

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

3057--C

2011-2012 Regular Sessions

I N A S S E M B L Y

January 21, 2011

Introduced by M. of A. PERRY, P. RIVERA, ORTIZ, PAULIN, ENGLEBRIGHT, ARROYO, REILLY, CASTRO, CAHILL -- Multi-Sponsored by -- M. of A. BRENNAN, BRINDISI, CALHOUN, CONTE, CUSICK, HEASTIE, LENTOL, LUPARDO, SCHIMMEL, WEISENBERG -- read once and referred to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Higher Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

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

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

LBD02689-05-2

ARTICLE 132-A
NATUROPATHS

SECTION 6575. INTRODUCTION.

6576. DEFINITIONS.

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, AS ADDED BY CHAPTER NINE HUNDRED EIGHTY-SEVEN OF THE LAWS OF NINETEEN HUNDRED SEVENTY-ONE, 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 NATUROPATHY BY A LICENSED NATUROPATHY PRACTITIONER INVOLVES THE APPLICATION OF NON-PHARMACEUTICAL AND NON-SURGICAL TREATMENTS, WHICH COMPLEMENT MEDICAL TREATMENT AS DEFINED PURSUANT TO SECTION SIXTY-FIVE HUNDRED TWENTY-ONE OF THIS TITLE, TO ENCOURAGE AND FACILITATE THE BODY'S SELF-HEALING PROCESS. THE PRACTICE OF NATUROPATHY BY A LICENSED NATUROPATHY DOCTOR INVOLVES THE APPLICATION OF THE FOLLOWING HEALING SYSTEMS OF PHYSICAL, NUTRITIONAL OR NATURAL AGENT REGIMENS; DIETARY CHANGES; VITAMINS, MINERALS AND OTHER DIETARY SUPPLEMENTS AND OVER-THE-COUNTER HERBAL MEDICINE; COUNSELING AND EDUCATION ON LIFESTYLE CHANGES; HOMEOPATHY; HYDROTHERAPY, MANIPULATION AND MOBILIZATION; EXERCISE THERAPY AND MIND-BODY THERAPIES SUCH AS YOGA AND MEDITATION (A CONSCIOUS MENTAL PROCESS USING CERTAIN TECHNIQUES, SUCH AS FOCUSING ATTENTION OR MAINTAINING A SPECIFIC POSTURE TO SUSPEND THE STREAM OF THOUGHTS AND RELAX THE BODY AND MIND). A PHYSICIAN MUST SUPERVISE THE PRACTICE OF A LICENSED NATUROPATHY PRACTITIONER.

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

1 GRADUATE OF AN APPROVED PROGRAM WITH A MINIMUM OF TWO YEARS OF PROFES-
2 SIONAL CLINICAL ACTIVITY AND IN ACCORDANCE WITH THE COMMISSIONER'S REGU-
3 LATIONS;

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

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

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

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

14 S 6580. STATE BOARD FOR NATUROPATHY. A STATE BOARD FOR NATUROPATHY
15 SHALL BE APPOINTED BY THE BOARD OF REGENTS ON THE RECOMMENDATION OF THE
16 COMMISSIONER FOR THE PURPOSE OF ASSISTING THE BOARD OF REGENTS AND THE
17 DEPARTMENT ON MATTERS OF LICENSING AND REGULATION. THE BOARD SHALL BE
18 COMPOSED OF SIX LICENSED MEMBERS FROM THE PROFESSION LICENSED PURSUANT
19 TO THIS ARTICLE AND TWO PUBLIC REPRESENTATIVES WHO DO NOT HOLD INTERESTS
20 IN THE ORGANIZATION, FINANCING, OR DELIVERY OF NATUROPATHIC SERVICES AND
21 ONE LICENSED PHYSICIAN WHO IS EITHER A DOCTOR OF MEDICINE OR A DOCTOR OF
22 OSTEOPATHY. MEMBERS OF THE FIRST BOARD NEED NOT BE LICENSED PRIOR TO
23 THEIR APPOINTMENT TO THE BOARD BUT SHALL HAVE MET ALL OTHER REQUIREMENTS
24 OF LICENSING UNDER SUBDIVISION TWO OF SECTION SIXTY-FIVE HUNDRED SEVEN-
25 TY-NINE OF THIS ARTICLE AND SHALL HAVE RESIDED IN THE STATE OF NEW YORK
26 FOR AT LEAST TWO YEARS PRECEDING THEIR APPOINTMENT TO THE INITIAL BOARD.
27 THE TERMS OF THE FIRST APPOINTED MEMBERS SHALL BE STAGGERED SO THAT
28 THREE ARE APPOINTED FOR THREE YEARS, THREE ARE APPOINTED FOR FOUR YEARS,
29 AND THREE ARE APPOINTED FOR FIVE YEARS. AN EXECUTIVE SECRETARY TO THE
30 BOARD SHALL BE APPOINTED BY THE BOARD OF REGENTS ON RECOMMENDATION OF
31 THE COMMISSIONER.

