

1803--D

2011-2012 Regular Sessions

I N   S E N A T E

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Introduced by Sens. LAVALLE, ADDABBO, AVELLA, BONACIC, DIAZ, DILAN, HASSELL-THOMPSON, 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 -- recommitted to the Committee on Higher Education in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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

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 legislature's  
5     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.

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

LBD01174-10-2

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

3 ARTICLE 132-A  
4 NATUROPATHS

5 SECTION 6575. INTRODUCTION.

6 6576. DEFINITIONS.

7 6577. DEFINITION OF THE PRACTICE OF NATUROPATHY.

8 6578. TITLE AND DESIGNATION.

9 6579. QUALIFICATIONS FOR LICENSURE.

10 6580. STATE BOARD FOR NATUROPATHY.

11 6581. EXEMPTIONS.

12 6582. SPECIAL PROVISIONS.

13 6583. PROHIBITIONS.

14 6584. MANDATORY CONTINUING COMPETENCY.

15 S 6575. INTRODUCTION. THIS ARTICLE APPLIES TO THE LICENSURE AND REGU-  
16 LATION OF NATUROPATHIC DOCTORS TO PRACTICE NATUROPATHY IN THIS STATE.  
17 THE GENERAL PROVISIONS FOR ALL PROFESSIONS CONTAINED IN ARTICLE ONE  
18 HUNDRED THIRTY, AS ADDED BY CHAPTER NINE HUNDRED EIGHTY-SEVEN OF THE  
19 LAWS OF NINETEEN HUNDRED SEVENTY-ONE, OF THIS TITLE APPLY TO THIS ARTI-  
20 CLE.

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

23 S 6577. DEFINITION OF THE PRACTICE OF NATUROPATHY. THE PRACTICE OF  
24 NATUROPATHY BY A LICENSED NATUROPATHY PRACTITIONER INVOLVES THE APPLICA-  
25 TION OF NON-PHARMACEUTICAL AND NON-SURGICAL TREATMENTS, WHICH COMPLEMENT  
26 MEDICAL TREATMENT AS DEFINED PURSUANT TO SECTION SIXTY-FIVE HUNDRED  
27 TWENTY-ONE OF THIS TITLE, TO ENCOURAGE AND FACILITATE THE BODY'S  
28 SELF-HEALING PROCESS. THE PRACTICE OF NATUROPATHY BY A LICENSED NATURO-  
29 PATHY DOCTOR INVOLVES THE APPLICATION OF THE FOLLOWING HEALING SYSTEMS  
30 OF PHYSICAL, NUTRITIONAL OR NATURAL AGENT REGIMENS; DIETARY CHANGES;  
31 VITAMINS, MINERALS AND OTHER DIETARY SUPPLEMENTS AND OVER-THE-COUNTER  
32 HERBAL MEDICINE; COUNSELING AND EDUCATION ON LIFESTYLE CHANGES; HOMEOPA-  
33 THY; HYDROTHERAPY, MANIPULATION AND MOBILIZATION; EXERCISE THERAPY AND  
34 MIND-BODY THERAPIES SUCH AS YOGA AND MEDITATION (A CONSCIOUS MENTAL  
35 PROCESS USING CERTAIN TECHNIQUES, SUCH AS FOCUSING ATTENTION OR MAIN-  
36 TAINING A SPECIFIC POSTURE TO SUSPEND THE STREAM OF THOUGHTS AND RELAX  
37 THE BODY AND MIND). A PHYSICIAN MUST SUPERVISE THE PRACTICE OF A  
38 LICENSED NATUROPATHY PRACTITIONER.

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

46 S 6579. QUALIFICATIONS FOR LICENSURE. TO QUALIFY FOR A LICENSE TO  
47 PRACTICE NATUROPATHY, AN APPLICANT SHALL FULFILL THE FOLLOWING REQUIRE-  
48 MENTS:

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

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

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

7 4. EXAMINATION. PASS AN EXAMINATION THAT MEETS NATIONALLY RECOGNIZED  
8 TEST DEVELOPMENT STANDARDS AND TEST COMPETENCIES FOR NATUROPATHIC  
9 DOCTORS SATISFACTORY TO THE BOARD AND IN ACCORDANCE WITH THE COMMISSION-  
10 ER'S REGULATIONS;

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

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

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

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

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

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

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

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

51 S 6582. SPECIAL PROVISIONS. THE COMMISSIONER MAY ADOPT SUCH REGU-  
52 LATIONS AS APPROPRIATE TO LICENSE INDIVIDUALS WHO MEET THE REQUIREMENTS  
53 FOR LICENSE ESTABLISHED IN THIS ARTICLE, EXCEPT FOR EXAMINATION AND,  
54 WHOSE STANDARDS ARE ACCEPTABLE TO THE COMMISSIONER. THE APPLICANT SHALL  
55 SUBMIT WITHIN ONE HUNDRED EIGHTY DAYS OF THE EFFECTIVE DATE OF THIS

SECTION EVIDENCE SATISFACTORY TO THE DEPARTMENT OF HAVING GRADUATED PRIOR TO NINETEEN HUNDRED EIGHTY-SEVEN FROM AN APPROVED PROGRAM.

