

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. PAULIN, CASTRO, P. RIVERA, COOK, GOTTFRIED, JAFFEE, MILLMAN, GALEF -- Multi-Sponsored by -- M. of A. BOYLAND, GABRYSZAK, GUNTHER, HOOPER, MAYERSOHN, PHEFFER, REILLY, WEISENBERG -- read once and referred to the Committee on Higher Education

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:

1 Section 1. Subdivision 6 of section 4410 of the education law is
2 REPEALED and a new subdivision 6 is added to read as follows:
3 6. PROFESSIONAL PRACTICE ISSUES. A. APPROVED PROGRAMS OPERATED BY
4 PRIVATE PROVIDERS SHALL BE SUBJECT TO REGISTRATION TO THE EXTENT
5 PROVIDED IN SECTION SIXTY-FIVE HUNDRED THREE-B OF THIS CHAPTER, AND, IF
6 REQUIRED TO BE REGISTERED, SHALL BE AUTHORIZED TO EMPLOY LICENSED
7 PROFESSIONALS OR CONTRACT WITH LICENSED PROFESSIONALS OR ENTITIES LEGAL-
8 LY AUTHORIZED TO PROVIDE PROFESSIONAL SERVICES IN ACCORDANCE WITH SUCH
9 SECTION SIXTY-FIVE HUNDRED THREE-B.
10 B. AN APPROVED PROGRAM MAY BE FORMED AS AN EDUCATION CORPORATION, OR,
11 WITH THE CONSENT OF THE COMMISSIONER, AS A NOT-FOR-PROFIT CORPORATION,
12 BUSINESS CORPORATION OR LIMITED LIABILITY COMPANY. IN ADDITION, AN
13 APPROVED PROGRAM OR GROUP OF APPROPRIATELY LICENSED OR CERTIFIED PROFES-
14 SIONALS MAY BE FORMED AS A PROFESSIONAL SERVICE LIMITED LIABILITY COMPA-
15 NY OR AS A FOREIGN PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY IN
16 ACCORDANCE WITH THE APPLICABLE PROVISIONS OF ARTICLES TWELVE AND THIR-
17 TEEN OF THE LIMITED LIABILITY COMPANY LAW OR AS A REGISTERED LIMITED
18 LIABILITY PARTNERSHIP IN ACCORDANCE WITH SECTION 121-1500 OF THE PART-
19 NERSHIP LAW OR AS A NEW YORK REGISTERED FOREIGN LIMITED LIABILITY PART-
20 NERSHIP IN ACCORDANCE WITH SECTION 121-1502 OF THE PARTNERSHIP LAW. AN
21 APPROVED PROGRAM FORMED AS SUCH A PROFESSIONAL SERVICE LIMITED LIABILITY

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

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1 COMPANY OR REGISTERED LIMITED LIABILITY PARTNERSHIP MAY BE AUTHORIZED TO
2 PROVIDE SPECIAL EDUCATION ITINERANT SERVICES OR OTHER EDUCATIONAL
3 SERVICES NOT INVOLVING PRACTICE OF A PROFESSION UNDER TITLE EIGHT OF
4 THIS CHAPTER. AN APPROVED PROGRAM OR GROUP OF PROFESSIONALS FORMED AS
5 SUCH A PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY OR REGISTERED
6 LIMITED LIABILITY PARTNERSHIP MAY CONTRACT WITH INDIVIDUALS LICENSED OR
7 OTHERWISE AUTHORIZED TO PRACTICE, OR A PROFESSIONAL SERVICE CORPORATION,
8 PARTNERSHIP OR OTHER ENTITY LEGALLY AUTHORIZED TO PRACTICE, ANY PROFES-
9 SION UNDER TITLE EIGHT OF THIS CHAPTER IN WHICH THE COMPANY WOULD NOT BE
10 AUTHORIZED TO PROVIDE PROFESSIONAL SERVICES UNDER THE APPLICABLE
11 PROVISIONS OF SECTION TWELVE HUNDRED THREE OR SUBDIVISION (A) OF SECTION
12 THIRTEEN HUNDRED ONE OF THE LIMITED LIABILITY COMPANY LAW OR SECTION
13 121-1500 OR 121-1502 OF THE PARTNERSHIP LAW, SOLELY FOR THE PURPOSES OF
14 CONDUCTING A MULTI-DISCIPLINARY EVALUATION OF A PRESCHOOL CHILD
15 SUSPECTED OF HAVING A DISABILITY OR A PRESCHOOL CHILD WITH A DISABILITY
16 OR PROVIDING RELATED SERVICES SPECIFIED IN THE INDIVIDUALIZED EDUCATION
17 PROGRAM OF A PRESCHOOL CHILD.

