

S. 1803

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S E N A T E - A S S E M B L Y

January 12, 2011

IN SENATE -- Introduced by Sens. LAVALLE, LARKIN, SEWARD -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

IN ASSEMBLY -- Introduced by M. of A. HOYT, ORTIZ, ENGLEBRIGHT, CAHILL, CYMBROWITZ, N. RIVERA, McENENY, DESTITO, LENTOL, BENEDETTO, GUNTHER -- Multi-Sponsored by -- M. of A. ARROYO, BING, BOYLAND, BOYLE, BRENNAN, BUTLER, CALHOUN, CAMARA, CONTE, COOK, CUSICK, DINOWITZ, FARRELL, HEVE-SI, JACOBS, LIFTON, LUPARDO, MAYERSOHN, MOLINARO, PAULIN, PEOPLES-STOKES, PRETLOW, RAMOS, REILLY, J. RIVERA, P. RIVERA, SCARBOROUGH, SCHIMEL, TITUS, TOWNS, WEISENBERG, WRIGHT, ZEBROWSKI -- read once and referred to the Committee on Higher Education

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

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

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

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

LBD01174-01-1

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

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 GRADUATE OF AN APPROVED PROGRAM WITH A MINIMUM OF TWO YEARS OF PROFESSIONAL CLINICAL ACTIVITY AND IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;

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

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

6. CHARACTER. BE OF GOOD MORAL CHARACTER AS DETERMINED BY THE DEPARTMENT; AND

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

4 S 6580. STATE BOARD FOR NATUROPATHY. A STATE BOARD FOR NATUROPATHY
5 SHALL BE APPOINTED BY THE BOARD OF REGENTS ON THE RECOMMENDATION OF THE
6 COMMISSIONER FOR THE PURPOSE OF ASSISTING THE BOARD OF REGENTS AND THE
7 DEPARTMENT ON MATTERS OF LICENSING AND REGULATION. THE BOARD SHALL BE
8 COMPOSED OF AT LEAST SIX LICENSED MEMBERS FROM THE PROFESSION LICENSED
9 PURSUANT TO THIS ARTICLE AND AT LEAST TWO PUBLIC REPRESENTATIVES WHO DO
10 NOT HOLD INTERESTS IN THE ORGANIZATION, FINANCING, OR DELIVERY OF NATU-
11 ROPATHIC SERVICES AND ONE LICENSED PHYSICIAN WHO IS EITHER A DOCTOR OF
12 MEDICINE OR A DOCTOR OF OSTEOPATHY. MEMBERS OF THE FIRST BOARD NEED NOT
13 BE LICENSED PRIOR TO THEIR APPOINTMENT TO THE BOARD BUT SHALL HAVE MET
14 ALL OTHER REQUIREMENTS OF LICENSING UNDER SUBDIVISION TWO OF SECTION
15 SIXTY-FIVE HUNDRED SEVENTY-NINE OF THIS ARTICLE AND SHALL HAVE RESIDED
16 IN THE STATE OF NEW YORK FOR AT LEAST TWO YEARS PRECEDING THEIR APPOINT-
17 MENT TO THE INITIAL BOARD. THE TERMS OF THE FIRST APPOINTED MEMBERS
18 SHALL BE STAGGERED SO THAT THREE ARE APPOINTED FOR THREE YEARS, THREE
19 ARE APPOINTED FOR FOUR YEARS, AND THREE ARE APPOINTED FOR FIVE YEARS. AN
20 EXECUTIVE SECRETARY TO THE BOARD SHALL BE APPOINTED BY THE BOARD OF
21 REGENTS ON RECOMMENDATION OF THE COMMISSIONER.

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

24 1. A LICENSED PHYSICIAN FROM PRACTICING HIS OR HER PROFESSION AS
25 DEFINED UNDER ARTICLES ONE HUNDRED THIRTY-ONE AND ONE HUNDRED
26 THIRTY-ONE-B OF THIS TITLE; A REGISTERED PROFESSIONAL NURSE OR A CERTI-
27 FIED NURSE PRACTITIONER PRACTICING HIS OR HER PROFESSION AS DEFINED
28 UNDER ARTICLE ONE HUNDRED THIRTY-NINE OF THIS TITLE; OR QUALIFIED
29 MEMBERS OF OTHER PROFESSIONS LICENSED UNDER THIS TITLE FROM PERFORMING
30 THE PRACTICE OF THEIR PROFESSIONS, EXCEPT THAT SUCH PERSONS MAY NOT HOLD
31 THEMSELVES OUT UNDER THE TITLE NATUROPATH OR AS PERFORMING NATUROPATHY;

