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

8246--A

2009-2010 Regular Sessions

I N A S S E M B L Y

May 11, 2009

Introduced by M. of A. PAULIN, CASTRO, P. RIVERA, STIRPE, COOK, GOTTFRIED, JAFFEE, MILLMAN, GALEF -- Multi-Sponsored by -- M. of A. BOYLAND, EDDINGTON, GABRYSZAK, GUNTHER, MAYERSOHN, PHEFFER, REILLY, WEISENBERG -- read once and referred to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to the provision of evaluations, service coordination services and early intervention program services 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:

Section 1. Subdivision 6 of section 4410 of the education law is REPEALED and a new subdivision 6 is added to read as follows:

6. PROFESSIONAL PRACTICE ISSUES. A. APPROVED PROGRAMS OPERATED BY PRIVATE PROVIDERS SHALL BE SUBJECT TO REGISTRATION TO THE EXTENT PROVIDED IN SECTION SIXTY-FIVE HUNDRED THREE-A OF THIS CHAPTER, AND, IF REQUIRED TO BE REGISTERED, SHALL BE AUTHORIZED TO EMPLOY LICENSED PROFESSIONALS OR CONTRACT WITH LICENSED PROFESSIONALS OR ENTITIES LEGALLY AUTHORIZED TO PROVIDE PROFESSIONAL SERVICES IN ACCORDANCE WITH SUCH SECTION SIXTY-FIVE HUNDRED THREE-A.

B. AN APPROVED PROGRAM MAY BE FORMED AS AN EDUCATION CORPORATION, OR, WITH THE CONSENT OF THE COMMISSIONER, AS A NOT-FOR-PROFIT CORPORATION, BUSINESS CORPORATION OR LIMITED LIABILITY COMPANY. IN ADDITION, AN APPROVED PROGRAM OR GROUP OF APPROPRIATELY LICENSED OR CERTIFIED PROFESSIONALS MAY BE FORMED AS A PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY OR AS A FOREIGN PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF ARTICLES TWELVE AND THIRTEEN OF THE LIMITED LIABILITY COMPANY LAW OR AS A REGISTERED LIMITED LIABILITY PARTNERSHIP IN ACCORDANCE WITH SECTION 121-1500 OF THE PARTNERSHIP LAW OR AS A NEW YORK REGISTERED FOREIGN LIMITED LIABILITY PARTNERSHIP IN ACCORDANCE WITH SECTION 121-1502 OF THE PARTNERSHIP LAW. AN

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

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APPROVED PROGRAM FORMED AS SUCH A PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY OR REGISTERED LIMITED LIABILITY PARTNERSHIP MAY BE AUTHORIZED TO PROVIDE SPECIAL EDUCATION ITINERANT SERVICES OR OTHER EDUCATIONAL SERVICES NOT INVOLVING PRACTICE OF A PROFESSION UNDER TITLE EIGHT OF THIS CHAPTER. AN APPROVED PROGRAM OR GROUP OF PROFESSIONALS FORMED AS SUCH A PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY OR REGISTERED LIMITED LIABILITY PARTNERSHIP MAY CONTRACT WITH INDIVIDUALS LICENSED OR OTHERWISE AUTHORIZED TO PRACTICE, OR A PROFESSIONAL SERVICE CORPORATION, PARTNERSHIP OR OTHER ENTITY LEGALLY AUTHORIZED TO PRACTICE, ANY PROFESSION UNDER TITLE EIGHT OF THIS CHAPTER IN WHICH THE COMPANY WOULD NOT BE AUTHORIZED TO PROVIDE PROFESSIONAL SERVICES UNDER THE APPLICABLE PROVISIONS OF SECTION TWELVE HUNDRED THREE OR SUBDIVISION (A) OF SECTION THIRTEEN HUNDRED ONE OF THE LIMITED LIABILITY COMPANY LAW OR SECTION 121-1500 OR 121-1502 OF THE PARTNERSHIP LAW, SOLELY FOR THE PURPOSES OF CONDUCTING A MULTI-DISCIPLINARY EVALUATION OF A PRESCHOOL CHILD SUSPECTED OF HAVING A DISABILITY OR A PRESCHOOL CHILD WITH A DISABILITY OR PROVIDING RELATED SERVICES SPECIFIED IN THE INDIVIDUALIZED EDUCATION PROGRAM OF A PRESCHOOL CHILD.