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

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

32 S 2. Paragraphs b and d of subdivision 9 of section 4410 of the educa-
33 tion law, as amended by chapter 705 of the laws of 1992, are amended to
34 read as follows:

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

52 d. Providers may make application to conduct a program that relies on
53 formal written agreements or affiliations with other approved programs
54 or appropriately certified or licensed professionals, provided that such
55 arrangements are fully disclosed on all applications to the commissioner
56 for program approval, AND PROVIDED FURTHER THAT THE PROVIDER CERTIFIES

1 THAT IT WILL APPLY FOR AND OBTAIN REGISTRATION PURSUANT TO SECTION
2 SIXTY-FIVE HUNDRED THREE-B OF THIS CHAPTER PRIOR TO PROVIDING RELATED
3 SERVICES PURSUANT TO ANY SUCH WRITTEN AGREEMENTS OR AFFILIATIONS INVOLV-
4 ING LICENSED PROFESSIONALS.

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

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

16 Such application shall include, but not be limited to, a description
17 of the multi-disciplinary evaluation services proposed to be provided
18 and a demonstration that all agency employees and staff who provide such
19 evaluation services shall have appropriate licensure and/or certifi-
20 cation and that the individual who shall have direct supervision
21 responsibilities over such staff shall have an appropriate level of
22 experience in providing evaluation or services to preschool or kinder-
23 garten-aged children with [handicapping conditions] DISABILITIES. TO BE
24 ELIGIBLE FOR APPROVAL AS AN EVALUATOR ON AND AFTER JULY FIRST, TWO THOU-
25 SAND TWELVE, A GROUP OF APPROPRIATELY LICENSED OR CERTIFIED PROFES-
26 SIONALS SHALL BE FORMED AS A PROFESSIONAL SERVICE LIMITED LIABILITY
27 COMPANY, FOREIGN PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY, REGIS-
28 TERED LIMITED LIABILITY PARTNERSHIP OR NEW YORK FOREIGN REGISTERED
29 LIMITED LIABILITY PARTNERSHIP. THE APPROVAL OF ANY GROUPS OF LICENSED OR
30 CERTIFIED PROFESSIONALS THAT ARE IN EXISTENCE ON JULY FIRST, TWO THOU-
31 SAND TWELVE AND WOULD NOT BE ELIGIBLE FOR APPROVAL THEREAFTER SHALL
32 TERMINATE ON JULY FIRST, TWO THOUSAND THIRTEEN.

