

5012

2011-2012 Regular Sessions

I N   S E N A T E

May 2, 2011

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Introduced by Sen. FUSCHILLO -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the limited liability company law, the business corporation law, the partnership law and the public health law, in relation to allowing doctors of chiropractic licensed under title VIII, article 132 of the education law to form limited liability companies

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

1     Section 1. Subdivision (a) of section 1203 of the limited liability  
2     company law, as separately amended by chapters 420 and 676 of the laws  
3     of 2002, is amended to read as follows:  
4     (a) Notwithstanding the education law or any other provision of law,  
5     one or more professionals each of whom is authorized by law to render a  
6     professional service within the state, or one or more professionals, at  
7     least one of whom is authorized by law to render a professional service  
8     within the state, may form, or cause to be formed, a professional  
9     service limited liability company for pecuniary profit under this arti-  
10    cle for the purpose of rendering the professional service or services as  
11    such professionals are authorized to practice. With respect to a profes-  
12    sional service limited liability company formed to provide medical  
13    services as such services are defined in article 131 of the education  
14    law, each member of such limited liability company must be licensed  
15    pursuant to article 131 of the education law to practice medicine in  
16    this state. With respect to a professional service limited liability  
17    company formed to provide dental services as such services are defined  
18    in article 133 of the education law, each member of such limited liabil-  
19    ity company must be licensed pursuant to article 133 of the education  
20    law to practice dentistry in this state. With respect to a professional  
21    service limited liability company formed to provide veterinary services  
22    as such services are defined in article 135 of the education law, each

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

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1 member of such limited liability company must be licensed pursuant to  
2 article 135 of the education law to practice veterinary medicine in this  
3 state. With respect to a professional service limited liability company  
4 formed to provide professional engineering, land surveying, architec-  
5 tural and/or landscape architectural services as such services are  
6 defined in article 145, article 147 and article 148 of the education  
7 law, each member of such limited liability company must be licensed  
8 pursuant to article 145, article 147 and/or article 148 of the education  
9 law to practice one or more of such professions in this state. With  
10 respect to a professional service limited liability company formed to  
11 provide licensed clinical social work services as such services are  
12 defined in article 154 of the education law, each member of such limited  
13 liability company shall be licensed pursuant to article 154 of the  
14 education law to practice licensed clinical social work in this state.  
15 With respect to a professional service limited liability company formed  
16 to provide creative arts therapy services as such services are defined  
17 in article 163 of the education law, each member of such limited liabil-  
18 ity company must be licensed pursuant to article 163 of the education  
19 law to practice creative arts therapy in this state. With respect to a  
20 professional service limited liability company formed to provide  
21 marriage and family therapy services as such services are defined in  
22 article 163 of the education law, each member of such limited liability  
23 company must be licensed pursuant to article 163 of the education law to  
24 practice marriage and family therapy in this state. With respect to a  
25 professional service limited liability company formed to provide mental  
26 health counseling services as such services are defined in article 163  
27 of the education law, each member of such limited liability company must  
28 be licensed pursuant to article 163 of the education law to practice  
29 mental health counseling in this state. With respect to a professional  
30 service limited liability company formed to provide psychoanalysis  
31 services as such services are defined in article 163 of the education  
32 law, each member of such limited liability company must be licensed  
33 pursuant to article 163 of the education law to practice psychoanalysis  
34 in this state. In addition to engaging in such profession or  
35 professions, a professional service limited liability company may engage  
36 in any other business or activities as to which a limited liability  
37 company may be formed under section two hundred one of this chapter.  
38 Notwithstanding any other provision of this section, a professional  
39 service limited liability company (i) authorized to practice law may  
40 only engage in another profession or business or activities or (ii)  
41 which is engaged in a profession or other business or activities other  
42 than law may only engage in the practice of law, to the extent not  
43 prohibited by any other law of this state or any rule adopted by the  
44 appropriate appellate division of the supreme court or the court of  
45 appeals. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, WITH  
46 RESPECT TO A LIMITED LIABILITY COMPANY FORMED TO PROVIDE INTEGRATED,  
47 MULTIDISCIPLINARY MEDICAL AND CHIROPRACTIC SERVICES, AS SUCH SERVICES  
48 ARE RESPECTIVELY DEFINED UNDER ARTICLES 131 AND 132 OF THE EDUCATION  
49 LAW, (I) EACH MEMBER OF SUCH LIMITED LIABILITY COMPANY MUST BE LICENSED  
50 PURSUANT TO ARTICLE 131 OR ARTICLE 132 OF THE EDUCATION LAW TO PRACTICE  
51 HIS OR HER PROFESSION IN THIS STATE, (II) EACH MEMBER SHALL ONLY PRAC-  
52 TICE HIS OR HER PROFESSION AS SPECIFIED IN HIS OR HER RESPECTIVE PROFES-  
53 SIONAL ENABLING STATUTE UNDER ARTICLE 131 OR ARTICLE 132 OF THE EDUCA-  
54 TION LAW, AND (III) THE CLINICAL INTEGRATION OF PROFESSIONAL PRACTICES  
55 WITHIN AN INTEGRATED, MULTIDISCIPLINARY ENTITY ORGANIZED UNDER THIS  
56 SECTION DOES NOT ALTER, EXPAND OR CURTAIL THE SCOPE OF PRACTICE OF ANY