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

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

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

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

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

55 S 6583. PROHIBITIONS. A NATUROPATHY PRACTITIONER LICENSED UNDER THIS
56 ARTICLE SHALL BE PROHIBITED FROM:

1. PRESCRIBING OR ADMINISTERING DRUGS AS DEFINED IN THIS CHAPTER AS A TREATMENT, THERAPY OR PROFESSIONAL SERVICE IN THE PRACTICE OF NATUROPATHY; AND

2. USING INVASIVE PROCEDURES IN TESTING OR AS A TREATMENT, THERAPY, OR PROFESSIONAL SERVICE IN THE PRACTICE OF NATUROPATHY. FOR PURPOSES OF THIS SUBDIVISION, "INVASIVE PROCEDURE" MEANS ANY PROCEDURE IN WHICH HUMAN TISSUE IS CUT, ALTERED, OR OTHERWISE INFILTRATED BY MECHANICAL OR OTHER MEANS WITH THE EXCEPTION OF DRAWING BLOOD. INVASIVE PROCEDURE INCLUDES BUT IS NOT LIMITED TO SURGERY, LASERS, GIVING INJECTIONS, IONIZING RADIATION, THERAPEUTIC ULTRASOUND, ELECTROCONVULSIVE THERAPY, ELECTRICAL SHOCK THERAPY OR ELECTROMYOGRAPHY; AND

3. PRACTICING OR CLAIMING TO PRACTICE AS A MEDICAL DOCTOR, OSTEOPATH, DENTIST, PODIATRIST, OPTOMETRIST, PSYCHOLOGIST, REGISTERED PRACTICE NURSE, ADVANCE PRACTICE PROFESSIONAL NURSE, MIDWIFE, PHYSICIAN ASSISTANT, CHIROPRACTOR, PHYSICAL THERAPIST, ACUPUNCTURIST, MENTAL HEALTH THERAPIST OR ANY OTHER HEALTH CARE PROFESSIONAL NOT AUTHORIZED IN THIS CHAPTER; AND

4. USING ANESTHESIA OR ANY OTHER MEANS OF SEDATION IN THE PRACTICE OF NATUROPATHY; AND

5. PROVIDING OBSTETRICAL SERVICES; AND

6. PROVIDING PSYCHOTHERAPY SERVICES; AND

7. ORDERING OR INTERPRETING X-RAYS AND MAGNETIC RESONANCE IMAGING STUDIES; AND

8. ORDERING OR INTERPRETING DIAGNOSTIC TESTS; AND

9. SETTING FRACTURES.

ENGAGING IN ANY OF THE ACTIVITIES SET FORTH IN THIS SECTION SHALL CONSTITUTE PROFESSIONAL MISCONDUCT PURSUANT TO SECTION SIXTY-FIVE HUNDRED NINE OF THIS TITLE.

S 6584. MANDATORY CONTINUING COMPETENCY. 1. A. EACH LICENSED NATUROPATH REQUIRED UNDER THIS ARTICLE TO REGISTER TRIENNIALLY WITH THE DEPARTMENT TO PRACTICE IN THE STATE SHALL COMPLY WITH THE PROVISIONS OF THE MANDATORY CONTINUING COMPETENCY REQUIREMENTS PRESCRIBED IN SUBDIVISION TWO OF THIS SECTION, EXCEPT AS PROVIDED IN PARAGRAPHS B AND C OF THIS SUBDIVISION. LICENSED NATUROPATHS WHO DO NOT SATISFY THE MANDATORY CONTINUING COMPETENCY REQUIREMENTS SHALL NOT BE AUTHORIZED TO PRACTICE UNTIL THEY HAVE MET SUCH REQUIREMENTS, AND THEY HAVE BEEN ISSUED A REGISTRATION CERTIFICATE, EXCEPT THAT A LICENSED NATUROPATH MAY PRACTICE WITHOUT HAVING MET SUCH REQUIREMENTS IF HE OR SHE IS ISSUED A CONDITIONAL REGISTRATION PURSUANT TO SUBDIVISION THREE OF THIS SECTION.

