

S. 1803--A

A. 1937--A

2011-2012 Regular Sessions

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

January 12, 2011

IN SENATE -- Introduced by Sens. LAVALLE, ADDABBO, AVELLA, BONACIC, DIAZ, LARKIN, SEWARD -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- Introduced by M. of A. HOYT, ORTIZ, ENGLEBRIGHT, CAHILL, CYMBROWITZ, N. RIVERA, McENENY, LENTOL, BENEDETTO, GUNTHER, REILLY, BARRON, CASTRO -- Multi-Sponsored by -- M. of A. ARROYO, BING, BOYLAND, BOYLE, BRENNAN, BUTLER, CALHOUN, CAMARA, CONTE, COOK, CUSICK, DINOWITZ, FARRELL, HEASTIE, HEVESI, JACOBS, LIFTON, LUPARDO, MOLINARO, PAULIN, PEOPLES-STOKES, PRETLOW, RAMOS, J. RIVERA, P. RIVERA, SCARBOROUGH, SCHIMEL, TITUS, WEISENBERG, WRIGHT, ZEBROWSKI -- read once and referred to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

1 Section 1. Legislative intent. In order to protect the public health,  
2 safety and welfare of the citizens who desire naturopathic care, the  
3 legislature finds it is necessary to regulate the practice of 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

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

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1 natural therapies, natural substances and pharmacological substances for  
2 common health conditions and disease prevention. Naturopaths serve the  
3 public as experts in drug/nutrient and drug/herb interactions.

4 S 2. The education law is amended by adding a new article 132-A to  
5 read as follows:

6 ARTICLE 132-A  
7 NATUROPATHS

- 8 SECTION 6575. INTRODUCTION.
- 9 6576. DEFINITIONS.
- 10 6577. DEFINITION OF THE PRACTICE OF NATUROPATHY.
- 11 6578. TITLE AND DESIGNATION.
- 12 6579. QUALIFICATIONS FOR LICENSURE.
- 13 6580. STATE BOARD FOR NATUROPATHY.
- 14 6581. EXEMPTIONS.
- 15 6582. SPECIAL PROVISIONS.
- 16 6583. PROHIBITIONS.
- 17 6584. MANDATORY CONTINUING COMPETENCY.

18 S 6575. INTRODUCTION. THIS ARTICLE APPLIES TO THE LICENSURE AND REGU-  
19 LATION OF NATUROPATHIC DOCTORS TO PRACTICE NATUROPATHY IN THIS STATE.  
20 THE GENERAL PROVISIONS FOR ALL PROFESSIONS CONTAINED IN ARTICLE ONE  
21 HUNDRED THIRTY OF THIS TITLE APPLY TO THIS ARTICLE.

22 S 6576. DEFINITIONS. FOR THE PURPOSES OF THIS ARTICLE, THE TERM  
23 "BOARD" MEANS THE STATE BOARD FOR NATUROPATHY.

24 S 6577. DEFINITION OF THE PRACTICE OF NATUROPATHY. THE PRACTICE OF  
25 THE PROFESSION OF NATUROPATHY UTILIZES EDUCATION AND NATURAL THERAPIES  
26 TO SUPPORT AND STIMULATE A PATIENT'S INTRINSIC SELF-HEALING PROCESS TO  
27 PROMOTE WELLNESS AND TO PREVENT, DIAGNOSE, AND TREAT FOR HUMAN HEALTH  
28 CONDITIONS CONSISTENT WITH NATUROPATHIC PRACTICE.

29 S 6578. TITLE AND DESIGNATION. ONLY A PERSON LICENSED UNDER THIS  
30 ARTICLE MAY USE ANY OR ALL OF THE FOLLOWING TERMS, CONSISTENT WITH  
31 ACADEMIC DEGREES EARNED: "DOCTOR OF NATUROPATHY", "DOCTOR OF NATUROPATH-  
32 IC MEDICINE" OR ITS ABBREVIATION, "ND", "NATUROPATH", "NATUROPATHIC  
33 DOCTOR" OR "LICENSED NATUROPATH". HOWEVER, NONE OF SUCH TERMS OR ANY  
34 COMBINATION OF SUCH TERMS SHALL BE SO USED TO CONVEY THE IDEA THAT THE  
35 INDIVIDUAL WHO USES SUCH TERM PRACTICES ANYTHING OTHER THAN NATUROPATHY.

36 S 6579. QUALIFICATIONS FOR LICENSURE. TO QUALIFY FOR A LICENSE TO  
37 PRACTICE NATUROPATHY, AN APPLICANT SHALL FULFILL THE FOLLOWING REQUIRE-  
38 MENTS:

- 39 1. APPLICATION. FILE AN APPLICATION WITH THE DEPARTMENT;
- 40 2. EDUCATION. HAVE RECEIVED A DOCTORAL DEGREE OR DIPLOMA AS A NATURO-  
41 PATHIC DOCTOR (ND) OR DOCTOR OF NATUROPATHIC MEDICINE (ND) FROM A  
42 PROGRAM OF NATUROPATHIC MEDICINE REGISTERED BY THE DEPARTMENT OR DETER-  
43 MINED BY THE DEPARTMENT THAT MEETS NATIONALLY RECOGNIZED ACCREDITATION  
44 STANDARDS SATISFACTORY TO THE BOARD AND DETERMINED TO BE SUBSTANTIALLY  
45 EQUIVALENT AND IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;
- 46 3. EXPERIENCE. AS OF THE YEAR TWO THOUSAND FIFTEEN, HAVE SATISFACTORI-  
47 LY COMPLETED AN APPROVED CLINICAL POST-GRADUATE RESIDENCY TRAINING, OF  
48 NOT LESS THAN TWELVE MONTHS DURATION, UNDER THE DIRECT SUPERVISION OF A  
49 GRADUATE OF AN APPROVED PROGRAM WITH A MINIMUM OF TWO YEARS OF PROFES-  
50 SIONAL CLINICAL ACTIVITY AND IN ACCORDANCE WITH THE COMMISSIONER'S REGU-  
51 LATIONS;
- 52 4. EXAMINATION. PASS AN EXAMINATION THAT MEETS NATIONALLY RECOGNIZED  
53 TEST DEVELOPMENT STANDARDS AND TEST COMPETENCIES FOR NATUROPATHIC  
54 DOCTORS SATISFACTORY TO THE BOARD AND IN ACCORDANCE WITH THE COMMISSION-  
55 ER'S REGULATIONS;
- 56 5. AGE. BE AT LEAST TWENTY-ONE YEARS OF AGE;

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

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

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

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

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

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

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

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

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

51 1. PERFORM GENERAL SURGERY;

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

1 3. USE GENERAL OR SPINAL ANESTHETICS;

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

4 5. USE ELECTRICAL SHOCK THERAPY;

5 6. USE ELECTROMYOGRAPHY (EMG);

6 7. PRACTICE PSYCHOTHERAPY; OR

7 8. SET FRACTURES.

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

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

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

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

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

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

52 3. THE DEPARTMENT, IN ITS DISCRETION, MAY ISSUE A CONDITIONAL REGIS-  
53 TRATION TO A LICENSEE WHO FAILS TO MEET THE CONTINUING COMPETENCY  
54 REQUIREMENTS ESTABLISHED IN SUBDIVISION TWO OF THIS SECTION, BUT WHO  
55 AGREES TO MAKE UP ANY DEFICIENCIES AND COMPLETE ANY ADDITIONAL LEARNING  
56 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.