1 OF THE INDIVIDUALS LICENSED UNDER THE STATUTE OF HIS OR HER RESPECTIVE  
2 PROFESSIONAL ENABLING LAW, PROVIDED THAT: (A) THE CLINICAL JUDGMENT,  
3 MANAGEMENT AND CLINICAL DECISION-MAKING OF ONE OR MORE ARTICLE 131  
4 PROVIDERS IN AN INTEGRATED, MULTIDISCIPLINARY PROFESSIONAL SERVICE  
5 LIMITED LIABILITY COMPANY SHALL BE CONTROLLING, (B) MEMBERS LICENSED  
6 UNDER ARTICLE 132 OF THE EDUCATION LAW, SHALL NOT, DIRECTLY OR INDIRECT-  
7 LY, INTERFERE WITH THE CLINICAL JUDGMENT OR LEGITIMATE CLINICAL PRACTICE  
8 OF A PROFESSIONAL LICENSED UNDER ARTICLE 131, AND (C) INDIVIDUALS  
9 LICENSED UNDER ARTICLE 131 MAY NOT ORDER OR DIRECT A PROFESSIONAL  
10 LICENSED UNDER ARTICLE 132 OF THE EDUCATION LAW TO PRACTICE BEYOND THE  
11 SCOPE OF HIS OR HER LICENSE UNDER ARTICLE 132 OF THE EDUCATION LAW, EVEN  
12 IF SUPERVISED DIRECTLY OR INDIRECTLY BY A PROFESSIONAL LICENSED UNDER  
13 ARTICLE 131.

14 S 2. Subdivision (b) of section 1207 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 (b) With respect to a professional service limited liability company  
18 formed to provide medical services as such services are defined in arti-  
19 cle 131 of the education law, each member of such limited liability  
20 company must be licensed pursuant to article 131 of the education law to  
21 practice medicine in this state. With respect to a professional service  
22 limited liability company formed to provide dental services as such  
23 services are defined in article 133 of the education law, each member of  
24 such limited liability company must be licensed pursuant to article 133  
25 of the education law to practice dentistry in this state. With respect  
26 to a professional service limited liability company formed to provide  
27 veterinary services as such services are defined in article 135 of the  
28 education law, each member of such limited liability company must be  
29 licensed pursuant to article 135 of the education law to practice veter-  
30 inary medicine in this state. With respect to a professional service  
31 limited liability company formed to provide professional engineering,  
32 land surveying, architectural and/or landscape architectural services as  
33 such services are defined in article 145, article 147 and article 148 of  
34 the education law, each member of such limited liability company must be  
35 licensed pursuant to article 145, article 147 and/or article 148 of the  
36 education law to practice one or more of such professions in this state.  
37 With respect to a professional service limited liability company formed  
38 to provide licensed clinical social work services as such services are  
39 defined in article 154 of the education law, each member of such limited  
40 liability company shall be licensed pursuant to article 154 of the  
41 education law to practice licensed clinical social work in this state.  
42 With respect to a professional service limited liability company formed  
43 to provide creative arts therapy services as such services are defined  
44 in article 163 of the education law, each member of such limited liabil-  
45 ity company must be licensed pursuant to article 163 of the education  
46 law to practice creative arts therapy in this state. With respect to a  
47 professional service limited liability company formed to provide  
48 marriage and family therapy services as such services are defined in  
49 article 163 of the education law, each member of such limited liability  
50 company must be licensed pursuant to article 163 of the education law to  
51 practice marriage and family therapy in this state. With respect to a  
52 professional service limited liability company formed to provide mental  
53 health counseling services as such services are defined in article 163  
54 of the education law, each member of such limited liability company must  
55 be licensed pursuant to article 163 of the education law to practice  
56 mental health counseling in this state. With respect to a professional