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

C. A LICENSED NATUROPATH NOT ENGAGED IN PRACTICE, AS DETERMINED BY THE DEPARTMENT, SHALL BE EXEMPT FROM THE MANDATORY CONTINUING COMPETENCY REQUIREMENT UPON THE FILING OF A STATEMENT WITH THE DEPARTMENT DECLARING SUCH STATUS. ANY LICENSEE WHO RETURNS TO THE PRACTICE OF LICENSED NATUROPATH DURING THE TRIENNIAL REGISTRATION PERIOD SHALL NOTIFY THE DEPARTMENT PRIOR TO REENTERING THE PROFESSION AND SHALL MEET SUCH MANDATORY CONTINUING COMPETENCY REQUIREMENTS AS SHALL BE PRESCRIBED BY REGULATIONS OF THE COMMISSIONER.

2. A. DURING EACH TRIENNIAL REGISTRATION PERIOD AN APPLICANT FOR REGISTRATION AS A LICENSED NATUROPATH SHALL COMPLETE A MINIMUM OF THIRTY-SIX HOURS OF LEARNING ACTIVITIES WHICH CONTRIBUTE TO CONTINUING COMPETENCE, AS SPECIFIED IN SUBDIVISION FOUR OF THIS SECTION, PROVIDED

1 FURTHER THAT AT LEAST TWENTY-FOUR HOURS SHALL BE IN AREAS OF STUDY
2 PERTINENT TO THE SCOPE OF PRACTICE OF NATUROPATHY. WITH THE EXCEPTION
3 OF CONTINUING EDUCATION HOURS TAKEN DURING THE REGISTRATION PERIOD IMME-
4 DIATELY PRECEDING THE EFFECTIVE DATE OF THIS SECTION, CONTINUING EDUCA-
5 TION HOURS TAKEN DURING ONE TRIENNIUM MAY NOT BE TRANSFERRED TO A SUBSE-
6 QUENT TRIENNIUM.

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

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

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

22 THE FEE FOR SUCH A CONDITIONAL REGISTRATION SHALL BE THE SAME AS, AND
23 IN ADDITION TO, THE FEE FOR THE TRIENNIAL REGISTRATION. THE DURATION OF
24 SUCH CONDITIONAL REGISTRATION SHALL BE DETERMINED BY THE DEPARTMENT BUT
25 SHALL NOT EXCEED ONE YEAR. ANY LICENSEE WHO IS NOTIFIED OF THE DENIAL OF
26 REGISTRATION FOR FAILURE TO SUBMIT EVIDENCE, SATISFACTORY TO THE DEPART-
27 MENT, OF REQUIRED CONTINUING COMPETENCY LEARNING ACTIVITIES AND WHO
28 PRACTICES WITHOUT SUCH REGISTRATION, SHALL BE SUBJECT TO DISCIPLINARY
29 PROCEEDINGS PURSUANT TO SECTION SIXTY-FIVE HUNDRED TEN OF THIS TITLE.

30 4. AS USED IN SUBDIVISION TWO OF THIS SECTION, "ACCEPTABLE LEARNING
31 ACTIVITIES" SHALL MEAN ACTIVITIES WHICH CONTRIBUTE TO PROFESSIONAL PRAC-
32 TICE IN NATUROPATHIC MEDICINE, AND WHICH MEET THE STANDARDS PRESCRIBED
33 IN THE REGULATIONS OF THE COMMISSIONER. SUCH LEARNING ACTIVITIES SHALL
34 INCLUDE, BUT NOT BE LIMITED TO, COLLEGIATE LEVEL CREDIT AND NON-CREDIT
35 COURSES, SELF-STUDY ACTIVITIES, INDEPENDENT STUDY, FORMAL MENTORING
36 ACTIVITIES, PUBLICATIONS IN PROFESSIONAL JOURNALS, PROFESSIONAL DEVELOP-
37 MENT PROGRAMS AND TECHNICAL SESSIONS; SUCH LEARNING ACTIVITIES MAY BE
38 OFFERED AND SPONSORED BY NATIONAL, STATE AND LOCAL PROFESSIONAL ASSOCI-
39 ATIONS AND OTHER ORGANIZATIONS OR PARTIES ACCEPTABLE TO THE DEPARTMENT,
40 AND ANY OTHER ORGANIZED EDUCATIONAL AND TECHNICAL LEARNING ACTIVITIES
41 ACCEPTABLE TO THE DEPARTMENT. THE DEPARTMENT MAY, IN ITS DISCRETION AND
42 AS NEEDED TO CONTRIBUTE TO THE HEALTH AND WELFARE OF THE PUBLIC, REQUIRE
43 THE COMPLETION OF CONTINUING COMPETENCY LEARNING ACTIVITIES IN SPECIFIC
44 SUBJECTS TO FULFILL THIS MANDATORY CONTINUING COMPETENCY REQUIREMENT.
45 LEARNING ACTIVITIES MUST BE TAKEN FROM A SPONSOR APPROVED BY THE DEPART-
46 MENT, PURSUANT TO THE REGULATIONS OF THE COMMISSIONER.