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

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

S 2. Paragraphs b and d of subdivision 9 of section 4410 of the education law, as amended by chapter 705 of the laws of 1992, are amended to read as follows:

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

d. Providers may make application to conduct a program that relies on formal written agreements or affiliations with other approved programs or appropriately certified or licensed professionals, provided that such arrangements are fully disclosed on all applications to the commissioner

for program approval, AND PROVIDED FURTHER THAT THE PROVIDER CERTIFIES THAT IT WILL APPLY FOR AND OBTAIN REGISTRATION PURSUANT TO SECTION SIXTY-FIVE HUNDRED THREE-A OF THIS CHAPTER PRIOR TO PROVIDING RELATED SERVICES PURSUANT TO ANY SUCH WRITTEN AGREEMENTS OR AFFILIATIONS INVOLVING LICENSED PROFESSIONALS.

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

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

Such application shall include, but not be limited to, a description of the multi-disciplinary evaluation services proposed to be provided and a demonstration that all agency employees and staff who provide such evaluation services shall have appropriate licensure and/or certification and that the individual who shall have direct supervision responsibilities over such staff shall have an appropriate level of experience in providing evaluation or services to preschool or kindergarten-aged children with [handicapping conditions] DISABILITIES. TO BE ELIGIBLE FOR APPROVAL AS AN EVALUATOR ON AND AFTER JULY FIRST, TWO THOUSAND TEN, A GROUP OF APPROPRIATELY LICENSED OR CERTIFIED PROFESSIONALS SHALL BE FORMED AS A PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY, FOREIGN PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY, REGISTERED LIMITED LIABILITY PARTNERSHIP OR NEW YORK FOREIGN REGISTERED LIMITED LIABILITY PARTNERSHIP. THE APPROVAL OF ANY GROUPS OF LICENSED OR CERTIFIED PROFESSIONALS THAT ARE IN EXISTENCE ON JULY FIRST, TWO THOUSAND TEN AND WOULD NOT BE ELIGIBLE FOR APPROVAL THEREAFTER SHALL TERMINATE ON JULY FIRST, TWO THOUSAND ELEVEN.

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

S 6503-A. REGISTRATION OF CERTAIN SPECIAL EDUCATION SCHOOLS AND EARLY INTERVENTION AGENCIES. 1. AS USED IN THIS SECTION:

A. "SPECIAL EDUCATION SCHOOL" MEANS AN APPROVED PROGRAM AS DEFINED IN PARAGRAPH A OF SUBDIVISION ONE OF SECTION FORTY-FOUR HUNDRED TEN OF THIS CHAPTER THAT IS LAWFULLY OPERATED BY A PRIVATE CORPORATION, LIMITED LIABILITY COMPANY, REGISTERED LIMITED LIABILITY PARTNERSHIP, OR OTHER PRIVATE ENTITY; AN APPROVED PRIVATE NONRESIDENTIAL OR RESIDENTIAL SCHOOL FOR THE EDUCATION OF STUDENTS WITH DISABILITIES THAT IS LOCATED WITHIN THE STATE; A CHILD CARE INSTITUTION AS DEFINED IN SECTION FOUR THOUSAND ONE OF THIS CHAPTER THAT OPERATES A PRIVATE SCHOOL FOR THE EDUCATION OF STUDENTS WITH DISABILITIES OR AN INSTITUTION FOR THE DEAF OR BLIND OPERATING PURSUANT TO ARTICLE EIGHTY-FIVE OF THIS CHAPTER THAT EITHER: (1) CONDUCTS A MULTI-DISCIPLINARY EVALUATION FOR PURPOSES OF ARTICLE EIGHTY-ONE OR EIGHTY-NINE OF THIS CHAPTER THAT INVOLVES THE PRACTICE OF ONE OR MORE PROFESSIONS FOR WHICH A LICENSE IS REQUIRED PURSUANT TO THIS TITLE AND NO EXCEPTION FROM CORPORATE PRACTICE RESTRICTIONS APPLIES, OR (2) PROVIDES RELATED SERVICES TO STUDENTS ENROLLED IN THE SCHOOL OR APPROVED PROGRAM THAT INVOLVES THE PRACTICE OF ONE OR MORE PROFESSIONS FOR WHICH A LICENSE IS REQUIRED PURSUANT TO THIS TITLE AND NO EXCEPTION FROM PRACTICE RESTRICTIONS APPLIES. SUCH TERM SHALL NOT INCLUDE A SCHOOL DISTRICT, BOARD OF COOPERATIVE EDUCATIONAL SERVICES, MUNICIPALITY, STATE