1 service limited liability company formed to provide psychoanalysis  
2 services as such services are defined in article 163 of the education  
3 law, each member of such limited liability company must be licensed  
4 pursuant to article 163 of the education law to practice psychoanalysis  
5 in this state. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,  
6 WITH RESPECT TO A PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY FORMED  
7 TO PROVIDE INTEGRATED, MULTIDISCIPLINARY MEDICAL AND CHIROPRACTIC  
8 SERVICES, AS SUCH SERVICES ARE RESPECTIVELY DEFINED UNDER ARTICLES 131  
9 AND 132 OF THE EDUCATION LAW, (I) EACH MEMBER OF SUCH LIMITED LIABILITY  
10 COMPANY MUST BE LICENSED PURSUANT TO ARTICLE 131 OR ARTICLE 132 OF THE  
11 EDUCATION LAW TO PRACTICE HIS OR HER PROFESSION IN THIS STATE, (II) EACH  
12 MEMBER SHALL ONLY PRACTICE HIS OR HER PROFESSION AS SPECIFIED IN HIS OR  
13 HER RESPECTIVE PROFESSIONAL ENABLING STATUTE UNDER ARTICLE 131 OR ARTI-  
14 CLE 132 OF THE EDUCATION LAW, AND (III) THE CLINICAL INTEGRATION OF  
15 PROFESSIONAL PRACTICES WITHIN AN INTEGRATED, MULTIDISCIPLINARY ENTITY  
16 ORGANIZED UNDER THIS SECTION DOES NOT ALTER, EXPAND OR CURTAIL THE SCOPE  
17 OF PRACTICE OF ANY OF THE INDIVIDUALS LICENSED UNDER THE STATUTE OF HIS  
18 OR HER RESPECTIVE PROFESSIONAL ENABLING LAW, PROVIDED THAT: (A) THE  
19 CLINICAL JUDGMENT, MANAGEMENT AND CLINICAL DECISION-MAKING OF ONE OR  
20 MORE ARTICLE 131 PROVIDERS IN AN INTEGRATED, MULTIDISCIPLINARY PROFES-  
21 SIONAL SERVICE LIMITED LIABILITY COMPANY SHALL BE CONTROLLING, (B)  
22 MEMBERS LICENSED UNDER ARTICLE 132 OF THE EDUCATION LAW, SHALL NOT,  
23 DIRECTLY OR INDIRECTLY, INTERFERE WITH THE CLINICAL JUDGMENT OR LEGITI-  
24 MATE CLINICAL PRACTICE OF A PROFESSIONAL LICENSED UNDER ARTICLE 131, AND  
25 (C) INDIVIDUALS LICENSED UNDER ARTICLE 131 MAY NOT ORDER OR DIRECT A  
26 PROFESSIONAL LICENSED UNDER ARTICLE 132 OF THE EDUCATION LAW TO PRACTICE  
27 BEYOND THE SCOPE OF HIS OR HER LICENSE UNDER ARTICLE 132 OF THE EDUCA-  
28 TION LAW, EVEN IF SUPERVISED DIRECTLY OR INDIRECTLY BY A PROFESSIONAL  
29 LICENSED UNDER ARTICLE 131.

