

8569

2011-2012 Regular Sessions

I N A S S E M B L Y

August 31, 2011

Introduced by M. of A. PERRY -- read once and referred to the Committee
on 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 ASSEM-
BLY, 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:

14 ARTICLE 132-A
15 NATUROPATHS

16 SECTION 6575. INTRODUCTION.
17 6576. DEFINITIONS.
18 6577. DEFINITION OF THE PRACTICE OF NATUROPATHY.
19 6578. TITLE AND DESIGNATION.
20 6579. QUALIFICATIONS FOR LICENSURE.
21 6580. STATE BOARD FOR NATUROPATHY.
22 6581. EXEMPTIONS.
23 6582. SPECIAL PROVISIONS.

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

LBD01174-04-1

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 NATUROPATHY BY A CERTIFIED 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 CERTIFIED NATUROPATHY PRACTITIONER 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 AS DEFINED AND APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION; 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 AT ALL TIMES SUPERVISE THE PRACTICE OF A CERTIFIED 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 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 NATUROPATHY PRACTITIONER CERTIFIED UNDER THIS
46 ARTICLE SHALL BE PROHIBITED FROM:

47 1. PRESCRIBING OR ADMINISTERING DRUGS AS DEFINED IN THIS CHAPTER AS A
48 TREATMENT, THERAPY OR PROFESSIONAL SERVICE IN THE PRACTICE OF NATUROPA-
49 THY; AND

50 2. USING INVASIVE PROCEDURES IN TESTING OR AS A TREATMENT, THERAPY, OR
51 PROFESSIONAL SERVICE IN THE PRACTICE OF NATUROPATHY. FOR PURPOSES OF
52 THIS SUBDIVISION, "INVASIVE PROCEDURE" MEANS ANY PROCEDURE IN WHICH
53 HUMAN TISSUE IS CUT, ALTERED, OR OTHERWISE INFILTRATED BY MECHANICAL OR
54 OTHER MEANS. INVASIVE PROCEDURE INCLUDES BUT IS NOT LIMITED TO SURGERY,
55 LASERS, GIVING INJECTIONS, DRAWING BLOOD, IONIZING RADIATION, THERAPEU-

1 TIC ULTRASOUND, ELECTROCONVULSIVE THERAPY, ELECTRICAL SHOCK THERAPY OR
2 ELECTROMYOGRAPHY; AND

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

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

11 5. PROVIDING OBSTETRICAL SERVICES; AND

12 6. PROVIDING PSYCHOTHERAPY SERVICES; AND

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

15 8. ORDERING OR INTERPRETING DIAGNOSTIC TESTS; AND

16 9. SETTING FRACTURES.

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

20 S 6584. MANDATORY CONTINUING COMPETENCY. 1. A. EACH LICENSED NATURO-
21 PATH REQUIRED UNDER THIS ARTICLE TO REGISTER TRIENNIALLY WITH THE
22 DEPARTMENT TO PRACTICE IN THE STATE SHALL COMPLY WITH THE PROVISIONS OF
23 THE MANDATORY CONTINUING COMPETENCY REQUIREMENTS PRESCRIBED IN SUBDIVI-
24 SION TWO OF THIS SECTION, EXCEPT AS PROVIDED IN PARAGRAPHS B AND C OF
25 THIS SUBDIVISION. LICENSED NATUROPATHS WHO DO NOT SATISFY THE MANDATORY
26 CONTINUING COMPETENCY REQUIREMENTS SHALL NOT BE AUTHORIZED TO PRACTICE
27 UNTIL THEY HAVE MET SUCH REQUIREMENTS, AND THEY HAVE BEEN ISSUED A
28 REGISTRATION CERTIFICATE, EXCEPT THAT A LICENSED NATUROPATH MAY PRACTICE
29 WITHOUT HAVING MET SUCH REQUIREMENTS IF HE OR SHE IS ISSUED A CONDI-
30 TIONAL REGISTRATION PURSUANT TO SUBDIVISION THREE OF THIS SECTION.