AGENCY OR OTHER PUBLIC ENTITY. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE REGISTRATION OF A CHILD CARE INSTITUTION THAT CONDUCTS MULTI-DISCIPLINARY EVALUATIONS OR PROVIDES RELATED SERVICES THROUGH AN APPROVED PRIVATE NONRESIDENTIAL SCHOOL OPERATED BY SUCH CHILD CARE INSTITUTION, PROVIDED THAT SUCH SCHOOL IS REGISTERED PURSUANT TO THIS SECTION.

B. "EARLY INTERVENTION AGENCY" FOR PURPOSES OF THIS SECTION MEANS AN AGENCY WHICH IS APPROVED OR IS SEEKING APPROVAL IN ACCORDANCE WITH TITLE TWO-A OF ARTICLE TWENTY-FIVE OF THE PUBLIC HEALTH LAW TO DELIVER EARLY INTERVENTION PROGRAM MULTI-DISCIPLINARY EVALUATIONS, SERVICE COORDINATION SERVICES AND EARLY INTERVENTION PROGRAM SERVICES, AND IS LAWFULLY OPERATED BY A NOT-FOR-PROFIT CORPORATION, PRIVATE CORPORATION, LIMITED LIABILITY COMPANY, REGISTERED LIMITED LIABILITY PARTNERSHIP, OR OTHER PRIVATE ENTITY.

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

D."MULTI-DISCIPLINARY EVALUATION FOR PURPOSES OF A SPECIAL EDUCATION SCHOOL" MEANS A MULTI-DISCIPLINARY EVALUATION OF A PRESCHOOL CHILD SUSPECTED OF HAVING A DISABILITY OR A PRESCHOOL CHILD WITH A DISABILITY THAT IS CONDUCTED PURSUANT TO SECTION FORTY-FOUR HUNDRED TEN OF THIS CHAPTER OR AN EVALUATION OF A SCHOOL-AGE CHILD SUSPECTED OF HAVING A DISABILITY OR WITH A DISABILITY WHICH IS CONDUCTED BY A CHILD CARE INSTITUTION THAT OPERATES A SPECIAL EDUCATION SCHOOL OR THE SPECIAL EDUCATION SCHOOL OPERATED BY SUCH INSTITUTION PURSUANT TO SUBDIVISION THREE OF SECTION FOUR THOUSAND TWO OF THIS CHAPTER OR BY AN INSTITUTION FOR THE DEAF OR BLIND OPERATING PURSUANT TO ARTICLE EIGHTY-FIVE OF THIS CHAPTER OR AN EVALUATION OF A SCHOOL-AGE CHILD SUSPECTED OF HAVING A DISABILITY OR WITH A DISABILITY THAT IS AUTHORIZED TO BE CONDUCTED BY A SPECIAL EDUCATION SCHOOL PURSUANT TO ANY OTHER PROVISION OF THIS CHAPTER AND THE REGULATIONS OF THE COMMISSIONER FOR PURPOSES OF IDENTIFICATION OF THE CHILD AS A CHILD WITH A DISABILITY OR THE DEVELOPMENT OF AN INDIVIDUALIZED EDUCATION PROGRAM FOR THE CHILD.

