

S. 1803--B

A. 1937--B

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, MAZIARZ -- 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 -- 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, LOSQUADRO, 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 -- again reported from said committee with amendments, 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 naturopathy
4 by providing licensure for qualified practitioners. It is the legis-

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

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1 lature's intent that only practitioners who meet and maintain standards
2 of competence are recognized by the public as licensed naturopaths. The
3 legislature recognizes that, unlike other currently licensed
4 professions, naturopathic doctors are formally educated in the use of
5 natural therapies, natural substances and pharmacological substances for
6 common health conditions and disease prevention. Naturopaths serve the
7 public as experts in drug/nutrient and drug/herb interactions.

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

10 ARTICLE 132-A
11 NATUROPATHS

12 SECTION 6575. INTRODUCTION.

13 6576. DEFINITIONS.

14 6577. DEFINITION OF THE PRACTICE OF NATUROPATHY.

15 6578. TITLE AND DESIGNATION.

16 6579. QUALIFICATIONS FOR LICENSURE.

17 6580. STATE BOARD FOR NATUROPATHY.

18 6581. EXEMPTIONS.

19 6582. SPECIAL PROVISIONS.

20 6583. PROHIBITIONS.

21 6584. MANDATORY CONTINUING COMPETENCY.

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

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

28 S 6577. DEFINITION OF THE PRACTICE OF NATUROPATHY. THE PRACTICE OF
29 NATUROPATHY BY A CERTIFIED NATUROPATHY PRACTITIONER INVOLVES THE APPLI-
30 CATION OF NON-PHARMACEUTICAL AND NON-SURGICAL TREATMENTS, WHICH COMPLE-
31 MENT MEDICAL TREATMENT AS DEFINED PURSUANT TO SECTION SIXTY-FIVE HUNDRED
32 TWENTY-ONE OF THIS TITLE, TO ENCOURAGE AND FACILITATE THE BODY'S
33 SELF-HEALING PROCESS. THE PRACTICE OF NATUROPATHY BY A CERTIFIED NATURO-
34 PATHY PRACTITIONER INVOLVES THE APPLICATION OF THE FOLLOWING HEALING
35 SYSTEMS OF PHYSICAL, NUTRITIONAL OR NATURAL AGENT REGIMENS; DIETARY
36 CHANGES; VITAMINS, MINERALS AND OTHER DIETARY SUPPLEMENTS AND OVER-THE-
37 COUNTER HERBAL MEDICINE AS DEFINED AND APPROVED BY THE FEDERAL FOOD AND
38 DRUG ADMINISTRATION; COUNSELING AND EDUCATION ON LIFESTYLE CHANGES;
39 HOMEOPATHY; HYDROTHERAPY, MANIPULATION AND MOBILIZATION; EXERCISE THERA-
40 PY AND MIND-BODY THERAPIES SUCH AS YOGA AND MEDITATION (A CONSCIOUS
41 MENTAL PROCESS USING CERTAIN TECHNIQUES, SUCH AS FOCUSING ATTENTION OR
42 MAINTAINING A SPECIFIC POSTURE TO SUSPEND THE STREAM OF THOUGHTS AND
43 RELAX THE BODY AND MIND). A PHYSICIAN MUST AT ALL TIMES SUPERVISE THE
44 PRACTICE OF A CERTIFIED NATUROPATHY PRACTITIONER.

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

52 S 6579. QUALIFICATIONS FOR LICENSURE. TO QUALIFY FOR A LICENSE TO
53 PRACTICE NATUROPATHY, AN APPLICANT SHALL FULFILL THE FOLLOWING REQUIRE-
54 MENTS:

55 1. APPLICATION. FILE AN APPLICATION WITH THE DEPARTMENT;

1 2. EDUCATION. HAVE RECEIVED A DOCTORAL DEGREE OR DIPLOMA AS A NATURO-
2 PATHIC DOCTOR (ND) OR DOCTOR OF NATUROPATHIC MEDICINE (ND) FROM A
3 PROGRAM OF NATUROPATHIC MEDICINE REGISTERED BY THE DEPARTMENT OR DETER-
4 MINED BY THE DEPARTMENT THAT MEETS NATIONALLY RECOGNIZED ACCREDITATION
5 STANDARDS SATISFACTORY TO THE BOARD AND DETERMINED TO BE SUBSTANTIALLY
6 EQUIVALENT AND IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;