30 S 3. Subdivision (a) of section 1301 of the limited liability company  
31 law, as separately amended by chapters 420 and 676 of the laws of 2002,  
32 is amended to read as follows:

33 (a) "Foreign professional service limited liability company" means a  
34 professional service limited liability company, whether or not denomi-  
35 nated as such, organized under the laws of a jurisdiction other than  
36 this state, (i) each of whose members and managers, if any, is a profes-  
37 sional authorized by law to render a professional service within this  
38 state and who is or has been engaged in the practice of such profession  
39 in such professional service limited liability company or a predecessor  
40 entity, or will engage in the practice of such profession in the profes-  
41 sional service limited liability company within thirty days of the date  
42 such professional becomes a member, or each of whose members and manag-  
43 ers, if any, is a professional at least one of such members is author-  
44 ized by law to render a professional service within this state and who  
45 is or has been engaged in the practice of such profession in such  
46 professional service limited liability company or a predecessor entity,  
47 or will engage in the practice of such profession in the professional  
48 service limited liability company within thirty days of the date such  
49 professional becomes a member, or (ii) authorized by, or holding a  
50 license, certificate, registration or permit issued by the licensing  
51 authority pursuant to, the education law to render a professional  
52 service within this state; except that all members and managers, if any,  
53 of a foreign professional service limited liability company that  
54 provides health services in this state shall be licensed in this state.  
55 With respect to a foreign professional service limited liability company  
56 which provides veterinary services as such services are defined in arti-

1 cle 135 of the education law, each member of such foreign professional  
2 service limited liability company shall be licensed pursuant to article  
3 135 of the education law to practice veterinary medicine. With respect  
4 to a foreign professional service limited liability company which  
5 provides medical services as such services are defined in article 131 of  
6 the education law, each member of such foreign professional service  
7 limited liability company must be licensed pursuant to article 131 of  
8 the education law to practice medicine in this state. With respect to a  
9 foreign professional service limited liability company which provides  
10 dental services as such services are defined in article 133 of the  
11 education law, each member of such foreign professional service limited  
12 liability company must be licensed pursuant to article 133 of the educa-  
13 tion law to practice dentistry in this state. With respect to a foreign  
14 professional service limited liability company which provides profes-  
15 sional engineering, land surveying, architectural and/or landscape  
16 architectural services as such services are defined in article 145,  
17 article 147 and article 148 of the education law, each member of such  
18 foreign professional service limited liability company must be licensed  
19 pursuant to article 145, article 147 and/or article 148 of the education  
20 law to practice one or more of such professions in this state. With  
21 respect to a foreign professional service limited liability company  
22 which provides licensed clinical social work services as such services  
23 are defined in article 154 of the education law, each member of such  
24 foreign professional service limited liability company shall be licensed  
25 pursuant to article 154 of the education law to practice clinical social  
26 work in this state. With respect to a foreign professional service  
27 limited liability company which provides creative arts therapy services  
28 as such services are defined in article 163 of the education law, each  
29 member of such foreign professional service limited liability company  
30 must be licensed pursuant to article 163 of the education law to prac-  
31 tice creative arts therapy in this state. With respect to a foreign  
32 professional service limited liability company which provides marriage  
33 and family therapy services as such services are defined in article 163  
34 of the education law, each member of such foreign professional service  
35 limited liability company must be licensed pursuant to article 163 of  
36 the education law to practice marriage and family therapy in this state.  
37 With respect to a foreign professional service limited liability company  
38 which provides mental health counseling services as such services are  
39 defined in article 163 of the education law, each member of such foreign  
40 professional service limited liability company must be licensed pursuant  
41 to article 163 of the education law to practice mental health counseling  
42 in this state. With respect to a foreign professional service limited  
43 liability company which provides psychoanalysis services as such  
44 services are defined in article 163 of the education law, each member of  
45 such foreign professional service limited liability company must be  
46 licensed pursuant to article 163 of the education law to practice  
47 psychoanalysis in this state. WITH RESPECT TO A FOREIGN PROFESSIONAL  
48 SERVICE LIMITED LIABILITY COMPANY FORMED TO PROVIDE INTEGRATED,  
49 MULTI-DISCIPLINARY MEDICAL AND CHIROPRACTIC SERVICES, AS SUCH SERVICES  
50 ARE RESPECTIVELY DEFINED UNDER ARTICLE 131 AND ARTICLE 132 OF THE EDUCA-  
51 TION LAW, (I) EACH MEMBER OF SUCH LIMITED LIABILITY COMPANY MUST BE  
52 LICENSED PURSUANT TO ARTICLE 131 OR ARTICLE 132 OF THE EDUCATION LAW TO  
53 PRACTICE HIS OR HER PROFESSION IN THIS STATE, (II) EACH MEMBER SHALL  
54 ONLY PRACTICE HIS OR HER PROFESSION AS SPECIFIED IN HIS OR HER RESPEC-  
55 TIVE PROFESSIONAL ENABLING STATUTE UNDER ARTICLE 131 OR ARTICLE 132 OF  
56 THE EDUCATION LAW, AND (III) THE CLINICAL INTEGRATION OF PROFESSIONAL