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

36 C. A LICENSED NATUROPATH NOT ENGAGED IN PRACTICE, AS DETERMINED BY THE
37 DEPARTMENT, SHALL BE EXEMPT FROM THE MANDATORY CONTINUING COMPETENCY
38 REQUIREMENT UPON THE FILING OF A STATEMENT WITH THE DEPARTMENT DECLARING
39 SUCH STATUS. ANY LICENSEE WHO RETURNS TO THE PRACTICE OF LICENSED NATU-
40 ROPATH DURING THE TRIENNIAL REGISTRATION PERIOD SHALL NOTIFY THE DEPART-
41 MENT PRIOR TO REENTERING THE PROFESSION AND SHALL MEET SUCH MANDATORY
42 CONTINUING COMPETENCY REQUIREMENTS AS SHALL BE PRESCRIBED BY REGULATIONS
43 OF THE COMMISSIONER.

44 2. A. DURING EACH TRIENNIAL REGISTRATION PERIOD AN APPLICANT FOR
45 REGISTRATION AS A LICENSED NATUROPATH SHALL COMPLETE A MINIMUM OF THIR-
46 TY-SIX HOURS OF LEARNING ACTIVITIES WHICH CONTRIBUTE TO CONTINUING
47 COMPETENCE, AS SPECIFIED IN SUBDIVISION FOUR OF THIS SECTION, PROVIDED
48 FURTHER THAT AT LEAST TWENTY-FOUR HOURS SHALL BE IN AREAS OF STUDY
49 PERTINENT TO THE SCOPE OF PRACTICE OF NATUROPATHY. WITH THE EXCEPTION
50 OF CONTINUING EDUCATION HOURS TAKEN DURING THE REGISTRATION PERIOD IMME-
51 DIATELY PRECEDING THE EFFECTIVE DATE OF THIS SECTION, CONTINUING EDUCA-
52 TION HOURS TAKEN DURING ONE TRIENNIUM MAY NOT BE TRANSFERRED TO A SUBSE-
53 QUENT TRIENNIUM.

54 B. ANY LICENSED NATUROPATH WHOSE FIRST REGISTRATION DATE FOLLOWING THE
55 EFFECTIVE DATE OF THIS SECTION OCCURS LESS THAN THREE YEARS FROM SUCH
56 EFFECTIVE DATE, SHALL COMPLETE CONTINUING COMPETENCY HOURS ON A PRORATED

1 BASIS AT THE RATE OF ONE-HALF HOUR PER MONTH FOR THE PERIOD BEGINNING
2 JANUARY FIRST, TWO THOUSAND TWELVE, UP TO THE FIRST REGISTRATION DATE.

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

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

13 THE FEE FOR SUCH A CONDITIONAL REGISTRATION SHALL BE THE SAME AS, AND
14 IN ADDITION TO, THE FEE FOR THE TRIENNIAL REGISTRATION. THE DURATION OF
15 SUCH CONDITIONAL REGISTRATION SHALL BE DETERMINED BY THE DEPARTMENT BUT
16 SHALL NOT EXCEED ONE YEAR. ANY LICENSEE WHO IS NOTIFIED OF THE DENIAL OF
17 REGISTRATION FOR FAILURE TO SUBMIT EVIDENCE, SATISFACTORY TO THE DEPART-
18 MENT, OF REQUIRED CONTINUING COMPETENCY LEARNING ACTIVITIES AND WHO
19 PRACTICES WITHOUT SUCH REGISTRATION, SHALL BE SUBJECT TO DISCIPLINARY
20 PROCEEDINGS PURSUANT TO SECTION SIXTY-FIVE HUNDRED TEN OF THIS TITLE.

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

38 5. LICENSED NATUROPATHS SHALL MAINTAIN ADEQUATE DOCUMENTATION OF
39 COMPLETION OF:

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

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

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

50 S 3. Subdivision (a) of section 1203 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) Notwithstanding the education law or any other provision of law,
54 one or more professionals each of whom is authorized by law to render a
55 professional service within the state, or one or more professionals, at
56 least one of whom is authorized by law to render a professional service

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

1 hundred one of this chapter. Notwithstanding any other provision of
2 this section, a professional service limited liability company (i)
3 authorized to practice law may only engage in another profession or
4 business or activities or (ii) which is engaged in a profession or other
5 business or activities other than law may only engage in the practice of
6 law, to the extent not prohibited by any other law of this state or any
7 rule adopted by the appropriate appellate division of the supreme court
8 or the court of appeals.

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

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

1 COMPANY FORMED TO PROVIDE NATUROPATHIC SERVICES AS SUCH SERVICES ARE
2 DEFINED IN ARTICLE 132-A OF THE EDUCATION LAW, EACH MEMBER OF SUCH
3 LIMITED LIABILITY COMPANY MUST BE LICENSED PURSUANT TO ARTICLE 132-A OF
4 THE EDUCATION LAW TO PRACTICE NATUROPATHY IN THIS STATE.

