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I N S E N A T E

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Introduced by Sens. LAVALLE, LARKIN, MORAHAN, PARKER, VOLKER -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, the limited liability company law and the partnership law, in relation to the practice of naturopathy; and to amend the social services law, in relation to the reporting of child abuse

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

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

14 ARTICLE 132-A
15 NATUROPATHS

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

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

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1 6582. SPECIAL PROVISIONS.

2 6583. PROHIBITIONS.

3 6584. MANDATORY CONTINUING COMPETENCY.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39 1. PERFORM GENERAL SURGERY;

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

45 3. USE GENERAL OR SPINAL ANESTHETICS;

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

48 5. USE ELECTRICAL SHOCK THERAPY;

49 6. USE ELECTROMYOGRAPHY (EMG);

50 7. PRACTICE PSYCHOTHERAPY; OR

51 8. SET FRACTURES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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