7 3. EXPERIENCE. AS OF THE YEAR TWO THOUSAND FIFTEEN, HAVE SATISFACTORI-
8 LY COMPLETED AN APPROVED CLINICAL POST-GRADUATE RESIDENCY TRAINING, OF
9 NOT LESS THAN TWELVE MONTHS DURATION, UNDER THE DIRECT SUPERVISION OF A
10 GRADUATE OF AN APPROVED PROGRAM WITH A MINIMUM OF TWO YEARS OF PROFES-
11 SIONAL CLINICAL ACTIVITY AND IN ACCORDANCE WITH THE COMMISSIONER'S REGU-
12 LATIONS;

13 4. EXAMINATION. PASS AN EXAMINATION THAT MEETS NATIONALLY RECOGNIZED
14 TEST DEVELOPMENT STANDARDS AND TEST COMPETENCIES FOR NATUROPATHIC
15 DOCTORS SATISFACTORY TO THE BOARD AND IN ACCORDANCE WITH THE COMMISSION-
16 ER'S REGULATIONS;

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

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

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

23 S 6580. STATE BOARD FOR NATUROPATHY. A STATE BOARD FOR NATUROPATHY
24 SHALL BE APPOINTED BY THE BOARD OF REGENTS ON THE RECOMMENDATION OF THE
25 COMMISSIONER FOR THE PURPOSE OF ASSISTING THE BOARD OF REGENTS AND THE
26 DEPARTMENT ON MATTERS OF LICENSING AND REGULATION. THE BOARD SHALL BE
27 COMPOSED OF AT LEAST SIX LICENSED MEMBERS FROM THE PROFESSION LICENSED
28 PURSUANT TO THIS ARTICLE AND AT LEAST TWO PUBLIC REPRESENTATIVES WHO DO
29 NOT HOLD INTERESTS IN THE ORGANIZATION, FINANCING, OR DELIVERY OF NATU-
30 ROPATHIC SERVICES AND ONE LICENSED PHYSICIAN WHO IS EITHER A DOCTOR OF
31 MEDICINE OR A DOCTOR OF OSTEOPATHY. MEMBERS OF THE FIRST BOARD NEED NOT
32 BE LICENSED PRIOR TO THEIR APPOINTMENT TO THE BOARD BUT SHALL HAVE MET
33 ALL OTHER REQUIREMENTS OF LICENSING UNDER SUBDIVISION TWO OF SECTION
34 SIXTY-FIVE HUNDRED SEVENTY-NINE OF THIS ARTICLE AND SHALL HAVE RESIDED
35 IN THE STATE OF NEW YORK FOR AT LEAST TWO YEARS PRECEDING THEIR APPOINT-
36 MENT TO THE INITIAL BOARD. THE TERMS OF THE FIRST APPOINTED MEMBERS
37 SHALL BE STAGGERED SO THAT THREE ARE APPOINTED FOR THREE YEARS, THREE
38 ARE APPOINTED FOR FOUR YEARS, AND THREE ARE APPOINTED FOR FIVE YEARS. AN
39 EXECUTIVE SECRETARY TO THE BOARD SHALL BE APPOINTED BY THE BOARD OF
40 REGENTS ON RECOMMENDATION OF THE COMMISSIONER.

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

43 1. A LICENSED PHYSICIAN FROM PRACTICING HIS OR HER PROFESSION AS
44 DEFINED UNDER ARTICLES ONE HUNDRED THIRTY-ONE AND ONE HUNDRED
45 THIRTY-ONE-B OF THIS TITLE; A REGISTERED PROFESSIONAL NURSE OR A CERTI-
46 FIED NURSE PRACTITIONER PRACTICING HIS OR HER PROFESSION AS DEFINED
47 UNDER ARTICLE ONE HUNDRED THIRTY-NINE OF THIS TITLE; OR QUALIFIED
48 MEMBERS OF OTHER PROFESSIONS LICENSED UNDER THIS TITLE FROM PERFORMING
49 THE PRACTICE OF THEIR PROFESSIONS, EXCEPT THAT SUCH PERSONS MAY NOT HOLD
50 THEMSELVES OUT UNDER THE TITLE NATUROPATH OR AS PERFORMING NATUROPATHY;