S 6583. PROHIBITIONS. A NATUROPATHY PRACTITIONER LICENSED UNDER THIS ARTICLE SHALL BE PROHIBITED FROM:

1. PRESCRIBING OR ADMINISTERING DRUGS AS DEFINED IN THIS CHAPTER AS A TREATMENT, THERAPY OR PROFESSIONAL SERVICE IN THE PRACTICE OF NATUROPATHY; AND

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

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

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

5. PROVIDING OBSTETRICAL SERVICES; AND

6. PROVIDING PSYCHOTHERAPY SERVICES; AND

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

8. ORDERING OR INTERPRETING DIAGNOSTIC TESTS; AND

9. SETTING FRACTURES.

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

S 6584. MANDATORY CONTINUING COMPETENCY. 1. A. EACH LICENSED NATUROPATH REQUIRED UNDER THIS ARTICLE TO REGISTER TRIENNIALLY WITH THE DEPARTMENT TO PRACTICE IN THE STATE SHALL COMPLY WITH THE PROVISIONS OF THE MANDATORY CONTINUING COMPETENCY REQUIREMENTS PRESCRIBED IN SUBDIVISION TWO OF THIS SECTION, EXCEPT AS PROVIDED IN PARAGRAPHS B AND C OF THIS SUBDIVISION. LICENSED NATUROPATHS WHO DO NOT SATISFY THE MANDATORY CONTINUING COMPETENCY REQUIREMENTS SHALL NOT BE AUTHORIZED TO PRACTICE UNTIL THEY HAVE MET SUCH REQUIREMENTS, AND THEY HAVE BEEN ISSUED A REGISTRATION CERTIFICATE, EXCEPT THAT A LICENSED NATUROPATH MAY PRACTICE WITHOUT HAVING MET SUCH REQUIREMENTS IF HE OR SHE IS ISSUED A CONDITIONAL REGISTRATION PURSUANT TO SUBDIVISION THREE OF THIS SECTION.

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

C. A LICENSED NATUROPATH NOT ENGAGED IN PRACTICE, AS DETERMINED BY THE DEPARTMENT, SHALL BE EXEMPT FROM THE MANDATORY CONTINUING COMPETENCY REQUIREMENT UPON THE FILING OF A STATEMENT WITH THE DEPARTMENT DECLARING SUCH STATUS. ANY LICENSEE WHO RETURNS TO THE PRACTICE OF LICENSED NATUROPATH DURING THE TRIENNIAL REGISTRATION PERIOD SHALL NOTIFY THE DEPARTMENT PRIOR TO REENTERING THE PROFESSION AND SHALL MEET SUCH MANDATORY CONTINUING COMPETENCY REQUIREMENTS AS SHALL BE PRESCRIBED BY REGULATIONS OF THE COMMISSIONER.

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

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

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

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

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

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

51 5. LICENSED NATUROPATHS SHALL MAINTAIN ADEQUATE DOCUMENTATION OF  
52 COMPLETION OF:

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

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

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

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

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

1 pursuant to article 163 of the education law to practice marriage and  
2 family therapy in this state. With respect to a professional service  
3 limited liability company formed to provide mental health counseling  
4 services as such services are defined in article 163 of the education  
5 law, each member of such limited liability company must be licensed  
6 pursuant to article 163 of the education law to practice mental health  
7 counseling in this state. With respect to a professional service limited  
8 liability company formed to provide psychoanalysis services as such  
9 services are defined in article 163 of the education law, each member of  
10 such limited liability company must be licensed pursuant to article 163  
11 of the education law to practice psychoanalysis in this state. In addi-  
12 tion to engaging in such profession or professions, a professional  
13 service limited liability company may engage in any other business or  
14 activities as to which a limited liability company may be formed under  
15 section two hundred one of this chapter. Notwithstanding any other  
16 provision of this section, a professional service limited liability  
17 company (i) authorized to practice law may only engage in another  
18 profession or business or activities or (ii) which is engaged in a  
19 profession or other business or activities other than law may only  
20 engage in the practice of law, to the extent not prohibited by any other  
21 law of this state or any rule adopted by the appropriate appellate divi-  
22 sion of the supreme court or the court of appeals.