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

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

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

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

49 1. PERFORM GENERAL SURGERY;

50 2. PRACTICE OR CLAIM TO PRACTICE AS A MEDICAL DOCTOR, OSTEOPATH,
51 DENTIST, PODIATRIST, OPTOMETRIST, PSYCHOLOGIST, ADVANCED PRACTICE
52 PROFESSIONAL NURSE, PHYSICIAN ASSISTANT, CHIROPRACTOR, PHYSICAL THERA-
53 PIST, ACUPUNCTURIST, MENTAL HEALTH THERAPIST OR ANY OTHER HEALTH CARE
54 PROFESSIONAL NOT AUTHORIZED IN THIS CHAPTER;

55 3. USE GENERAL OR SPINAL ANESTHETICS;

1 4. ADMINISTER IONIZING RADIOACTIVE SUBSTANCES FOR THERAPEUTIC
2 PURPOSES;

3 5. USE ELECTRICAL SHOCK THERAPY;

4 6. USE ELECTROMYOGRAPHY (EMG);

5 7. PRACTICE PSYCHOTHERAPY; OR

6 8. SET FRACTURES.

7 S 6584. MANDATORY CONTINUING COMPETENCY. 1. A. EACH LICENSED NATURO-
8 PATH REQUIRED UNDER THIS ARTICLE TO REGISTER TRIENNIALLY WITH THE
9 DEPARTMENT TO PRACTICE IN THE STATE SHALL COMPLY WITH THE PROVISIONS OF
10 THE MANDATORY CONTINUING COMPETENCY REQUIREMENTS PRESCRIBED IN SUBDIVI-
11 SION TWO OF THIS SECTION, EXCEPT AS PROVIDED IN PARAGRAPHS B AND C OF
12 THIS SUBDIVISION. LICENSED NATUROPATHS WHO DO NOT SATISFY THE MANDATORY
13 CONTINUING COMPETENCY REQUIREMENTS SHALL NOT BE AUTHORIZED TO PRACTICE
14 UNTIL THEY HAVE MET SUCH REQUIREMENTS, AND THEY HAVE BEEN ISSUED A
15 REGISTRATION CERTIFICATE, EXCEPT THAT A LICENSED NATUROPATH MAY PRACTICE
16 WITHOUT HAVING MET SUCH REQUIREMENTS IF HE OR SHE IS ISSUED A CONDI-
17 TIONAL REGISTRATION PURSUANT TO SUBDIVISION THREE OF THIS SECTION.

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

23 C. A LICENSED NATUROPATH NOT ENGAGED IN PRACTICE, AS DETERMINED BY THE
24 DEPARTMENT, SHALL BE EXEMPT FROM THE MANDATORY CONTINUING COMPETENCY
25 REQUIREMENT UPON THE FILING OF A STATEMENT WITH THE DEPARTMENT DECLARING
26 SUCH STATUS. ANY LICENSEE WHO RETURNS TO THE PRACTICE OF LICENSED NATU-
27 ROPATH DURING THE TRIENNIAL REGISTRATION PERIOD SHALL NOTIFY THE DEPART-
28 MENT PRIOR TO REENTERING THE PROFESSION AND SHALL MEET SUCH MANDATORY
29 CONTINUING COMPETENCY REQUIREMENTS AS SHALL BE PRESCRIBED BY REGULATIONS
30 OF THE COMMISSIONER.

31 2. A. DURING EACH TRIENNIAL REGISTRATION PERIOD AN APPLICANT FOR
32 REGISTRATION AS A LICENSED NATUROPATH SHALL COMPLETE A MINIMUM OF THIR-
33 TY-SIX HOURS OF LEARNING ACTIVITIES WHICH CONTRIBUTE TO CONTINUING
34 COMPETENCE, AS SPECIFIED IN SUBDIVISION FOUR OF THIS SECTION, PROVIDED
35 FURTHER THAT AT LEAST TWENTY-FOUR HOURS SHALL BE IN AREAS OF STUDY
36 PERTINENT TO THE SCOPE OF PRACTICE OF NATUROPATHY. WITH THE EXCEPTION
37 OF CONTINUING EDUCATION HOURS TAKEN DURING THE REGISTRATION PERIOD IMME-
38 DIATELY PRECEDING THE EFFECTIVE DATE OF THIS SECTION, CONTINUING EDUCA-
39 TION HOURS TAKEN DURING ONE TRIENNIUM MAY NOT BE TRANSFERRED TO A SUBSE-
40 QUENT TRIENNIUM.