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

8 (a) "Foreign professional service limited liability company" means a
9 professional service limited liability company, whether or not denomi-
10 nated as such, organized under the laws of a jurisdiction other than
11 this state, (i) each of whose members and managers, if any, is a profes-
12 sional authorized by law to render a professional service within this
13 state and who is or has been engaged in the practice of such profession
14 in such professional service limited liability company or a predecessor
15 entity, or will engage in the practice of such profession in the profes-
16 sional service limited liability company within thirty days of the date
17 such professional becomes a member, or each of whose members and manag-
18 ers, if any, is a professional at least one of such members is author-
19 ized by law to render a professional service within this state and who
20 is or has been engaged in the practice of such profession in such
21 professional service limited liability company or a predecessor entity,
22 or will engage in the practice of such profession in the professional
23 service limited liability company within thirty days of the date such
24 professional becomes a member, or (ii) authorized by, or holding a
25 license, certificate, registration or permit issued by the licensing
26 authority pursuant to, the education law to render a professional
27 service within this state; except that all members and managers, if any,
28 of a foreign professional service limited liability company that
29 provides health services in this state shall be licensed in this state.
30 With respect to a foreign professional service limited liability company
31 which provides veterinary services as such services are defined in arti-
32 cle 135 of the education law, each member of such foreign professional
33 service limited liability company shall be licensed pursuant to article
34 135 of the education law to practice veterinary medicine. With respect
35 to a foreign professional service limited liability company which
36 provides medical services as such services are defined in article 131 of
37 the education law, each member of such foreign professional service
38 limited liability company must be licensed pursuant to article 131 of
39 the education law to practice medicine in this state. With respect to a
40 foreign professional service limited liability company which provides
41 dental services as such services are defined in article 133 of the
42 education law, each member of such foreign professional service limited
43 liability company must be licensed pursuant to article 133 of the educa-
44 tion law to practice dentistry in this state. With respect to a foreign
45 professional service limited liability company which provides profes-
46 sional engineering, land surveying, architectural and/or landscape
47 architectural services as such services are defined in article 145,
48 article 147 and article 148 of the education law, each member of such
49 foreign professional service limited liability company must be licensed
50 pursuant to article 145, article 147 and/or article 148 of the education
51 law to practice one or more of such professions in this state. With
52 respect to a foreign professional service limited liability company
53 which provides licensed clinical social work services as such services
54 are defined in article 154 of the education law, each member of such
55 foreign professional service limited liability company shall be licensed
56 pursuant to article 154 of the education law to practice clinical social

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

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

31 (q) Each partner of a registered limited liability partnership formed
32 to provide medical services in this state must be licensed pursuant to
33 article 131 of the education law to practice medicine in this state and
34 each partner of a registered limited liability partnership formed to
35 provide dental services in this state must be licensed pursuant to arti-
36 cle 133 of the education law to practice dentistry in this state. Each
37 partner of a registered limited liability partnership formed to provide
38 veterinary services in this state must be licensed pursuant to article
39 135 of the education law to practice veterinary medicine in this state.
40 Each partner of a registered limited liability partnership formed to
41 provide professional engineering, land surveying, architectural and/or
42 landscape architectural services in this state must be licensed pursuant
43 to article 145, article 147 and/or article 148 of the education law to
44 practice one or more of such professions in this state. Each partner of
45 a registered limited liability partnership formed to provide licensed
46 clinical social work services in this state must be licensed pursuant to
47 article 154 of the education law to practice clinical social work in
48 this state. Each partner of a registered limited liability partnership
49 formed to provide creative arts therapy services in this state must be
50 licensed pursuant to article 163 of the education law to practice crea-
51 tive arts therapy in this state. Each partner of a registered limited
52 liability partnership formed to provide marriage and family therapy
53 services in this state must be licensed pursuant to article 163 of the
54 education law to practice marriage and family therapy in this state.
55 Each partner of a registered limited liability partnership formed to
56 provide mental health counseling services in this state must be licensed

pursuant to article 163 of the education law to practice mental health counseling in this state. Each partner of a registered limited liability partnership formed to provide psychoanalysis services in this state must be licensed pursuant to article 163 of the education law to practice psychoanalysis in this state. EACH PARTNER OF A REGISTERED LIMITED LIABILITY PARTNERSHIP FORMED TO PROVIDE NATUROPATHIC SERVICES IN THIS STATE MUST BE LICENSED PURSUANT TO ARTICLE 132-A OF THE EDUCATION LAW TO PRACTICE NATUROPATHY IN THIS STATE.