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

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

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

8 S 6583. PROHIBITIONS. A NATUROPATHY PRACTITIONER CERTIFIED UNDER THIS
9 ARTICLE SHALL BE PROHIBITED FROM:

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

13 2. USING INVASIVE PROCEDURES IN TESTING OR AS A TREATMENT, THERAPY, OR
14 PROFESSIONAL SERVICE IN THE PRACTICE OF NATUROPATHY. FOR PURPOSES OF
15 THIS SUBDIVISION, "INVASIVE PROCEDURE" MEANS ANY PROCEDURE IN WHICH
16 HUMAN TISSUE IS CUT, ALTERED, OR OTHERWISE INFILTRATED BY MECHANICAL OR
17 OTHER MEANS. INVASIVE PROCEDURE INCLUDES BUT IS NOT LIMITED TO SURGERY,
18 LASERS, GIVING INJECTIONS, DRAWING BLOOD, IONIZING RADIATION, THERAPEU-
19 TIC ULTRASOUND, ELECTROCONVULSIVE THERAPY, ELECTRICAL SHOCK THERAPY OR
20 ELECTROMYOGRAPHY; AND

21 3. PRACTICING OR CLAIMING TO PRACTICE AS A MEDICAL DOCTOR, OSTEOPATH,
22 DENTIST, PODIATRIST, OPTOMETRIST, PSYCHOLOGIST, REGISTERED PRACTICE
23 NURSE, ADVANCE PRACTICE PROFESSIONAL NURSE, MIDWIFE, PHYSICIAN ASSIST-
24 ANT, CHIROPRACTOR, PHYSICAL THERAPIST, ACUPUNCTURIST, MENTAL HEALTH
25 THERAPIST OR ANY OTHER HEALTH CARE PROFESSIONAL NOT AUTHORIZED IN THIS
26 CHAPTER; AND

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

29 5. PROVIDING OBSTETRICAL SERVICES; AND

30 6. PROVIDING PSYCHOTHERAPY SERVICES; AND

31 7. ORDERING OR INTERPRETING X-RAYS AND MAGNETIC RESONANCE IMAGING
32 STUDIES; AND

33 8. ORDERING OR INTERPRETING DIAGNOSTIC TESTS; AND

34 9. SETTING FRACTURES.

35 ENGAGING IN ANY OF THE ACTIVITIES SET FORTH IN THIS SECTION SHALL
36 CONSTITUTE PROFESSIONAL MISCONDUCT PURSUANT TO SECTION SIXTY-FIVE
37 HUNDRED NINE OF THIS TITLE.

38 S 6584. MANDATORY CONTINUING COMPETENCY. 1. A. EACH LICENSED NATURO-
39 PATH REQUIRED UNDER THIS ARTICLE TO REGISTER TRIENNIALLY WITH THE
40 DEPARTMENT TO PRACTICE IN THE STATE SHALL COMPLY WITH THE PROVISIONS OF
41 THE MANDATORY CONTINUING COMPETENCY REQUIREMENTS PRESCRIBED IN SUBDIVI-
42 SION TWO OF THIS SECTION, EXCEPT AS PROVIDED IN PARAGRAPHS B AND C OF
43 THIS SUBDIVISION. LICENSED NATUROPATHS WHO DO NOT SATISFY THE MANDATORY
44 CONTINUING COMPETENCY REQUIREMENTS SHALL NOT BE AUTHORIZED TO PRACTICE
45 UNTIL THEY HAVE MET SUCH REQUIREMENTS, AND THEY HAVE BEEN ISSUED A
46 REGISTRATION CERTIFICATE, EXCEPT THAT A LICENSED NATUROPATH MAY PRACTICE
47 WITHOUT HAVING MET SUCH REQUIREMENTS IF HE OR SHE IS ISSUED A CONDI-
48 TIONAL REGISTRATION PURSUANT TO SUBDIVISION THREE OF THIS SECTION.