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

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

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

1 THE FEE FOR SUCH A CONDITIONAL REGISTRATION SHALL BE THE SAME AS, AND
2 IN ADDITION TO, THE FEE FOR THE TRIENNIAL REGISTRATION. THE DURATION OF
3 SUCH CONDITIONAL REGISTRATION SHALL BE DETERMINED BY THE DEPARTMENT BUT
4 SHALL NOT EXCEED ONE YEAR. ANY LICENSEE WHO IS NOTIFIED OF THE DENIAL OF
5 REGISTRATION FOR FAILURE TO SUBMIT EVIDENCE, SATISFACTORY TO THE DEPART-
6 MENT, OF REQUIRED CONTINUING COMPETENCY LEARNING ACTIVITIES AND WHO
7 PRACTICES WITHOUT SUCH REGISTRATION, SHALL BE SUBJECT TO DISCIPLINARY
8 PROCEEDINGS PURSUANT TO SECTION SIXTY-FIVE HUNDRED TEN OF THIS TITLE.

9 4. AS USED IN SUBDIVISION TWO OF THIS SECTION, "ACCEPTABLE LEARNING
10 ACTIVITIES" SHALL MEAN ACTIVITIES WHICH CONTRIBUTE TO PROFESSIONAL PRAC-
11 TICE IN NATUROPATHIC MEDICINE, AND WHICH MEET THE STANDARDS PRESCRIBED
12 IN THE REGULATIONS OF THE COMMISSIONER. SUCH LEARNING ACTIVITIES SHALL
13 INCLUDE, BUT NOT BE LIMITED TO, COLLEGIATE LEVEL CREDIT AND NON-CREDIT
14 COURSES, SELF-STUDY ACTIVITIES, INDEPENDENT STUDY, FORMAL MENTORING
15 ACTIVITIES, PUBLICATIONS IN PROFESSIONAL JOURNALS, PROFESSIONAL DEVELOP-
16 MENT PROGRAMS AND TECHNICAL SESSIONS; SUCH LEARNING ACTIVITIES MAY BE
17 OFFERED AND SPONSORED BY NATIONAL, STATE AND LOCAL PROFESSIONAL ASSOCI-
18 ATIONS AND OTHER ORGANIZATIONS OR PARTIES ACCEPTABLE TO THE DEPARTMENT,
19 AND ANY OTHER ORGANIZED EDUCATIONAL AND TECHNICAL LEARNING ACTIVITIES
20 ACCEPTABLE TO THE DEPARTMENT. THE DEPARTMENT MAY, IN ITS DISCRETION AND
21 AS NEEDED TO CONTRIBUTE TO THE HEALTH AND WELFARE OF THE PUBLIC, REQUIRE
22 THE COMPLETION OF CONTINUING COMPETENCY LEARNING ACTIVITIES IN SPECIFIC
23 SUBJECTS TO FULFILL THIS MANDATORY CONTINUING COMPETENCY REQUIREMENT.
24 LEARNING ACTIVITIES MUST BE TAKEN FROM A SPONSOR APPROVED BY THE DEPART-
25 MENT, PURSUANT TO THE REGULATIONS OF THE COMMISSIONER.

26 5. LICENSED NATUROPATHS SHALL MAINTAIN ADEQUATE DOCUMENTATION OF
27 COMPLETION OF:

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

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

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

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

41 (a) Notwithstanding the education law or any other provision of law,
42 one or more professionals each of whom is authorized by law to render a
43 professional service within the state, or one or more professionals, at
44 least one of whom is authorized by law to render a professional service
45 within the state, may form, or cause to be formed, a professional
46 service limited liability company for pecuniary profit under this arti-
47 cle for the purpose of rendering the professional service or services as
48 such professionals are authorized to practice. With respect to a profes-
49 sional service limited liability company formed to provide medical
50 services as such services are defined in article 131 of the education
51 law, each member of such limited liability company must be licensed
52 pursuant to article 131 of the education law to practice medicine in
53 this state. With respect to a professional service limited liability
54 company formed to provide dental services as such services are defined
55 in article 133 of the education law, each member of such limited liabil-
56 ity company must be licensed pursuant to article 133 of the education