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

26 (b) with respect to a professional service limited liability company  
27 formed to provide medical services as such services are defined in arti-  
28 cle 131 of the education law, each member of such limited liability  
29 company must be licensed pursuant to article 131 of the education law to  
30 practice medicine in this state. WITH RESPECT TO A PROFESSIONAL SERVICE  
31 LIMITED LIABILITY COMPANY FORMED TO PROVIDE NATUROPATHIC SERVICES AS  
32 SUCH SERVICES ARE DEFINED IN ARTICLE 132-A OF THE EDUCATION LAW, EACH  
33 MEMBER OF SUCH LIMITED LIABILITY COMPANY MUST BE LICENSED PURSUANT TO  
34 ARTICLE 132-A OF THE EDUCATION LAW TO PRACTICE NATUROPATHY IN THIS  
35 STATE. With respect to a professional service limited liability company  
36 formed to provide dental services as such services are defined in arti-  
37 cle 133 of the education law, each member of such limited liability  
38 company must be licensed pursuant to article 133 of the education law to  
39 practice dentistry in this state. With respect to a professional service  
40 limited liability company formed to provide veterinary services as such  
41 services are defined in article 135 of the education law, each member of  
42 such limited liability company must be licensed pursuant to article 135  
43 of the education law to practice veterinary medicine in this state. With  
44 respect to a professional service limited liability company formed to  
45 provide professional engineering, land surveying, architectural and/or  
46 landscape architectural services as such services are defined in article  
47 145, article 147 and article 148 of the education law, each member of  
48 such limited liability company must be licensed pursuant to article 145,  
49 article 147 and/or article 148 of the education law to practice one or  
50 more of such professions in this state. With respect to a professional  
51 service limited liability company formed to provide licensed clinical  
52 social work services as such services are defined in article 154 of the  
53 education law, each member of such limited liability company shall be  
54 licensed pursuant to article 154 of the education law to practice  
55 licensed clinical social work in this state. With respect to a profes-  
56 sional service limited liability company formed to provide creative arts

1 therapy services as such services are defined in article 163 of the  
2 education law, each member of such limited liability company must be  
3 licensed pursuant to article 163 of the education law to practice crea-  
4 tive arts therapy in this state. With respect to a professional service  
5 limited liability company formed to provide marriage and family therapy  
6 services as such services are defined in article 163 of the education  
7 law, each member of such limited liability company must be licensed  
8 pursuant to article 163 of the education law to practice marriage and  
9 family therapy in this state. With respect to a professional service  
10 limited liability company formed to provide mental health counseling  
11 services as such services are defined in article 163 of the education  
12 law, each member of such limited liability company must be licensed  
13 pursuant to article 163 of the education law to practice mental health  
14 counseling in this state. With respect to a professional service limited  
15 liability company formed to provide psychoanalysis services as such  
16 services are defined in article 163 of the education law, each member of  
17 such limited liability company must be licensed pursuant to article 163  
18 of the education law to practice psychoanalysis in this state.

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

22 (a) "Foreign professional service limited liability company" means a  
23 professional service limited liability company, whether or not denomi-  
24 nated as such, organized under the laws of a jurisdiction other than  
25 this state, (i) each of whose members and managers, if any, is a profes-  
26 sional authorized by law to render a professional service within this  
27 state and who is or has been engaged in the practice of such profession  
28 in such professional service limited liability company or a predecessor  
29 entity, or will engage in the practice of such profession in the profes-  
30 sional service limited liability company within thirty days of the date  
31 such professional becomes a member, or each of whose members and manag-  
32 ers, if any, is a professional at least one of such members is author-  
33 ized by law to render a professional service within this state and who  
34 is or has been engaged in the practice of such profession in such  
35 professional service limited liability company or a predecessor entity,  
36 or will engage in the practice of such profession in the professional  
37 service limited liability company within thirty days of the date such  
38 professional becomes a member, or (ii) authorized by, or holding a  
39 license, certificate, registration or permit issued by the licensing  
40 authority pursuant to, the education law to render a professional  
41 service within this state; except that all members and managers, if any,  
42 of a foreign professional service limited liability company that  
43 provides health services in this state shall be licensed in this state.  
44 WITH RESPECT TO A FOREIGN PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY  
45 FORMED TO PROVIDE NATUROPATHIC SERVICES AS SUCH SERVICES ARE DEFINED IN  
46 ARTICLE 132-A OF THE EDUCATION LAW, EACH MEMBER OF SUCH LIMITED LIABIL-  
47 ITY COMPANY MUST BE LICENSED PURSUANT TO ARTICLE 132-A OF THE EDUCATION  
48 LAW TO PRACTICE NATUROPATHY IN THIS STATE. With respect to a foreign  
49 professional service limited liability company which provides veterinary  
50 services as such services are defined in article 135 of the education  
51 law, each member of such foreign professional service limited liability  
52 company shall be licensed pursuant to article 135 of the education law  
53 to practice veterinary medicine. With respect to a foreign professional  
54 service limited liability company which provides medical services as  
55 such services are defined in article 131 of the education law, each  
56 member of such foreign professional service limited liability company