1 PRACTICES WITHIN AN INTEGRATED, MULTIDISCIPLINARY ENTITY ORGANIZED UNDER  
2 THIS SECTION DOES NOT ALTER, EXPAND OR CURTAIL THE SCOPE OF PRACTICE OF  
3 ANY OF THE INDIVIDUALS LICENSED UNDER THE STATUTE OF HIS OR HER RESPEC-  
4 TIVE PROFESSIONAL ENABLING LAW, PROVIDED THAT: (A) THE CLINICAL JUDG-  
5 MENT, MANAGEMENT AND CLINICAL DECISION-MAKING OF ONE OR MORE ARTICLE 131  
6 PROVIDERS IN AN INTEGRATED, MULTIDISCIPLINARY PROFESSIONAL SERVICE  
7 LIMITED LIABILITY COMPANY SHALL BE CONTROLLING, (B) MEMBERS LICENSED  
8 UNDER ARTICLE 132 OF THE EDUCATION LAW, SHALL NOT, DIRECTLY OR INDIRECT-  
9 LY, INTERFERE WITH THE CLINICAL JUDGMENT OR LEGITIMATE CLINICAL PRACTICE  
10 OF A PROFESSIONAL LICENSED UNDER ARTICLE 131, AND (C) INDIVIDUALS  
11 LICENSED UNDER ARTICLE 131 MAY NOT ORDER OR DIRECT A PROFESSIONAL  
12 LICENSED UNDER ARTICLE 132 OF THE EDUCATION LAW TO PRACTICE BEYOND THE  
13 SCOPE OF HIS OR HER LICENSE UNDER ARTICLE 132 OF THE EDUCATION LAW, EVEN  
14 IF SUPERVISED DIRECTLY OR INDIRECTLY BY A PROFESSIONAL LICENSED UNDER  
15 ARTICLE 131.

16 S 4. Paragraph (a) of section 1503 of the business corporation law, as  
17 added by chapter 974 of the laws of 1970, is amended to read as follows:

18 (a) Notwithstanding any other provision of law, (I) one or more indi-  
19 viduals duly authorized by law to render the same professional service  
20 within the state may organize, or cause to be organized, a professional  
21 service corporation for pecuniary profit under this article for the  
22 purpose of rendering the same professional service, except that one or  
23 more individuals duly authorized by law to practice professional engi-  
24 neering, architecture, landscape architecture or land surveying within  
25 the state may organize, or cause to be organized, a professional service  
26 corporation for pecuniary profit under this article for the purpose of  
27 rendering such professional services as such individuals are authorized  
28 to practice, AND, (II) ONE OR MORE INDIVIDUALS DULY LICENSED TO PRACTICE  
29 MEDICINE AND ONE OR MORE CHIROPRACTORS LICENSED UNDER ARTICLE 132 OF THE  
30 EDUCATION LAW, WHO MAY BE BOARD CERTIFIED OR QUALIFIED BY HIS OR HER  
31 RESPECTIVE PROFESSIONAL SPECIALTY BOARDS, MAY ORGANIZE, OR CAUSE TO BE  
32 ORGANIZED, FOR BUSINESS PURPOSES ONLY, A MULTIDISCIPLINARY PROFESSIONAL  
33 SERVICE CORPORATION FORMED FOR PECUNIARY PROFIT UNDER THIS ARTICLE FOR  
34 THE PURPOSE OF RENDERING INTEGRATED AND NON-INTEGRATED PROFESSIONAL  
35 SERVICES WITHIN SUCH A CORPORATION AS SUCH INDIVIDUALS ARE AUTHORIZED TO  
36 PRACTICE INDIVIDUALLY IN HIS OR HER RESPECTIVE PROFESSIONS, PROVIDED  
37 THAT THE CLINICAL INTEGRATION OF PROFESSIONAL PRACTICES WITHIN AN ENTITY  
38 ORGANIZED UNDER THIS SECTION DOES NOT ALTER, EXPAND OR CURTAIL THE SCOPE  
39 OF PRACTICE OF ANY OF THE INDIVIDUALS LICENSED UNDER THE STATUTE OF HIS  
40 OR HER RESPECTIVE PROFESSIONAL ENABLING LAW; THAT THE CLINICAL JUDGMENT,  
41 MANAGEMENT AND CLINICAL DECISION-MAKING OF ONE OR MORE ARTICLE 131  
42 PROVIDERS IN AN INTEGRATED, MULTIDISCIPLINARY PRACTICE SHALL BE CONTROL-  
43 LING; THAT MEMBERS LICENSED UNDER ARTICLE 132 OF THE EDUCATION LAW,  
44 SHALL NOT, DIRECTLY OR INDIRECTLY, INTERFERE WITH THE CLINICAL JUDGMENT  
45 OR LEGITIMATE CLINICAL PRACTICE OF A PROFESSIONAL LICENSED UNDER ARTICLE  
46 131; AND THAT INDIVIDUALS LICENSED UNDER ARTICLE 131 MAY NOT ORDER OR  
47 DIRECT A PROFESSIONAL LICENSED UNDER ARTICLE 132 OF THE EDUCATION LAW TO  
48 PRACTICE BEYOND THE SCOPE OF HIS OR HER LICENSE UNDER ARTICLE 132 OF THE  
49 EDUCATION LAW IN A PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY, EVEN  
50 IF SUPERVISED DIRECTLY OR INDIRECTLY BY A PROFESSIONAL LICENSED UNDER  
51 ARTICLE 131.