1 law to practice dentistry in this state. With respect to a professional
2 service limited liability company formed to provide veterinary services
3 as such services are defined in article 135 of the education law, each
4 member of such limited liability company must be licensed pursuant to
5 article 135 of the education law to practice veterinary medicine in this
6 state. With respect to a professional service limited liability company
7 formed to provide professional engineering, land surveying, architec-
8 tural and/or landscape architectural services as such services are
9 defined in article 145, article 147 and article 148 of the education
10 law, each member of such limited liability company must be licensed
11 pursuant to article 145, article 147 and/or article 148 of the education
12 law to practice one or more of such professions in this state. With
13 respect to a professional service limited liability company formed to
14 provide licensed clinical social work services as such services are
15 defined in article 154 of the education law, each member of such limited
16 liability company shall be licensed pursuant to article 154 of the
17 education law to practice licensed clinical social work in this state.
18 With respect to a professional service limited liability company formed
19 to provide creative arts therapy services as such services are defined
20 in article 163 of the education law, each member of such limited liabil-
21 ity company must be licensed pursuant to article 163 of the education
22 law to practice creative arts therapy in this state. With respect to a
23 professional service limited liability company formed to provide
24 marriage and family therapy services as such services are defined in
25 article 163 of the education law, each member of such limited liability
26 company must be licensed pursuant to article 163 of the education law to
27 practice marriage and family therapy in this state. With respect to a
28 professional service limited liability company formed to provide mental
29 health counseling services as such services are defined in article 163
30 of the education law, each member of such limited liability company must
31 be licensed pursuant to article 163 of the education law to practice
32 mental health counseling in this state. With respect to a professional
33 service limited liability company formed to provide psychoanalysis
34 services as such services are defined in article 163 of the education
35 law, each member of such limited liability company must be licensed
36 pursuant to article 163 of the education law to practice psychoanalysis
37 in this state. WITH RESPECT TO A PROFESSIONAL SERVICE LIMITED LIABILITY
38 COMPANY FORMED TO PROVIDE NATUROPATHIC SERVICES AS SUCH SERVICES ARE
39 DEFINED IN ARTICLE 132-A OF THE EDUCATION LAW, EACH MEMBER OF SUCH
40 LIMITED LIABILITY COMPANY MUST BE LICENSED PURSUANT TO ARTICLE 132-A OF
41 THE EDUCATION LAW TO PRACTICE NATUROPATHY IN THIS STATE. In addition to
42 engaging in such profession or professions, a professional service
43 limited liability company may engage in any other business or activities
44 as to which a limited liability company may be formed under section two
45 hundred one of this chapter. Notwithstanding any other provision of
46 this section, a professional service limited liability company (i)
47 authorized to practice law may only engage in another profession or
48 business or activities or (ii) which is engaged in a profession or other
49 business or activities other than law may only engage in the practice of
50 law, to the extent not prohibited by any other law of this state or any
51 rule adopted by the appropriate appellate division of the supreme court
52 or the court of appeals.