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

54 C. A LICENSED NATUROPATH NOT ENGAGED IN PRACTICE, AS DETERMINED BY THE
55 DEPARTMENT, SHALL BE EXEMPT FROM THE MANDATORY CONTINUING COMPETENCY
56 REQUIREMENT UPON THE FILING OF A STATEMENT WITH THE DEPARTMENT DECLARING

1 SUCH STATUS. ANY LICENSEE WHO RETURNS TO THE PRACTICE OF LICENSED NATU-
2 ROPATH DURING THE TRIENNIAL REGISTRATION PERIOD SHALL NOTIFY THE DEPART-
3 MENT PRIOR TO REENTERING THE PROFESSION AND SHALL MEET SUCH MANDATORY
4 CONTINUING COMPETENCY REQUIREMENTS AS SHALL BE PRESCRIBED BY REGULATIONS
5 OF THE COMMISSIONER.

6 2. A. DURING EACH TRIENNIAL REGISTRATION PERIOD AN APPLICANT FOR
7 REGISTRATION AS A LICENSED NATUROPATH SHALL COMPLETE A MINIMUM OF THIR-
8 TY-SIX HOURS OF LEARNING ACTIVITIES WHICH CONTRIBUTE TO CONTINUING
9 COMPETENCE, AS SPECIFIED IN SUBDIVISION FOUR OF THIS SECTION, PROVIDED
10 FURTHER THAT AT LEAST TWENTY-FOUR HOURS SHALL BE IN AREAS OF STUDY
11 PERTINENT TO THE SCOPE OF PRACTICE OF NATUROPATHY. WITH THE EXCEPTION
12 OF CONTINUING EDUCATION HOURS TAKEN DURING THE REGISTRATION PERIOD IMME-
13 DIATELY PRECEDING THE EFFECTIVE DATE OF THIS SECTION, CONTINUING EDUCA-
14 TION HOURS TAKEN DURING ONE TRIENNIUM MAY NOT BE TRANSFERRED TO A SUBSE-
15 QUENT TRIENNIUM.

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

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

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

31 THE FEE FOR SUCH A CONDITIONAL REGISTRATION SHALL BE THE SAME AS, AND
32 IN ADDITION TO, THE FEE FOR THE TRIENNIAL REGISTRATION. THE DURATION OF
33 SUCH CONDITIONAL REGISTRATION SHALL BE DETERMINED BY THE DEPARTMENT BUT
34 SHALL NOT EXCEED ONE YEAR. ANY LICENSEE WHO IS NOTIFIED OF THE DENIAL OF
35 REGISTRATION FOR FAILURE TO SUBMIT EVIDENCE, SATISFACTORY TO THE DEPART-
36 MENT, OF REQUIRED CONTINUING COMPETENCY LEARNING ACTIVITIES AND WHO
37 PRACTICES WITHOUT SUCH REGISTRATION, SHALL BE SUBJECT TO DISCIPLINARY
38 PROCEEDINGS PURSUANT TO SECTION SIXTY-FIVE HUNDRED TEN OF THIS TITLE.