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

55 (q) Each partner of a registered limited liability partnership formed  
56 to provide medical services in this state must be licensed pursuant to

1 article 131 of the education law to practice medicine in this state and  
2 each partner of a registered limited liability partnership formed to  
3 provide dental services in this state must be licensed pursuant to arti-  
4 cle 133 of the education law to practice dentistry in this state. Each  
5 partner of a registered limited liability partnership formed to provide  
6 veterinary services in this state must be licensed pursuant to article  
7 135 of the education law to practice veterinary medicine in this state.  
8 Each partner of a registered limited liability partnership formed to  
9 provide professional engineering, land surveying, architectural and/or  
10 landscape architectural services in this state must be licensed pursuant  
11 to article 145, article 147 and/or article 148 of the education law to  
12 practice one or more of such professions in this state. Each partner of  
13 a registered limited liability partnership formed to provide licensed  
14 clinical social work services in this state must be licensed pursuant to  
15 article 154 of the education law to practice clinical social work in  
16 this state. Each partner of a registered limited liability partnership  
17 formed to provide creative arts therapy services in this state must be  
18 licensed pursuant to article 163 of the education law to practice crea-  
19 tive arts therapy in this state. Each partner of a registered limited  
20 liability partnership formed to provide marriage and family therapy  
21 services in this state must be licensed pursuant to article 163 of the  
22 education law to practice marriage and family therapy in this state.  
23 Each partner of a registered limited liability partnership formed to  
24 provide mental health counseling services in this state must be licensed  
25 pursuant to article 163 of the education law to practice mental health  
26 counseling in this state. Each partner of a registered limited liability  
27 partnership formed to provide psychoanalysis services in this state must  
28 be licensed pursuant to article 163 of the education law to practice  
29 psychoanalysis in this state. EACH PARTNER OF A REGISTERED LIMITED  
30 LIABILITY PARTNERSHIP FORMED TO PROVIDE INTEGRATED, MULTIDISCIPLINARY  
31 MEDICAL AND CHIROPRACTIC SERVICES, AS SUCH SERVICES ARE RESPECTIVELY  
32 DEFINED UNDER ARTICLE 131 AND ARTICLE 132 OF THE EDUCATION LAW, (I) MUST  
33 BE LICENSED PURSUANT TO ARTICLE 131 OR ARTICLE 132 OF THE EDUCATION LAW  
34 TO PRACTICE HIS OR HER PROFESSION IN THIS STATE, (II) SHALL ONLY PRAC-  
35 TICE HIS OR HER PROFESSION AS SPECIFIED IN HIS OR HER RESPECTIVE PROFES-  
36 SIONAL ENABLING STATUTE UNDER ARTICLE 131 OR ARTICLE 132 OF THE EDUCA-  
37 TION LAW, AND (III) THE CLINICAL INTEGRATION OF PROFESSIONAL PRACTICES  
38 WITHIN AN INTEGRATED, MULTI-DISCIPLINARY ENTITY ORGANIZED UNDER THIS  
39 SECTION DOES NOT ALTER, EXPAND OR CURTAIL THE SCOPE OF PRACTICE OF ANY  
40 OF THE INDIVIDUALS LICENSED UNDER THE STATUTE OF HIS OR HER RESPECTIVE  
41 PROFESSIONAL ENABLING LAW, PROVIDED THAT: (A) THE CLINICAL JUDGMENT,  
42 MANAGEMENT AND CLINICAL DECISION-MAKING OF ONE OR MORE ARTICLE 131  
43 PROVIDERS IN AN INTEGRATED, MULTIDISCIPLINARY PROFESSIONAL SERVICE  
44 LIMITED LIABILITY COMPANY SHALL BE CONTROLLING, (B) MEMBERS LICENSED  
45 UNDER ARTICLE 132 OF THE EDUCATION LAW, SHALL NOT, DIRECTLY OR INDIRECT-  
46 LY, INTERFERE WITH THE CLINICAL JUDGMENT OR LEGITIMATE CLINICAL PRACTICE  
47 OF A PROFESSIONAL LICENSED UNDER ARTICLE 131, AND (C) INDIVIDUALS  
48 LICENSED UNDER ARTICLE 131 MAY NOT ORDER OR DIRECT A PROFESSIONAL  
49 LICENSED UNDER ARTICLE 132 OF THE EDUCATION LAW TO PRACTICE BEYOND THE  
50 SCOPE OF HIS OR HER LICENSE UNDER ARTICLE 132 OF THE EDUCATION LAW, EVEN  
51 IF SUPERVISED DIRECTLY OR INDIRECTLY BY A PROFESSIONAL LICENSED UNDER  
52 ARTICLE 131.