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

1 (b) with respect to a professional service limited liability company
2 formed to provide medical services as such services are defined in arti-
3 cle 131 of the education law, each member of such limited liability
4 company must be licensed pursuant to article 131 of the education law to
5 practice medicine in this state. With respect to a professional service
6 limited liability company formed to provide dental services as such
7 services are defined in article 133 of the education law, each member of
8 such limited liability company must be licensed pursuant to article 133
9 of the education law to practice dentistry in this state. With respect
10 to a professional service limited liability company formed to provide
11 veterinary services as such services are defined in article 135 of the
12 education law, each member of such limited liability company must be
13 licensed pursuant to article 135 of the education law to practice veter-
14 inary medicine in this state. With respect to a professional service
15 limited liability company formed to provide professional engineering,
16 land surveying, architectural and/or landscape architectural services as
17 such services are defined in article 145, article 147 and article 148 of
18 the education law, each member of such limited liability company must be
19 licensed pursuant to article 145, article 147 and/or article 148 of the
20 education law to practice one or more of such professions in this state.
21 With respect to a professional service limited liability company formed
22 to provide licensed clinical social work services as such services are
23 defined in article 154 of the education law, each member of such limited
24 liability company shall be licensed pursuant to article 154 of the
25 education law to practice licensed clinical social work in this state.
26 With respect to a professional service limited liability company formed
27 to provide creative arts therapy services as such services are defined
28 in article 163 of the education law, each member of such limited liabil-
29 ity company must be licensed pursuant to article 163 of the education
30 law to practice creative arts therapy in this state. With respect to a
31 professional service limited liability company formed to provide
32 marriage and family therapy services as such services are defined in
33 article 163 of the education law, each member of such limited liability
34 company must be licensed pursuant to article 163 of the education law to
35 practice marriage and family therapy in this state. With respect to a
36 professional service limited liability company formed to provide mental
37 health counseling services as such services are defined in article 163
38 of the education law, each member of such limited liability company must
39 be licensed pursuant to article 163 of the education law to practice
40 mental health counseling in this state. With respect to a professional
41 service limited liability company formed to provide psychoanalysis
42 services as such services are defined in article 163 of the education
43 law, each member of such limited liability company must be licensed
44 pursuant to article 163 of the education law to practice psychoanalysis
45 in this state. WITH RESPECT TO A PROFESSIONAL SERVICE LIMITED LIABILITY
46 COMPANY FORMED TO PROVIDE NATUROPATHIC SERVICES AS SUCH SERVICES ARE
47 DEFINED IN ARTICLE 132-A OF THE EDUCATION LAW, EACH MEMBER OF SUCH
48 LIMITED LIABILITY COMPANY MUST BE LICENSED PURSUANT TO ARTICLE 132-A OF
49 THE EDUCATION LAW TO PRACTICE NATUROPATHY IN THIS STATE.

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

53 (a) "Foreign professional service limited liability company" means a
54 professional service limited liability company, whether or not denomi-
55 nated as such, organized under the laws of a jurisdiction other than
56 this state, (i) each of whose members and managers, if any, is a profes-

1 sional authorized by law to render a professional service within this
2 state and who is or has been engaged in the practice of such profession
3 in such professional service limited liability company or a predecessor
4 entity, or will engage in the practice of such profession in the profes-
5 sional service limited liability company within thirty days of the date
6 such professional becomes a member, or each of whose members and manag-
7 ers, if any, is a professional at least one of such members is author-
8 ized by law to render a professional service within this state and who
9 is or has been engaged in the practice of such profession in such
10 professional service limited liability company or a predecessor entity,
11 or will engage in the practice of such profession in the professional
12 service limited liability company within thirty days of the date such
13 professional becomes a member, or (ii) authorized by, or holding a
14 license, certificate, registration or permit issued by the licensing
15 authority pursuant to, the education law to render a professional
16 service within this state; except that all members and managers, if any,
17 of a foreign professional service limited liability company that
18 provides health services in this state shall be licensed in this state.
19 With respect to a foreign professional service limited liability company
20 which provides veterinary services as such services are defined in arti-
21 cle 135 of the education law, each member of such foreign professional
22 service limited liability company shall be licensed pursuant to article
23 135 of the education law to practice veterinary medicine. With respect
24 to a foreign professional service limited liability company which
25 provides medical services as such services are defined in article 131 of
26 the education law, each member of such foreign professional service
27 limited liability company must be licensed pursuant to article 131 of
28 the education law to practice medicine in this state. With respect to a
29 foreign professional service limited liability company which provides
30 dental services as such services are defined in article 133 of the
31 education law, each member of such foreign professional service limited
32 liability company must be licensed pursuant to article 133 of the educa-
33 tion law to practice dentistry in this state. With respect to a foreign
34 professional service limited liability company which provides profes-
35 sional engineering, land surveying, architectural and/or landscape
36 architectural services as such services are defined in article 145,
37 article 147 and article 148 of the education law, each member of such
38 foreign professional service limited liability company must be licensed
39 pursuant to article 145, article 147 and/or article 148 of the education
40 law to practice one or more of such professions in this state. With
41 respect to a foreign professional service limited liability company
42 which provides licensed clinical social work services as such services
43 are defined in article 154 of the education law, each member of such
44 foreign professional service limited liability company shall be licensed
45 pursuant to article 154 of the education law to practice clinical social
46 work in this state. With respect to a foreign professional service
47 limited liability company which provides creative arts therapy services
48 as such services are defined in article 163 of the education law, each
49 member of such foreign professional service limited liability company
50 must be licensed pursuant to article 163 of the education law to prac-
51 tice creative arts therapy in this state. With respect to a foreign
52 professional service limited liability company which provides marriage
53 and family therapy services as such services are defined in article 163
54 of the education law, each member of such foreign professional service
55 limited liability company must be licensed pursuant to article 163 of
56 the education law to practice marriage and family therapy in this state.