39 4. AS USED IN SUBDIVISION TWO OF THIS SECTION, "ACCEPTABLE LEARNING
40 ACTIVITIES" SHALL MEAN ACTIVITIES WHICH CONTRIBUTE TO PROFESSIONAL PRAC-
41 TICE IN NATUROPATHIC MEDICINE, AND WHICH MEET THE STANDARDS PRESCRIBED
42 IN THE REGULATIONS OF THE COMMISSIONER. SUCH LEARNING ACTIVITIES SHALL
43 INCLUDE, BUT NOT BE LIMITED TO, COLLEGIATE LEVEL CREDIT AND NON-CREDIT
44 COURSES, SELF-STUDY ACTIVITIES, INDEPENDENT STUDY, FORMAL MENTORING
45 ACTIVITIES, PUBLICATIONS IN PROFESSIONAL JOURNALS, PROFESSIONAL DEVELOP-
46 MENT PROGRAMS AND TECHNICAL SESSIONS; SUCH LEARNING ACTIVITIES MAY BE
47 OFFERED AND SPONSORED BY NATIONAL, STATE AND LOCAL PROFESSIONAL ASSOCI-
48 ATIONS AND OTHER ORGANIZATIONS OR PARTIES ACCEPTABLE TO THE DEPARTMENT,
49 AND ANY OTHER ORGANIZED EDUCATIONAL AND TECHNICAL LEARNING ACTIVITIES
50 ACCEPTABLE TO THE DEPARTMENT. THE DEPARTMENT MAY, IN ITS DISCRETION AND
51 AS NEEDED TO CONTRIBUTE TO THE HEALTH AND WELFARE OF THE PUBLIC, REQUIRE
52 THE COMPLETION OF CONTINUING COMPETENCY LEARNING ACTIVITIES IN SPECIFIC
53 SUBJECTS TO FULFILL THIS MANDATORY CONTINUING COMPETENCY REQUIREMENT.
54 LEARNING ACTIVITIES MUST BE TAKEN FROM A SPONSOR APPROVED BY THE DEPART-
55 MENT, PURSUANT TO THE REGULATIONS OF THE COMMISSIONER.

1 5. LICENSED NATUROPATHS SHALL MAINTAIN ADEQUATE DOCUMENTATION OF
2 COMPLETION OF:

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

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

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

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

16 (a) Notwithstanding the education law or any other provision of law,
17 one or more professionals each of whom is authorized by law to render a
18 professional service within the state, or one or more professionals, at
19 least one of whom is authorized by law to render a professional service
20 within the state, may form, or cause to be formed, a professional
21 service limited liability company for pecuniary profit under this arti-
22 cle for the purpose of rendering the professional service or services as
23 such professionals are authorized to practice. With respect to a profes-
24 sional service limited liability company formed to provide medical
25 services as such services are defined in article 131 of the education
26 law, each member of such limited liability company must be licensed
27 pursuant to article 131 of the education law to practice medicine in
28 this state. With respect to a professional service limited liability
29 company formed to provide dental services as such services are defined
30 in article 133 of the education law, each member of such limited liabil-
31 ity company must be licensed pursuant to article 133 of the education
32 law to practice dentistry in this state. With respect to a professional
33 service limited liability company formed to provide veterinary services
34 as such services are defined in article 135 of the education law, each
35 member of such limited liability company must be licensed pursuant to
36 article 135 of the education law to practice veterinary medicine in this
37 state. With respect to a professional service limited liability company
38 formed to provide professional engineering, land surveying, architec-
39 tural and/or landscape architectural services as such services are
40 defined in article 145, article 147 and article 148 of the education
41 law, each member of such limited liability company must be licensed
42 pursuant to article 145, article 147 and/or article 148 of the education
43 law to practice one or more of such professions in this state. With
44 respect to a professional service limited liability company formed to
45 provide licensed clinical social work services as such services are
46 defined in article 154 of the education law, each member of such limited
47 liability company shall be licensed pursuant to article 154 of the
48 education law to practice licensed clinical social work in this state.
49 With respect to a professional service limited liability company formed
50 to provide creative arts therapy services as such services are defined
51 in article 163 of the education law, each member of such limited liabil-
52 ity company must be licensed pursuant to article 163 of the education
53 law to practice creative arts therapy in this state. With respect to a
54 professional service limited liability company formed to provide
55 marriage and family therapy services as such services are defined in
56 article 163 of the education law, each member of such limited liability