53 S 6. Subdivision (q) of section 121-1502 of the partnership law, as  
54 amended by chapter 230 of the laws of 2004, is amended to read as  
55 follows:

1 (q) Each partner of a foreign limited liability partnership which  
2 provides medical services in this state must be licensed pursuant to  
3 article 131 of the education law to practice medicine in the state and  
4 each partner of a foreign limited liability partnership which provides  
5 dental services in the state must be licensed pursuant to article 133 of  
6 the education law to practice dentistry in this state. Each partner of a  
7 foreign limited liability partnership which provides veterinary service  
8 in the state shall be licensed pursuant to article 135 of the education  
9 law to practice veterinary medicine in this state. Each partner of a  
10 foreign limited liability partnership which provides professional engi-  
11 neering, land surveying, architectural and/or landscape architectural  
12 services in this state must be licensed pursuant to article 145, article  
13 147 and/or article 148 of the education law to practice one or more of  
14 such professions. Each partner of a foreign limited liability partner-  
15 ship which provides licensed clinical social work services in this state  
16 must be licensed pursuant to article 154 of the education law to prac-  
17 tice licensed clinical social work in this state. Each partner of a  
18 foreign limited liability partnership which provides creative arts ther-  
19 apy services in this state must be licensed pursuant to article 163 of  
20 the education law to practice creative arts therapy in this state. Each  
21 partner of a foreign limited liability partnership which provides  
22 marriage and family therapy services in this state must be licensed  
23 pursuant to article 163 of the education law to practice marriage and  
24 family therapy in this state. Each partner of a foreign limited liabil-  
25 ity partnership which provides mental health counseling services in this  
26 state must be licensed pursuant to article 163 of the education law to  
27 practice mental health counseling in this state. Each partner of a  
28 foreign limited liability partnership which provides psychoanalysis  
29 services in this state must be licensed pursuant to article 163 of the  
30 education law to practice psychoanalysis in this state. EACH PARTNER OF  
31 A FOREIGN LIMITED LIABILITY PARTNERSHIP FORMED TO PROVIDE INTEGRATED,  
32 MULTIDISCIPLINARY MEDICAL AND CHIROPRACTIC SERVICES, AS SUCH SERVICES  
33 ARE DEFINED UNDER ARTICLE 131 OR ARTICLE 132 OF THE EDUCATION LAW, (I)  
34 MUST BE LICENSED PURSUANT TO ARTICLE 131 OR ARTICLE 132 OF THE EDUCATION  
35 LAW TO PRACTICE HIS OR HER PROFESSION IN THIS STATE, (II) SHALL ONLY  
36 PRACTICE HIS OR HER PROFESSION AS SPECIFIED IN HIS OR HER RESPECTIVE  
37 PROFESSIONAL ENABLING STATUTE UNDER ARTICLE 131 OR ARTICLE 132 OF THE  
38 EDUCATION LAW, AND (III) THE CLINICAL INTEGRATION OF PROFESSIONAL PRAC-  
39 TICES WITHIN AN INTEGRATED, MULTIDISCIPLINARY ENTITY ORGANIZED UNDER  