1 With respect to a foreign professional service limited liability company
2 which provides mental health counseling services as such services are
3 defined in article 163 of the education law, each member of such foreign
4 professional service limited liability company must be licensed pursuant
5 to article 163 of the education law to practice mental health counseling
6 in this state. With respect to a foreign professional service limited
7 liability company which provides psychoanalysis services as such
8 services are defined in article 163 of the education law, each member of
9 such foreign professional service limited liability company must be
10 licensed pursuant to article 163 of the education law to practice
11 psychoanalysis in this state. WITH RESPECT TO A FOREIGN PROFESSIONAL
12 SERVICE LIMITED LIABILITY COMPANY FORMED TO PROVIDE NATUROPATHIC
13 SERVICES AS SUCH SERVICES ARE DEFINED IN ARTICLE 132-A OF THE EDUCATION
14 LAW, EACH MEMBER OF SUCH LIMITED LIABILITY COMPANY MUST BE LICENSED
15 PURSUANT TO ARTICLE 132-A OF THE EDUCATION LAW TO PRACTICE NATUROPATHY
16 IN THIS STATE.

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

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

54 S 7. Subdivision (q) of section 121-1502 of the partnership law, as
55 amended by chapter 230 of the laws of 2004, is amended to read as
56 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 WHICH PROVIDES NATUROPATHIC
32 SERVICES IN THIS STATE MUST BE LICENSED PURSUANT TO ARTICLE 132-A OF THE
33 EDUCATION LAW TO PRACTICE NATUROPATHY IN THIS STATE.

34 S 8. Paragraph (a) of subdivision 1 of section 413 of the social
35 services law, as separately amended by chapters 323 and 366 of the laws
36 of 2008, is amended to read as follows:

37 (a) The following persons and officials are required to report or
38 cause a report to be made in accordance with this title when they have
39 reasonable cause to suspect that a child coming before them in their
40 professional or official capacity is an abused or maltreated child, or
41 when they have reasonable cause to suspect that a child is an abused or
42 maltreated child where the parent, guardian, custodian or other person
43 legally responsible for such child comes before them in their profes-
44 sional or official capacity and states from personal knowledge facts,
45 conditions or circumstances which, if correct, would render the child an
46 abused or maltreated child: any physician; registered physician assist-
47 ant; surgeon; medical examiner; coroner; dentist; dental hygienist;
48 osteopath; optometrist; chiropractor; podiatrist; LICENSED NATUROPATH;
49 resident; intern; psychologist; registered nurse; social worker; emer-
50 gency medical technician; licensed creative arts therapist; licensed
51 marriage and family therapist; licensed mental health counselor;
52 licensed psychoanalyst; hospital personnel engaged in the admission,
53 examination, care or treatment of persons; a Christian Science practi-
54 tioner; school official, which includes but is not limited to school
55 teacher, school guidance counselor, school psychologist, school social
56 worker, school nurse, school administrator or other school personnel

1 required to hold a teaching or administrative license or certificate;
2 social services worker; day care center worker; school-age child care
3 worker; provider of family or group family day care; employee or volun-
4 teer in a residential care facility defined in subdivision four of
5 section four hundred twelve-a of this title or any other child care or
6 foster care worker; mental health professional; substance abuse counse-
7 lor; alcoholism counselor; all persons credentialed by the office of
8 alcoholism and substance abuse services; peace officer; police officer;
9 district attorney or assistant district attorney; investigator employed
10 in the office of a district attorney; or other law enforcement official.
11 S 9. This act shall take effect on the one hundred eightieth day after
12 it shall have become a law; provided however, that effective immediate-
13 ly, the addition, amendment and/or repeal of any rule or regulation
14 necessary for the implementation of this act on its effective date are
15 authorized and directed to be made and completed by the commissioner of
16 education and the board of regents on or before such effective date.