licensed pursuant to article 154 of the education law to practice licensed clinical social work in this state. With respect to a professional service limited liability company formed to provide creative arts therapy services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice creative arts therapy in this state. With respect to a professional service limited liability company formed to provide marriage and family therapy services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice marriage and family therapy in this state. With respect to a professional service limited liability company formed to provide mental health counseling services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice mental health counseling in this state. With respect to a professional service limited liability company formed to provide psychoanalysis services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice psychoanalysis in this state. In addition to engaging in such profession or professions, a professional service limited liability company may engage in any other business or activities as to which a limited liability company may be formed under section two hundred one of this chapter. Notwithstanding any other provision of this section, a professional service limited liability company (i) authorized to practice law may only engage in another profession or business or activities or (ii) which is engaged in a profession or other business or activities other than law may only engage in the practice of law, to the extent not prohibited by any other law of this state or any rule adopted by the appropriate appellate division of the supreme court or the court of appeals.

S 15. Subdivision (b) of section 1207 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:

(b) with respect to a professional service limited liability company formed to provide medical services as such services are defined in article 131 of the education law, each member of such limited liability company must be licensed pursuant to article 131 of the education law to practice medicine in this state. With respect to a professional service

limited liability company formed to provide dental services as such services are defined in article 133 of the education law, each member of such limited liability company must be licensed pursuant to article 133 of the education law to practice dentistry in this state. With respect to a professional service limited liability company formed to provide veterinary services as such services are defined in article 135 of the education law, each member of such limited liability company must be licensed pursuant to article 135 of the education law to practice veterinary medicine in this state. With respect to a professional service limited liability company formed to provide professional engineering, land surveying, architectural [and/or], landscape architectural AND/OR GEOLOGICAL services as such services are defined in article 145, article 147 and article 148 of the education law, each member of such limited liability company must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions in this state. With respect to a professional service limited liability company formed to provide licensed clinical social work services as such services are defined in article 154 of the education law, each member of such limited liability company shall be licensed pursuant to article 154 of the education law to practice licensed clinical social work in this state. With respect to a professional service limited liability company formed to provide creative arts therapy services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice creative arts therapy in this state. With respect to a professional service limited liability company formed to provide marriage and family therapy services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice marriage and family therapy in this state. With respect to a professional service limited liability company formed to provide mental health counseling services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice mental health counseling in this state. With respect to a professional service limited liability company formed to provide psychoanalysis services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice psychoanalysis in this state.

S 16. Subdivision (q) of section 121-1500 of the partnership law, as separately amended by chapters 420 and 676 of the laws of 2002, is amended to read as follows:

(q) Each partner of a registered limited liability partnership formed to provide medical services in this state must be licensed pursuant to article 131 of the education law to practice medicine in this state and each partner of a registered limited liability partnership formed to provide dental services in this state must be licensed pursuant to article 133 of the education law to practice dentistry in this state. Each partner of a registered limited liability partnership formed to provide veterinary services in this state must be licensed pursuant to article 135 of the education law to practice veterinary medicine in this state. Each partner of a registered limited liability partnership formed to provide professional engineering, GEOLOGICAL SERVICES, land surveying, architectural and/or landscape architectural services in this state must be licensed pursuant to article 145, article 147 and/or article 148 of

the education law to practice one or more of such professions in this state. Each partner of a registered limited liability partnership formed to provide licensed clinical social work services in this state must be licensed pursuant to article 154 of the education law to practice clinical social work in this state. Each partner of a registered limited liability partnership formed to provide creative arts therapy services in this state must be licensed pursuant to article 163 of the education law to practice creative arts therapy in this state. Each partner of a registered limited liability partnership formed to provide marriage and family therapy services in this state must be licensed pursuant to article 163 of the education law to practice marriage and family therapy in this state. Each partner of a registered limited liability partnership formed to provide mental health counseling services in this state must be licensed pursuant to article 163 of the education law to practice mental health counseling in this state. Each partner of a registered limited liability partnership formed to provide psychoanalysis services in this state must be licensed pursuant to article 163 of the education law to practice psychoanalysis in this state.

S 17. Subdivision (q) of section 121-1502 of the partnership law, as amended by chapter 230 of the laws of 2004, is amended to read as follows:

(q) Each partner of a foreign limited liability partnership which provides medical services in this state must be licensed pursuant to article 131 of the education law to practice medicine in the state and each partner of a foreign limited liability partnership which provides dental services in the state must be licensed pursuant to article 133 of the education law to practice dentistry in this state. Each partner of a foreign limited liability partnership which provides veterinary service in the state shall be licensed pursuant to article 135 of the education law to practice veterinary medicine in this state. Each partner of a foreign limited liability partnership which provides professional engineering, land surveying, GEOLOGICAL SERVICES, architectural and/or landscape architectural services in this state must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions. Each partner of a foreign limited liability partnership which provides licensed clinical social work services in this state must be licensed pursuant to article 154 of the education law to practice licensed clinical social work in this state. Each partner of a foreign limited liability partnership which provides creative arts therapy services in this state must be licensed pursuant to article 163 of the education law to practice creative arts therapy in this state. Each partner of a foreign limited liability partnership which provides marriage and family therapy services in this state must be licensed pursuant to article 163 of the education law to practice marriage and family therapy in this state. Each partner of a foreign limited liability partnership which provides mental health counseling services in this state must be licensed pursuant to article 163 of the education law to practice mental health counseling in this state. Each partner of a foreign limited liability partnership which provides psychoanalysis services in this state must be licensed pursuant to article 163 of the education law to practice psychoanalysis in this state.

S 18. This act shall take effect one year after the date on which it shall have become a law.