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

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

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

54 6. THE MANDATORY CONTINUING COMPETENCY FEE SHALL BE FIFTY DOLLARS FOR
55 LICENSED NATUROPATHS, SHALL BE PAYABLE ON OR BEFORE THE FIRST DAY OF
56 EACH TRIENNIAL REGISTRATION PERIOD, AND SHALL BE PAID IN ADDITION TO THE

1 TRIENNIAL REGISTRATION FEE REQUIRED BY SECTION SIXTY-FIVE HUNDRED SEVEN-
2 TY-NINE OF THIS ARTICLE.

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

6 (a) Notwithstanding the education law or any other provision of law,
7 one or more professionals each of whom is authorized by law to render a
8 professional service within the state, or one or more professionals, at
9 least one of whom is authorized by law to render a professional service
10 within the state, may form, or cause to be formed, a professional
11 service limited liability company for pecuniary profit under this arti-
12 cle for the purpose of rendering the professional service or services as
13 such professionals are authorized to practice. With respect to a profes-
14 sional service limited liability company formed to provide medical
15 services as such services are defined in article 131 of the education
16 law, each member of such limited liability company must be licensed
17 pursuant to article 131 of the education law to practice medicine in
18 this state. WITH RESPECT TO A PROFESSIONAL SERVICE LIMITED LIABILITY
19 COMPANY FORMED TO PROVIDE NATUROPATHIC SERVICES AS SUCH SERVICES ARE
20 DEFINED IN ARTICLE 132-A OF THE EDUCATION LAW, EACH MEMBER OF SUCH
21 LIMITED LIABILITY COMPANY MUST BE LICENSED PURSUANT TO ARTICLE 132-A OF
22 THE EDUCATION LAW TO PRACTICE NATUROPATHY IN THIS STATE. With respect to
23 a professional service limited liability company formed to provide
24 dental services as such services are defined in article 133 of the
25 education law, each member of such limited liability company must be
26 licensed pursuant to article 133 of the education law to practice
27 dentistry in this state. With respect to a professional service limited
28 liability company formed to provide veterinary services as such services
29 are defined in article 135 of the education law, each member of such
30 limited liability company must be licensed pursuant to article 135 of
31 the education law to practice veterinary medicine in this state. With
32 respect to a professional service limited liability company formed to
33 provide professional engineering, land surveying, architectural and/or
34 landscape architectural services as such services are defined in article
35 145, article 147 and article 148 of the education law, each member of
36 such limited liability company must be licensed pursuant to article 145,
37 article 147 and/or article 148 of the education law to practice one or
38 more of such professions in this state. With respect to a professional
39 service limited liability company formed to provide licensed clinical
40 social work services as such services are defined in article 154 of the
41 education law, each member of such limited liability company shall be
42 licensed pursuant to article 154 of the education law to practice
43 licensed clinical social work in this state. With respect to a profes-
44 sional service limited liability company formed to provide creative arts
45 therapy services as such services are defined in article 163 of the
46 education law, each member of such limited liability company must be
47 licensed pursuant to article 163 of the education law to practice crea-
48 tive arts therapy in this state. With respect to a professional service
49 limited liability company formed to provide marriage and family therapy
50 services as such services are defined in article 163 of the education
51 law, each member of such limited liability company must be licensed
52 pursuant to article 163 of the education law to practice marriage and
53 family therapy in this state. With respect to a professional service
54 limited liability company formed to provide mental health counseling
55 services as such services are defined in article 163 of the education
56 law, each member of such limited liability company must be licensed