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

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

37 A. "SPECIAL EDUCATION SCHOOL" MEANS AN APPROVED PROGRAM AS DEFINED IN
38 PARAGRAPH A OF SUBDIVISION ONE OF SECTION FORTY-FOUR HUNDRED TEN OF THIS
39 CHAPTER THAT IS LAWFULLY OPERATED BY A PRIVATE CORPORATION, LIMITED
40 LIABILITY COMPANY, REGISTERED LIMITED LIABILITY PARTNERSHIP, OR OTHER
41 PRIVATE ENTITY; AN APPROVED PRIVATE NONRESIDENTIAL OR RESIDENTIAL SCHOOL
42 FOR THE EDUCATION OF STUDENTS WITH DISABILITIES THAT IS LOCATED WITHIN
43 THE STATE; A CHILD CARE INSTITUTION AS DEFINED IN SECTION FOUR THOUSAND
44 ONE OF THIS CHAPTER THAT OPERATES A PRIVATE SCHOOL FOR THE EDUCATION OF
45 STUDENTS WITH DISABILITIES OR AN INSTITUTION FOR THE DEAF OR BLIND OPER-
46 ATING PURSUANT TO ARTICLE EIGHTY-FIVE OF THIS CHAPTER THAT EITHER: (1)
47 CONDUCTS A MULTI-DISCIPLINARY EVALUATION FOR PURPOSES OF ARTICLE EIGHT-
48 Y-ONE OR EIGHTY-NINE OF THIS CHAPTER THAT INVOLVES THE PRACTICE OF ONE
49 OR MORE PROFESSIONS FOR WHICH A LICENSE IS REQUIRED PURSUANT TO THIS
50 TITLE AND NO EXCEPTION FROM CORPORATE PRACTICE RESTRICTIONS APPLIES, OR
51 (2) PROVIDES RELATED SERVICES TO STUDENTS ENROLLED IN THE SCHOOL OR
52 APPROVED PROGRAM THAT INVOLVES THE PRACTICE OF ONE OR MORE PROFESSIONS
53 FOR WHICH A LICENSE IS REQUIRED PURSUANT TO THIS TITLE AND NO EXCEPTION
54 FROM PRACTICE RESTRICTIONS APPLIES. SUCH TERM SHALL NOT INCLUDE A SCHOOL
55 DISTRICT, BOARD OF COOPERATIVE EDUCATIONAL SERVICES, MUNICIPALITY, STATE
56 AGENCY OR OTHER PUBLIC ENTITY. NOTHING IN THIS SECTION SHALL BE

1 CONSTRUED TO REQUIRE REGISTRATION OF A CHILD CARE INSTITUTION THAT
2 CONDUCTS MULTI-DISCIPLINARY EVALUATIONS OR PROVIDES RELATED SERVICES
3 THROUGH AN APPROVED PRIVATE NONRESIDENTIAL SCHOOL OPERATED BY SUCH CHILD
4 CARE INSTITUTION, PROVIDED THAT SUCH SCHOOL IS REGISTERED PURSUANT TO
5 THIS SECTION.

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

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

19 D. "MULTI-DISCIPLINARY EVALUATION FOR PURPOSES OF A SPECIAL EDUCATION
20 SCHOOL" MEANS A MULTI-DISCIPLINARY EVALUATION OF A PRESCHOOL CHILD
21 SUSPECTED OF HAVING A DISABILITY OR A PRESCHOOL CHILD WITH A DISABILITY
22 THAT IS CONDUCTED PURSUANT TO SECTION FORTY-FOUR HUNDRED TEN OF THIS
23 CHAPTER OR AN EVALUATION OF A SCHOOL-AGE CHILD SUSPECTED OF HAVING A
24 DISABILITY OR WITH A DISABILITY WHICH IS CONDUCTED BY A CHILD CARE
25 INSTITUTION THAT OPERATES A SPECIAL EDUCATION SCHOOL OR THE SPECIAL
26 EDUCATION SCHOOL OPERATED BY SUCH INSTITUTION PURSUANT TO SUBDIVISION
27 THREE OF SECTION FOUR THOUSAND TWO OF THIS CHAPTER OR BY AN INSTITUTION
28 FOR THE DEAF OR BLIND OPERATING PURSUANT TO ARTICLE EIGHTY-FIVE OF THIS
29 CHAPTER OR AN EVALUATION OF A SCHOOL-AGE CHILD SUSPECTED OF HAVING A
30 DISABILITY OR WITH A DISABILITY THAT IS AUTHORIZED TO BE CONDUCTED BY A
31 SPECIAL EDUCATION SCHOOL PURSUANT TO ANY OTHER PROVISION OF THIS CHAPTER
32 AND THE REGULATIONS OF THE COMMISSIONER FOR PURPOSES OF IDENTIFICATION
33 OF THE CHILD AS A CHILD WITH A DISABILITY OR THE DEVELOPMENT OF AN INDI-
34 VIDUALIZED EDUCATION PROGRAM FOR THE CHILD.