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

(q) Each partner of a foreign limited liability partnership which provides medical services in this state must be licensed pursuant to article 131 of the education law to practice medicine in the state and each partner of a foreign limited liability partnership which provides dental services in the state must be licensed pursuant to article 133 of the education law to practice dentistry in this state. Each partner of a foreign limited liability partnership which provides veterinary service in the state shall be licensed pursuant to article 135 of the education law to practice veterinary medicine in this state. Each partner of a foreign limited liability partnership which provides professional engineering, land surveying, architectural and/or landscape architectural services in this state must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions. Each partner of a foreign limited liability partnership which provides licensed clinical social work services in this state must be licensed pursuant to article 154 of the education law to practice licensed clinical social work in this state. Each partner of a foreign limited liability partnership which provides creative arts therapy services in this state must be licensed pursuant to article 163 of the education law to practice creative arts therapy in this state. Each partner of a foreign limited liability partnership which provides marriage and family therapy services in this state must be licensed pursuant to article 163 of the education law to practice marriage and family therapy in this state. Each partner of a foreign limited liability partnership which provides mental health counseling services in this state must be licensed pursuant to article 163 of the education law to practice mental health counseling in this state. Each partner of a foreign limited liability partnership which provides psychoanalysis services in this state must be licensed pursuant to article 163 of the education law to practice psychoanalysis in this state. EACH PARTNER OF A FOREIGN LIMITED LIABILITY PARTNERSHIP WHICH PROVIDES NATUROPATHIC SERVICES IN THIS STATE MUST BE LICENSED PURSUANT TO ARTICLE 132-A OF THE EDUCATION LAW TO PRACTICE NATUROPATHY IN THIS STATE.

S 8. Paragraph (a) of subdivision 1 of section 413 of the social services law, as amended by chapter 91 of the laws of 2011, is amended to read as follows:

(a) The following persons and officials are required to report or cause a report to be made in accordance with this title when they have reasonable cause to suspect that a child coming before them in their professional or official capacity is an abused or maltreated child, or when they have reasonable cause to suspect that a child is an abused or maltreated child where the parent, guardian, custodian or other person legally responsible for such child comes before them in their professional or official capacity and states from personal knowledge facts, conditions or circumstances which, if correct, would render the child an

1 abused or maltreated child: any physician; registered physician assist-
2 ant; surgeon; medical examiner; coroner; dentist; dental hygienist;
3 osteopath; optometrist; chiropractor; podiatrist; LICENSED NATUROPATH;
4 resident; intern; psychologist; registered nurse; social worker; emer-
5 gency medical technician; licensed creative arts therapist; licensed
6 marriage and family therapist; licensed mental health counselor;
7 licensed psychoanalyst; hospital personnel engaged in the admission,
8 examination, care or treatment of persons; a Christian Science practi-
9 tioner; school official, which includes but is not limited to school
10 teacher, school guidance counselor, school psychologist, school social
11 worker, school nurse, school administrator or other school personnel
12 required to hold a teaching or administrative license or certificate;
13 social services worker; director of a children's overnight camp, summer
14 day camp or traveling summer day camp, as such camps are defined in
15 section thirteen hundred ninety-two of the public health law; day care
16 center worker; school-age child care worker; provider of family or group
17 family day care; employee or volunteer in a residential care facility
18 defined in subdivision four of section four hundred twelve-a of this
19 title or any other child care or foster care worker; mental health
20 professional; substance abuse counselor; alcoholism counselor; all
21 persons credentialed by the office of alcoholism and substance abuse
22 services; peace officer; police officer; district attorney or assistant
23 district attorney; investigator employed in the office of a district
24 attorney; or other law enforcement official.

25 S 9. This act shall take effect on the one hundred eightieth day after
26 it shall have become a law; provided however, that effective immediate-
27 ly, the addition, amendment and/or repeal of any rule or regulation
28 necessary for the implementation of this act on its effective date are
29 authorized and directed to be made and completed by the commissioner of
30 education and the board of regents on or before such effective date.