1 pursuant to article 163 of the education law to practice mental health
2 counseling in this state. With respect to a professional service limited
3 liability company formed to provide psychoanalysis services as such
4 services are defined in article 163 of the education law, each member of
5 such limited liability company must be licensed pursuant to article 163
6 of the education law to practice psychoanalysis in this state. In addi-
7 tion to engaging in such profession or professions, a professional
8 service limited liability company may engage in any other business or
9 activities as to which a limited liability company may be formed under
10 section two hundred one of this chapter. Notwithstanding any other
11 provision of this section, a professional service limited liability
12 company (i) authorized to practice law may only engage in another
13 profession or business or activities or (ii) which is engaged in a
14 profession or other business or activities other than law may only
15 engage in the practice of law, to the extent not prohibited by any other
16 law of this state or any rule adopted by the appropriate appellate divi-
17 sion of the supreme court or the court of appeals.

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

21 (b) with respect to a professional service limited liability company
22 formed to provide medical services as such services are defined in arti-
23 cle 131 of the education law, each member of such limited liability
24 company must be licensed pursuant to article 131 of the education law to
25 practice medicine in this state. WITH RESPECT TO A PROFESSIONAL SERVICE
26 LIMITED LIABILITY COMPANY FORMED TO PROVIDE NATUROPATHIC SERVICES AS
27 SUCH SERVICES ARE DEFINED IN ARTICLE 132-A OF THE EDUCATION LAW, EACH
28 MEMBER OF SUCH LIMITED LIABILITY COMPANY MUST BE LICENSED PURSUANT TO
29 ARTICLE 132-A OF THE EDUCATION LAW TO PRACTICE NATUROPATHY IN THIS
30 STATE. With respect to a professional service limited liability company
31 formed to provide dental services as such services are defined in arti-
32 cle 133 of the education law, each member of such limited liability
33 company must be licensed pursuant to article 133 of the education law to
34 practice dentistry in this state. With respect to a professional service
35 limited liability company formed to provide veterinary services as such
36 services are defined in article 135 of the education law, each member of
37 such limited liability company must be licensed pursuant to article 135
38 of the education law to practice veterinary medicine in this state. With
39 respect to a professional service limited liability company formed to
40 provide professional engineering, land surveying, architectural and/or
41 landscape architectural services as such services are defined in article
42 145, article 147 and article 148 of the education law, each member of
43 such limited liability company must be licensed pursuant to article 145,
44 article 147 and/or article 148 of the education law to practice one or
45 more of such professions in this state. With respect to a professional
46 service limited liability company formed to provide licensed clinical
47 social work services as such services are defined in article 154 of the
48 education law, each member of such limited liability company shall be
49 licensed pursuant to article 154 of the education law to practice
50 licensed clinical social work in this state. With respect to a profes-
51 sional service limited liability company formed to provide creative arts
52 therapy services as such services are defined in article 163 of the
53 education law, each member of such limited liability company must be
54 licensed pursuant to article 163 of the education law to practice crea-
55 tive arts therapy in this state. With respect to a professional service
56 limited liability company formed to provide marriage and family therapy

1 services as such services are defined in article 163 of the education
2 law, each member of such limited liability company must be licensed
3 pursuant to article 163 of the education law to practice marriage and
4 family therapy in this state. With respect to a professional service
5 limited liability company formed to provide mental health counseling
6 services as such services are defined in article 163 of the education
7 law, each member of such limited liability company must be licensed
8 pursuant to article 163 of the education law to practice mental health
9 counseling in this state. With respect to a professional service limited
10 liability company formed to provide psychoanalysis services as such
11 services are defined in article 163 of the education law, each member of
12 such limited liability company must be licensed pursuant to article 163
13 of the education law to practice psychoanalysis in this state.