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

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

47 2. A. NO SPECIAL EDUCATION SCHOOL MAY EMPLOY INDIVIDUALS LICENSED
48 PURSUANT TO THIS ARTICLE TO CONDUCT COMPONENTS OF A MULTI-DISCIPLINARY
49 EVALUATION OF A CHILD WITH A DISABILITY OR A CHILD SUSPECTED OF HAVING A
50 DISABILITY OR TO PROVIDE RELATED SERVICES TO CHILDREN WITH DISABILITIES
51 ENROLLED IN THE SCHOOL, AND NO SPECIAL EDUCATION SCHOOL MAY PROVIDE SUCH
52 AN EVALUATION COMPONENT OR RELATED SERVICES BY CONTRACT WITH AN INDIVID-
53 UAL LICENSED OR OTHERWISE AUTHORIZED TO PRACTICE PURSUANT TO THIS ARTI-
54 CLE OR A PROFESSIONAL SERVICE CORPORATION, PROFESSIONAL SERVICE LIMITED
55 LIABILITY COMPANY, OR REGISTERED LIMITED LIABILITY PARTNERSHIP AUTHOR-
56 IZED BY LAW TO PROVIDE PROFESSIONAL SERVICES, UNLESS SUCH SCHOOL IS

1 REGISTERED PURSUANT TO THIS SECTION. ALL SPECIAL EDUCATION SCHOOLS
2 APPROVED BY THE COMMISSIONER AS OF THE EFFECTIVE DATE OF THIS SECTION
3 SHALL BE DEEMED REGISTERED PURSUANT TO THIS SECTION FOR A PERIOD
4 COMMENCING ON SUCH EFFECTIVE DATE AND ENDING ON JULY FIRST, TWO THOUSAND
5 THIRTEEN.

6 B. NO EARLY INTERVENTION AGENCY MAY EMPLOY OR CONTRACT WITH INDIVID-
7 UALS LICENSED PURSUANT TO THIS ARTICLE OR WITH A PROFESSIONAL SERVICE
8 CORPORATION, PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY, PARTNERSHIP
9 OR REGISTERED LIMITED LIABILITY PARTNERSHIP AUTHORIZED BY LAW TO PROVIDE
10 THE APPLICABLE PROFESSIONAL SERVICES, TO CONDUCT AN EARLY INTERVENTION
11 PROGRAM MULTI-DISCIPLINARY EVALUATION, PROVIDE SERVICE COORDINATION
12 SERVICES OR EARLY INTERVENTION PROGRAM SERVICES UNLESS SUCH AGENCY IS
13 REGISTERED PURSUANT TO THIS SECTION AND APPROVED IN ACCORDANCE WITH
14 TITLE TWO-A OF ARTICLE TWENTY-FIVE OF THE PUBLIC HEALTH LAW AS AN EARLY
15 INTERVENTION PROGRAM PROVIDER. ALL EARLY INTERVENTION AGENCIES IN EXIST-
16 ENCE AS OF THE EFFECTIVE DATE OF THIS SECTION SHALL BE DEEMED REGISTERED
17 PURSUANT TO THIS SECTION FOR A PERIOD COMMENCING ON SUCH EFFECTIVE DATE
18 AND ENDING ON JULY FIRST, TWO THOUSAND THIRTEEN. NOTHING IN THIS
19 SECTION SHALL BE CONSTRUED TO REQUIRE AN EARLY INTERVENTION AGENCY TO
20 REGISTER IN ACCORDANCE WITH THIS SECTION PROVIDED THAT IT IS OTHERWISE
21 AUTHORIZED BY LAW TO PROVIDE THE APPLICABLE PROFESSIONAL SERVICES.