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

F. "RELATED SERVICES" MEANS RELATED SERVICES AS DEFINED IN PARAGRAPH G OF SUBDIVISION TWO OF SECTION FOUR THOUSAND TWO OF THIS CHAPTER, PARAGRAPH K OF SUBDIVISION TWO OF SECTION FORTY-FOUR HUNDRED ONE OF THIS CHAPTER, OR PARAGRAPH J OF SUBDIVISION ONE OF SECTION FORTY-FOUR HUNDRED TEN OF THIS CHAPTER PROVIDED TO A CHILD WITH A DISABILITY PURSUANT TO SUCH CHILD'S INDIVIDUALIZED EDUCATION PROGRAM.

2. A. NO SPECIAL EDUCATION SCHOOL MAY EMPLOY INDIVIDUALS LICENSED 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, AND NO SPECIAL EDUCATION SCHOOL MAY PROVIDE SUCH AN EVALUATION COMPONENT OR 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 COMPANY, OR REGISTERED LIMITED LIABILITY PARTNERSHIP AUTHOR-

IZED BY LAW TO PROVIDE PROFESSIONAL SERVICES, UNLESS SUCH SCHOOL IS REGISTERED PURSUANT TO THIS SECTION. ALL SPECIAL EDUCATION 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 ELEVEN.

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 MULTI-DISCIPLINARY EVALUATION, PROVIDE SERVICE COORDINATION SERVICES OR EARLY INTERVENTION PROGRAM SERVICES UNLESS SUCH AGENCY IS REGISTERED PURSUANT TO THIS SECTION AND APPROVED 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 ELEVEN. 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. 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. IF AN APPLICANT SIMULTANEOUSLY APPLIES FOR REGISTRATION AS A SPECIAL EDUCATION SCHOOL AND FOR REGISTRATION AS AN EARLY INTERVENTION AGENCY, THE APPLICANT SHALL PAY ONE FEE OF THREE HUNDRED FORTY-FIVE DOLLARS FOR BOTH REGISTRATION APPLICATIONS.

4. 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. IF AN APPLICANT SIMULTANEOUSLY APPLIES FOR TRIENNIAL REGISTRATION AS A SPECIAL EDUCATION SCHOOL AND FOR TRIENNIAL REGISTRATION AS AN EARLY INTERVENTION AGENCY, THE APPLICANT SHALL PAY ONE FEE OF TWO HUNDRED SIXTY DOLLARS OR A PRO-RATED PORTION THEREOF AS DETERMINED BY THE DEPARTMENT FOR BOTH TRIENNIAL RENEWAL REGISTRATION APPLICATIONS. AN EARLY INTERVENTION AGENCY'S REGISTRATION SHALL NOT BE RENEWED UNLESS THE AGENCY IS APPROVED TO PROVIDE EARLY INTERVENTION PROGRAM MULTI-DISCIPLINARY EVALUATIONS, SERVICE COORDINATION OR EARLY INTERVENTION PROGRAM SERVICES IN ACCORDANCE WITH TITLE TWO-A OF ARTICLE TWENTY-FIVE OF THE PUBLIC HEALTH LAW.

5. 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. 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. 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 COMPANY, PARTNERSHIP OR REGISTERED LIMITED LIABILITY PARTNERSHIP AUTHORIZED BY LAW TO PROVIDE THE APPLICABLE PROFESSIONAL SERVICES.

B. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, A REGISTERED EARLY INTERVENTION AGENCY THAT IS APPROVED IN ACCORDANCE WITH TITLE TWO-A OF ARTICLE TWENTY-FIVE OF THE PUBLIC HEALTH LAW MAY EMPLOY OR CONTRACT WITH INDIVIDUALS LICENSED OR OTHERWISE AUTHORIZED TO PRACTICE ANY PROFESSION PURSUANT TO THIS ARTICLE, OR WITH A PROFESSIONAL SERVICE CORPORATION, PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY, PARTNERSHIP OR REGISTERED LIMITED LIABILITY PARTNERSHIP AUTHORIZED TO CONDUCT EARLY INTERVENTION PROGRAM MULTI-DISCIPLINARY EVALUATIONS, PROVIDE SERVICES COORDINATION SERVICES AND EARLY INTERVENTION PROGRAM SERVICES.

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

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

S 5. This act shall take effect June 30, 2010.