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

17 (a) "Foreign professional service limited liability company" means a
18 professional service limited liability company, whether or not denomi-
19 nated as such, organized under the laws of a jurisdiction other than
20 this state, (i) each of whose members and managers, if any, is a profes-
21 sional authorized by law to render a professional service within this
22 state and who is or has been engaged in the practice of such profession
23 in such professional service limited liability company or a predecessor
24 entity, or will engage in the practice of such profession in the profes-
25 sional service limited liability company within thirty days of the date
26 such professional becomes a member, or each of whose members and manag-
27 ers, if any, is a professional at least one of such members is author-
28 ized by law to render a professional service within this state and who
29 is or has been engaged in the practice of such profession in such
30 professional service limited liability company or a predecessor entity,
31 or will engage in the practice of such profession in the professional
32 service limited liability company within thirty days of the date such
33 professional becomes a member, or (ii) authorized by, or holding a
34 license, certificate, registration or permit issued by the licensing
35 authority pursuant to, the education law to render a professional
36 service within this state; except that all members and managers, if any,
37 of a foreign professional service limited liability company that
38 provides health services in this state shall be licensed in this state.
39 WITH RESPECT TO A FOREIGN PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY
40 FORMED TO PROVIDE NATUROPATHIC SERVICES AS SUCH SERVICES ARE DEFINED IN
41 ARTICLE 132-A OF THE EDUCATION LAW, EACH MEMBER OF SUCH LIMITED LIABIL-
42 ITY COMPANY MUST BE LICENSED PURSUANT TO ARTICLE 132-A OF THE EDUCATION
43 LAW TO PRACTICE NATUROPATHY IN THIS STATE. With respect to a foreign
44 professional service limited liability company which provides veterinary
45 services as such services are defined in article 135 of the education
46 law, each member of such foreign professional service limited liability
47 company shall be licensed pursuant to article 135 of the education law
48 to practice veterinary medicine. With respect to a foreign professional
49 service limited liability company which provides medical services as
50 such services are defined in article 131 of the education law, each
51 member of such foreign professional service limited liability company
52 must be licensed pursuant to article 131 of the education law to prac-
53 tice medicine in this state. With respect to a foreign professional
54 service limited liability company which provides dental services as such
55 services are defined in article 133 of the education law, each member of
56 such foreign professional service limited liability company must be

1 licensed pursuant to article 133 of the education law to practice
2 dentistry in this state. With respect to a foreign professional service
3 limited liability company which provides professional engineering, land
4 surveying, architectural and/or landscape architectural services as such
5 services are defined in article 145, article 147 and article 148 of the
6 education law, each member of such foreign professional service limited
7 liability company must be licensed pursuant to article 145, article 147
8 and/or article 148 of the education law to practice one or more of such
9 professions in this state. With respect to a foreign professional
10 service limited liability company which provides licensed clinical
11 social work services as such services are defined in article 154 of the
12 education law, each member of such foreign professional service limited
13 liability company shall be licensed pursuant to article 154 of the
14 education law to practice clinical social work in this state. With
15 respect to a foreign professional service limited liability company
16 which provides creative arts therapy services as such services are
17 defined in article 163 of the education law, each member of such foreign
18 professional service limited liability company must be licensed pursuant
19 to article 163 of the education law to practice creative arts therapy in
20 this state. With respect to a foreign professional service limited
21 liability company which provides marriage and family therapy services as
22 such services are defined in article 163 of the education law, each
23 member of such foreign professional service limited liability company
24 must be licensed pursuant to article 163 of the education law to prac-
25 tice marriage and family therapy in this state. With respect to a
26 foreign professional service limited liability company which provides
27 mental health counseling services as such services are defined in arti-
28 cle 163 of the education law, each member of such foreign professional
29 service limited liability company must be licensed pursuant to article
30 163 of the education law to practice mental health counseling in this
31 state. With respect to a foreign professional service limited liability
32 company which provides psychoanalysis services as such services are
33 defined in article 163 of the education law, each member of such foreign
34 professional service limited liability company must be licensed pursuant
35 to article 163 of the education law to practice psychoanalysis in this
36 state.

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

40 (q) Each partner of a registered limited liability partnership formed
41 to provide medical services in this state must be licensed pursuant to
42 article 131 of the education law to practice medicine in this state and
43 each partner of a registered limited liability partnership formed to
44 provide dental services in this state must be licensed pursuant to arti-
45 cle 133 of the education law to practice dentistry in this state. EACH
46 PARTNER OF A REGISTERED LIMITED LIABILITY PARTNERSHIP FORMED TO PROVIDE
47 NATUROPATHIC SERVICES IN THIS STATE MUST BE LICENSED PURSUANT TO ARTICLE
48 132-A OF THE EDUCATION LAW TO PRACTICE NATUROPATHY IN THIS STATE. Each
49 partner of a registered limited liability partnership formed to provide
50 veterinary services in this state must be licensed pursuant to article
51 135 of the education law to practice veterinary medicine in this state.
52 Each partner of a registered limited liability partnership formed to
53 provide professional engineering, land surveying, architectural and/or
54 landscape architectural services in this state must be licensed pursuant
55 to article 145, article 147 and/or article 148 of the education law to
56 practice one or more of such professions in this state. Each partner of