22 3. A SPECIAL EDUCATION SCHOOL AND EARLY INTERVENTION AGENCY SHALL BE
23 REGISTERED AS FOLLOWS:

24 A. APPLICATION FOR REGISTRATION SHALL BE MADE ON A FORM PRESCRIBED BY
25 THE DEPARTMENT.

26 B. THE APPLICATION FOR INITIAL REGISTRATION SHALL BE ACCOMPANIED BY A
27 FEE OF THREE HUNDRED FORTY-FIVE DOLLARS. IF AN APPLICANT SIMULTANEOUSLY
28 APPLIES FOR REGISTRATION AS A SPECIAL EDUCATION SCHOOL AND FOR REGISTRA-
29 TION AS AN EARLY INTERVENTION AGENCY, THE APPLICANT SHALL PAY ONE FEE OF
30 THREE HUNDRED FORTY-FIVE DOLLARS FOR BOTH REGISTRATION APPLICATIONS.

31 4. ALL SPECIAL EDUCATION SCHOOL AND EARLY INTERVENTION AGENCY REGIS-
32 TRATIONS SHALL BE RENEWED ON DATES SET BY THE DEPARTMENT. THE TRIENNIAL
33 REGISTRATION FEE SHALL BE TWO HUNDRED SIXTY DOLLARS OR A PRO-RATED
34 PORTION THEREOF AS DETERMINED BY THE DEPARTMENT. IF AN APPLICANT SIMUL-
35 TANEOUSLY APPLIES FOR TRIENNIAL REGISTRATION AS A SPECIAL EDUCATION
36 SCHOOL AND FOR TRIENNIAL REGISTRATION AS AN EARLY INTERVENTION AGENCY,
37 THE APPLICANT SHALL PAY ONE FEE OF TWO HUNDRED SIXTY DOLLARS OR A
38 PRO-RATED PORTION THEREOF AS DETERMINED BY THE DEPARTMENT FOR BOTH
39 TRIENNIAL RENEWAL REGISTRATION APPLICATIONS. AN EARLY INTERVENTION AGEN-
40 CY'S REGISTRATION SHALL NOT BE RENEWED UNLESS THE AGENCY IS APPROVED TO
41 PROVIDE EARLY INTERVENTION PROGRAM MULTI-DISCIPLINARY EVALUATIONS,
42 SERVICE COORDINATION OR EARLY INTERVENTION PROGRAM SERVICES IN ACCORD-
43 ANCE WITH TITLE TWO-A OF ARTICLE TWENTY-FIVE OF THE PUBLIC HEALTH LAW.

44 5. IN THE EVENT THAT A CHANGE IN THE LOCATION OF THE CHIEF ADMINISTRA-
45 TIVE OFFICES OF A SPECIAL EDUCATION SCHOOL OR EARLY INTERVENTION AGENCY
46 IS CONTEMPLATED, THE OWNER SHALL NOTIFY THE OFFICE OF PROFESSIONS OF THE
47 DEPARTMENT OF THE CHANGE OF LOCATION AT LEAST THIRTY DAYS PRIOR TO RELO-
48 CATION.

49 6. AN APPLICANT FOR REGISTRATION AS A SPECIAL EDUCATION SCHOOL OR
50 EARLY INTERVENTION AGENCY SHALL BE OF GOOD MORAL CHARACTER, AS DETER-
51 MINED BY THE DEPARTMENT. IN THE CASE OF A CORPORATE APPLICANT, THE
52 REQUIREMENT SHALL EXTEND TO ALL OFFICERS AND DIRECTORS AND TO STOCKHOLD-
53 ERS HAVING A TEN PERCENT OR GREATER INTEREST IN THE CORPORATION.