1 company must be licensed pursuant to article 163 of the education law to
2 practice marriage and family therapy in this state. With respect to a
3 professional service limited liability company formed to provide mental
4 health counseling services as such services are defined in article 163
5 of the education law, each member of such limited liability company must
6 be licensed pursuant to article 163 of the education law to practice
7 mental health counseling in this state. With respect to a professional
8 service limited liability company formed to provide psychoanalysis
9 services as such services are defined in article 163 of the education
10 law, each member of such limited liability company must be licensed
11 pursuant to article 163 of the education law to practice psychoanalysis
12 in this state. WITH RESPECT TO A PROFESSIONAL SERVICE LIMITED LIABILITY
13 COMPANY FORMED TO PROVIDE NATUROPATHIC SERVICES AS SUCH SERVICES ARE
14 DEFINED IN ARTICLE 132-A OF THE EDUCATION LAW, EACH MEMBER OF SUCH
15 LIMITED LIABILITY COMPANY MUST BE LICENSED PURSUANT TO ARTICLE 132-A OF
16 THE EDUCATION LAW TO PRACTICE NATUROPATHY IN THIS STATE. In addition to
17 engaging in such profession or professions, a professional service
18 limited liability company may engage in any other business or activities
19 as to which a limited liability company may be formed under section two
20 hundred one of this chapter. Notwithstanding any other provision of
21 this section, a professional service limited liability company (i)
22 authorized to practice law may only engage in another profession or
23 business or activities or (ii) which is engaged in a profession or other
24 business or activities other than law may only engage in the practice of
25 law, to the extent not prohibited by any other law of this state or any
26 rule adopted by the appropriate appellate division of the supreme court
27 or the court of appeals.

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

31 (b) with respect to a professional service limited liability company
32 formed to provide medical services as such services are defined in arti-
33 cle 131 of the education law, each member of such limited liability
34 company must be licensed pursuant to article 131 of the education law to
35 practice medicine in this state. With respect to a professional service
36 limited liability company formed to provide dental services as such
37 services are defined in article 133 of the education law, each member of
38 such limited liability company must be licensed pursuant to article 133
39 of the education law to practice dentistry in this state. With respect
40 to a professional service limited liability company formed to provide
41 veterinary services as such services are defined in article 135 of the
42 education law, each member of such limited liability company must be
43 licensed pursuant to article 135 of the education law to practice veter-
44 inary medicine in this state. With respect to a professional service
45 limited liability company formed to provide professional engineering,
46 land surveying, architectural and/or landscape architectural services as
47 such services are defined in article 145, article 147 and article 148 of
48 the education law, each member of such limited liability company must be
49 licensed pursuant to article 145, article 147 and/or article 148 of the
50 education law to practice one or more of such professions in this state.
51 With respect to a professional service limited liability company formed
52 to provide licensed clinical social work services as such services are
53 defined in article 154 of the education law, each member of such limited
54 liability company shall be licensed pursuant to article 154 of the
55 education law to practice licensed clinical social work in this state.
56 With respect to a professional service limited liability company formed

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

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

27 (a) "Foreign professional service limited liability company" means a
28 professional service limited liability company, whether or not denomi-
29 nated as such, organized under the laws of a jurisdiction other than
30 this state, (i) each of whose members and managers, if any, is a profes-
31 sional authorized by law to render a professional service within this
32 state and who is or has been engaged in the practice of such profession
33 in such professional service limited liability company or a predecessor
34 entity, or will engage in the practice of such profession in the profes-
35 sional service limited liability company within thirty days of the date
36 such professional becomes a member, or each of whose members and manag-
37 ers, if any, is a professional at least one of such members is author-
38 ized by law to render a professional service within this state and who
39 is or has been engaged in the practice of such profession in such
40 professional service limited liability company or a predecessor entity,
41 or will engage in the practice of such profession in the professional
42 service limited liability company within thirty days of the date such
43 professional becomes a member, or (ii) authorized by, or holding a
44 license, certificate, registration or permit issued by the licensing
45 authority pursuant to, the education law to render a professional
46 service within this state; except that all members and managers, if any,
47 of a foreign professional service limited liability company that
48 provides health services in this state shall be licensed in this state.
49 With respect to a foreign professional service limited liability company
50 which provides veterinary services as such services are defined in arti-
51 cle 135 of the education law, each member of such foreign professional
52 service limited liability company shall be licensed pursuant to article
53 135 of the education law to practice veterinary medicine. With respect
54 to a foreign professional service limited liability company which
55 provides medical services as such services are defined in article 131 of
56 the education law, each member of such foreign professional service

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

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

50 (q) Each partner of a registered limited liability partnership formed
51 to provide medical services in this state must be licensed pursuant to
52 article 131 of the education law to practice medicine in this state and
53 each partner of a registered limited liability partnership formed to
54 provide dental services in this state must be licensed pursuant to arti-
55 cle 133 of the education law to practice dentistry in this state. Each
56 partner of a registered limited liability partnership formed to provide