1 a registered limited liability partnership formed to provide licensed
2 clinical social work services in this state must be licensed pursuant to
3 article 154 of the education law to practice clinical social work in
4 this state. Each partner of a registered limited liability partnership
5 formed to provide creative arts therapy services in this state must be
6 licensed pursuant to article 163 of the education law to practice crea-
7 tive arts therapy in this state. Each partner of a registered limited
8 liability partnership formed to provide marriage and family therapy
9 services in this state must be licensed pursuant to article 163 of the
10 education law to practice marriage and family therapy in this state.
11 Each partner of a registered limited liability partnership formed to
12 provide mental health counseling services in this state must be licensed
13 pursuant to article 163 of the education law to practice mental health
14 counseling in this state. Each partner of a registered limited liability
15 partnership formed to provide psychoanalysis services in this state must
16 be licensed pursuant to article 163 of the education law to practice
17 psychoanalysis in this state.

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

21 (q) Each partner of a foreign limited liability partnership which
22 provides medical services in this state must be licensed pursuant to
23 article 131 of the education law to practice medicine in the state and
24 each partner of a foreign limited liability partnership which provides
25 dental services in the state must be licensed pursuant to article 133 of
26 the education law to practice dentistry in this state. EACH PARTNER OF
27 A FOREIGN LIMITED LIABILITY PARTNERSHIP WHICH PROVIDES NATUROPATHIC
28 SERVICES IN THIS STATE MUST BE LICENSED PURSUANT TO ARTICLE 132-A OF THE
29 EDUCATION LAW TO PRACTICE NATUROPATHY IN THIS STATE. Each partner of a
30 foreign limited liability partnership which provides veterinary service
31 in the state shall be licensed pursuant to article 135 of the education
32 law to practice veterinary medicine in this state. Each partner of a
33 foreign limited liability partnership which provides professional engi-
34 neering, land surveying, architectural and/or landscape architectural
35 services in this state must be licensed pursuant to article 145, article
36 147 and/or article 148 of the education law to practice one or more of
37 such professions. Each partner of a foreign limited liability partner-
38 ship which provides licensed clinical social work services in this state
39 must be licensed pursuant to article 154 of the education law to prac-
40 tice licensed clinical social work in this state. Each partner of a
41 foreign limited liability partnership which provides creative arts ther-
42 apy services in this state must be licensed pursuant to article 163 of
43 the education law to practice creative arts therapy in this state. Each
44 partner of a foreign limited liability partnership which provides
45 marriage and family therapy services in this state must be licensed
46 pursuant to article 163 of the education law to practice marriage and
47 family therapy in this state. Each partner of a foreign limited liabil-
48 ity partnership which provides mental health counseling services in this
49 state must be licensed pursuant to article 163 of the education law to
50 practice mental health counseling in this state. Each partner of a
51 foreign limited liability partnership which provides psychoanalysis
52 services in this state must be licensed pursuant to article 163 of the
53 education law to practice psychoanalysis in this state.

54 S 8. Paragraph (a) of subdivision 1 of section 413 of the social
55 services law, as amended by chapter 91 of the laws of 2011, is amended
56 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; director of a children's overnight camp, summer
23 day camp or traveling summer day camp, as such camps are defined in
24 section thirteen hundred ninety-two of the public health law; day care
25 center worker; school-age child care worker; provider of family or group
26 family day care; employee or volunteer in a residential care facility
27 defined in subdivision four of section four hundred twelve-a of this
28 title or any other child care or foster care worker; mental health
29 professional; substance abuse counselor; alcoholism counselor; all
30 persons credentialed by the office of alcoholism and substance abuse
31 services; peace officer; police officer; district attorney or assistant
32 district attorney; investigator employed in the office of a district
33 attorney; or other law enforcement official.

34 S 9. This act shall take effect on the three hundred sixtieth day
35 after it shall have become a law; provided however, that effective imme-
36 diately, the addition, amendment and/or repeal of any rule or regulation
37 necessary for the implementation of this act on its effective date is
38 authorized and directed to be made and completed by the commissioner of
39 education and the board of regents on or before such effective date.