54 7. A. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, A
55 REGISTERED SPECIAL EDUCATION SCHOOL MAY EMPLOY INDIVIDUALS LICENSED OR
56 OTHERWISE AUTHORIZED TO PRACTICE ANY PROFESSION PURSUANT TO THIS ARTICLE

1 TO CONDUCT COMPONENTS OF A MULTI-DISCIPLINARY EVALUATION OF A CHILD WITH
2 A DISABILITY OR A CHILD SUSPECTED OF HAVING A DISABILITY OR TO PROVIDE
3 RELATED SERVICES TO CHILDREN WITH DISABILITIES ENROLLED IN THE SCHOOL OR
4 MAY PROVIDE COMPONENTS OF SUCH AN EVALUATION OR SUCH RELATED SERVICES BY
5 CONTRACT WITH AN INDIVIDUAL LICENSED OR OTHERWISE AUTHORIZED TO PRACTICE
6 PURSUANT TO THIS ARTICLE OR A PROFESSIONAL SERVICE CORPORATION, PROFES-
7 SIONAL SERVICE LIMITED LIABILITY COMPANY, PARTNERSHIP OR REGISTERED
8 LIMITED LIABILITY PARTNERSHIP AUTHORIZED BY LAW TO PROVIDE THE APPLICA-
9 BLE PROFESSIONAL SERVICES.

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

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

24 8. A SPECIAL EDUCATION SCHOOL AND EARLY INTERVENTION AGENCY SHALL BE
25 UNDER THE SUPERVISION OF THE REGENTS OF THE UNIVERSITY OF THE STATE OF
26 NEW YORK AND THE DEPARTMENT PURSUANT TO THIS TITLE AND BE SUBJECT TO
27 DISCIPLINARY PROCEEDINGS AND PENALTIES IN THE SAME MANNER AND TO THE
28 SAME EXTENT AS IS PROVIDED WITH RESPECT TO INDIVIDUALS AND THEIR
29 LICENSES, CERTIFICATES, AND REGISTRATIONS IN THE PROVISIONS OF THIS
30 TITLE RELATING TO THE APPLICABLE PROFESSION, AND THE REGISTRATION OF A
31 SPECIAL EDUCATION SCHOOL OR EARLY INTERVENTION AGENCY SHALL BE SUBJECT
32 TO SUSPENSION, REVOCATION OR ANNULMENT FOR CAUSE. NOTWITHSTANDING THE
33 PROVISIONS OF THIS SUBDIVISION, A SPECIAL EDUCATION SCHOOL OR EARLY
34 INTERVENTION AGENCY THAT CONDUCTS OR CONTRACTS FOR A COMPONENT OF A
35 MULTI-DISCIPLINARY EVALUATION THAT INVOLVES THE PRACTICE OF MEDICINE
36 SHALL BE SUBJECT TO THE PRE-HEARING PROCEDURES AND HEARING PROCEDURES AS
37 IS PROVIDED WITH RESPECT TO INDIVIDUAL PHYSICIANS AND THEIR LICENSES IN
38 TITLE TWO-A OF ARTICLE TWO OF THE PUBLIC HEALTH LAW. NOTWITHSTANDING ANY
39 OTHER PROVISION OF LAW TO THE CONTRARY, UPON REVOCATION OR OTHER TERMI-
40 NATION BY THE COMMISSIONER OF APPROVAL OF THE SPECIAL EDUCATION SCHOOL
41 PURSUANT TO ARTICLE EIGHTY-NINE OF THIS CHAPTER AND THE REGULATIONS OF
42 THE COMMISSIONER IMPLEMENTING SUCH ARTICLE, OR OF THE EARLY INTERVENTION
43 AGENCY BY THE COMMISSIONER OF HEALTH PURSUANT TO TITLE TWO-A OF ARTICLE
44 TWENTY-FIVE OF THE PUBLIC HEALTH LAW AND IMPLEMENTING REGULATIONS, THE
45 SCHOOL'S OR EARLY INTERVENTION AGENCY'S REGISTRATION PURSUANT TO THIS
46 SECTION SHALL BE DEEMED REVOKED AND ANNULLED.

47 S 5. This act shall take effect June 30, 2012.