40 THIS SECTION DOES NOT ALTER, EXPAND OR CURTAIL THE SCOPE OF PRACTICE OF  
41 ANY OF THE INDIVIDUALS LICENSED UNDER THE STATUTE OF HIS OR HER RESPEC-  
42 TIVE PROFESSIONAL ENABLING LAW, PROVIDED THAT: (A) THE CLINICAL JUDG-  
43 MENT, MANAGEMENT AND CLINICAL DECISION-MAKING OF ONE OR MORE ARTICLE 131  
44 PROVIDERS IN AN INTEGRATED, MULTIDISCIPLINARY PROFESSIONAL SERVICE  
45 LIMITED LIABILITY COMPANY SHALL BE CONTROLLING, (B) MEMBERS NOT LICENSED  
46 UNDER ARTICLE 131 OF THE EDUCATION LAW, SHALL NOT, DIRECTLY OR INDIRECT-  
47 LY, INTERFERE WITH THE CLINICAL JUDGMENT OR LEGITIMATE CLINICAL PRACTICE  
48 OF A PROFESSIONAL LICENSED UNDER ARTICLE 131, AND (C) INDIVIDUALS  
49 LICENSED UNDER ARTICLE 131 MAY NOT ORDER OR DIRECT A PROFESSIONAL  
50 LICENSED UNDER ARTICLE 132 OF THE EDUCATION LAW TO PRACTICE BEYOND THE  
51 SCOPE OF HIS OR HER LICENSE UNDER ARTICLE 132 OF THE EDUCATION LAW, EVEN  
52 IF SUPERVISED DIRECTLY OR INDIRECTLY BY A PROFESSIONAL LICENSED UNDER  
53 ARTICLE 131.

54 S 7. Subdivision 1 of section 2801 of the public health law, as sepa-  
55 rately amended by chapters 297 and 416 of the laws of 1983, is amended  
56 to read as follows:



1 1. "Hospital" means a facility or institution engaged principally in  
2 providing services by or under the supervision of a physician or, in the  
3 case of a dental clinic or dental dispensary, of a dentist, for the  
4 prevention, diagnosis or treatment of human disease, pain, injury,  
5 deformity or physical condition, including, but not limited to, a gener-  
6 al hospital, public health center, diagnostic center, treatment center,  
7 dental clinic, dental dispensary, rehabilitation center other than a  
8 facility used solely for vocational rehabilitation, nursing home, tuber-  
9 culosis hospital, chronic disease hospital, maternity hospital, lying-  
10 in-asylum, out-patient department, out-patient lodge, dispensary and a  
11 laboratory or central service facility serving one or more such insti-  
12 tutions, but the term hospital shall not include an institution, sani-  
13 tarium or other facility engaged principally in providing services for  
14 the prevention, diagnosis or treatment of mental disability and which is  
15 subject to the powers of visitation, examination, inspection and inves-  
16 tigation of the department of mental hygiene except for those distinct  
17 parts of such a facility which provide hospital service. The provisions  
18 of this article shall not apply to a facility or institution engaged  
19 principally in providing services by or under the supervision of the  
20 bona fide members and adherents of a recognized religious organization  
21 whose teachings include reliance on spiritual means through prayer alone  
22 for healing in the practice of the religion of such organization and  
23 where services are provided in accordance with those teachings OR TO A  
24 BUSINESS CORPORATION, LIMITED LIABILITY CORPORATION OR PARTNERSHIP  
25 BETWEEN A MEDICAL DOCTOR AND A DULY LICENSED TITLE VIII HEALTHCARE  
26 PROFESSIONAL.

27 S 8. This act shall take effect immediately.