1 veterinary services in this state must be licensed pursuant to article
2 135 of the education law to practice veterinary medicine in this state.
3 Each partner of a registered limited liability partnership formed to
4 provide professional engineering, land surveying, architectural and/or
5 landscape architectural services in this state must be licensed pursuant
6 to article 145, article 147 and/or article 148 of the education law to
7 practice one or more of such professions in this state. Each partner of
8 a registered limited liability partnership formed to provide licensed
9 clinical social work services in this state must be licensed pursuant to
10 article 154 of the education law to practice clinical social work in
11 this state. Each partner of a registered limited liability partnership
12 formed to provide creative arts therapy services in this state must be
13 licensed pursuant to article 163 of the education law to practice crea-
14 tive arts therapy in this state. Each partner of a registered limited
15 liability partnership formed to provide marriage and family therapy
16 services in this state must be licensed pursuant to article 163 of the
17 education law to practice marriage and family therapy in this state.
18 Each partner of a registered limited liability partnership formed to
19 provide mental health counseling services in this state must be licensed
20 pursuant to article 163 of the education law to practice mental health
21 counseling in this state. Each partner of a registered limited liability
22 partnership formed to provide psychoanalysis services in this state must
23 be licensed pursuant to article 163 of the education law to practice
24 psychoanalysis in this state. EACH PARTNER OF A REGISTERED LIMITED
25 LIABILITY PARTNERSHIP FORMED TO PROVIDE NATUROPATHIC SERVICES IN THIS
26 STATE MUST BE LICENSED PURSUANT TO ARTICLE 132-A OF THE EDUCATION LAW TO
27 PRACTICE NATUROPATHY IN THIS STATE.

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

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

1 practice mental health counseling in this state. Each partner of a
2 foreign limited liability partnership which provides psychoanalysis
3 services in this state must be licensed pursuant to article 163 of the
4 education law to practice psychoanalysis in this state. EACH PARTNER OF
5 A FOREIGN LIMITED LIABILITY PARTNERSHIP WHICH PROVIDES NATUROPATHIC
6 SERVICES IN THIS STATE MUST BE LICENSED PURSUANT TO ARTICLE 132-A OF THE
7 EDUCATION LAW TO PRACTICE NATUROPATHY IN THIS STATE.

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

11 (a) The following persons and officials are required to report or
12 cause a report to be made in accordance with this title when they have
13 reasonable cause to suspect that a child coming before them in their
14 professional or official capacity is an abused or maltreated child, or
15 when they have reasonable cause to suspect that a child is an abused or
16 maltreated child where the parent, guardian, custodian or other person
17 legally responsible for such child comes before them in their profes-
18 sional or official capacity and states from personal knowledge facts,
19 conditions or circumstances which, if correct, would render the child an
20 abused or maltreated child: any physician; registered physician assist-
21 ant; surgeon; medical examiner; coroner; dentist; dental hygienist;
22 osteopath; optometrist; chiropractor; podiatrist; LICENSED NATUROPATH;
23 resident; intern; psychologist; registered nurse; social worker; emer-
24 gency medical technician; licensed creative arts therapist; licensed
25 marriage and family therapist; licensed mental health counselor;
26 licensed psychoanalyst; hospital personnel engaged in the admission,
27 examination, care or treatment of persons; a Christian Science practi-
28 tioner; school official, which includes but is not limited to school
29 teacher, school guidance counselor, school psychologist, school social
30 worker, school nurse, school administrator or other school personnel
31 required to hold a teaching or administrative license or certificate;
32 social services worker; day care center worker; school-age child care
33 worker; provider of family or group family day care; employee or volun-
34 teer in a residential care facility defined in subdivision four of
35 section four hundred twelve-a of this title or any other child care or
36 foster care worker; mental health professional; substance abuse counse-
37 lor; alcoholism counselor; all persons credentialed by the office of
38 alcoholism and substance abuse services; peace officer; police officer;
39 district attorney or assistant district attorney; investigator employed
40 in the office of a district attorney; or other law enforcement official.

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