1 must be licensed pursuant to article 131 of the education law to prac-  
2 tice medicine in this state. With respect to a foreign professional  
3 service limited liability company which provides dental services as such  
4 services are defined in article 133 of the education law, each member of  
5 such foreign professional service limited liability company must be  
6 licensed pursuant to article 133 of the education law to practice  
7 dentistry in this state. With respect to a foreign professional service  
8 limited liability company which provides professional engineering, land  
9 surveying, architectural and/or landscape architectural services as such  
10 services are defined in article 145, article 147 and article 148 of the  
11 education law, each member of such foreign professional service limited  
12 liability company must be licensed pursuant to article 145, article 147  
13 and/or article 148 of the education law to practice one or more of such  
14 professions in this state. With respect to a foreign professional  
15 service limited liability company which provides licensed clinical  
16 social work services as such services are defined in article 154 of the  
17 education law, each member of such foreign professional service limited  
18 liability company shall be licensed pursuant to article 154 of the  
19 education law to practice clinical social work in this state. With  
20 respect to a foreign professional service limited liability company  
21 which provides creative arts therapy services as such services are  
22 defined in article 163 of the education law, each member of such foreign  
23 professional service limited liability company must be licensed pursuant  
24 to article 163 of the education law to practice creative arts therapy in  
25 this state. With respect to a foreign professional service limited  
26 liability company which provides marriage and family therapy services as  
27 such services are defined in article 163 of the education law, each  
28 member of such foreign professional service limited liability company  
29 must be licensed pursuant to article 163 of the education law to prac-  
30 tice marriage and family therapy in this state. With respect to a  
31 foreign professional service limited liability company which provides  
32 mental health counseling services as such services are defined in arti-  
33 cle 163 of the education law, each member of such foreign professional  
34 service limited liability company must be licensed pursuant to article  
35 163 of the education law to practice mental health counseling in this  
36 state. With respect to a foreign professional service limited liability  
37 company which provides psychoanalysis services as such services are  
38 defined in article 163 of the education law, each member of such foreign  
39 professional service limited liability company must be licensed pursuant  
40 to article 163 of the education law to practice psychoanalysis in this  
41 state.

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

45 (q) Each partner of a registered limited liability partnership formed  
46 to provide medical services in this state must be licensed pursuant to  
47 article 131 of the education law to practice medicine in this state and  
48 each partner of a registered limited liability partnership formed to  
49 provide dental services in this state must be licensed pursuant to arti-  
50 cle 133 of the education law to practice dentistry in this state. EACH  
51 PARTNER OF A REGISTERED LIMITED LIABILITY PARTNERSHIP FORMED TO PROVIDE  
52 NATUROPATHIC SERVICES IN THIS STATE MUST BE LICENSED PURSUANT TO ARTICLE  
53 132-A OF THE EDUCATION LAW TO PRACTICE NATUROPATHY IN THIS STATE. Each  
54 partner of a registered limited liability partnership formed to provide  
55 veterinary services in this state must be licensed pursuant to article  
56 135 of the education law to practice veterinary medicine in this state.

1 Each partner of a registered limited liability partnership formed to  
2 provide professional engineering, land surveying, architectural and/or  
3 landscape architectural services in this state must be licensed pursuant  
4 to article 145, article 147 and/or article 148 of the education law to  
5 practice one or more of such professions in this state. Each partner of  
6 a registered limited liability partnership formed to provide licensed  
7 clinical social work services in this state must be licensed pursuant to  
8 article 154 of the education law to practice clinical social work in  
9 this state. Each partner of a registered limited liability partnership  
10 formed to provide creative arts therapy services in this state must be  
11 licensed pursuant to article 163 of the education law to practice crea-  
12 tive arts therapy in this state. Each partner of a registered limited  
13 liability partnership formed to provide marriage and family therapy  
14 services in this state must be licensed pursuant to article 163 of the  
15 education law to practice marriage and family therapy in this state.  
16 Each partner of a registered limited liability partnership formed to  
17 provide mental health counseling services in this state must be licensed  
18 pursuant to article 163 of the education law to practice mental health  
19 counseling in this state. Each partner of a registered limited liability  
20 partnership formed to provide psychoanalysis services in this state must  
21 be licensed pursuant to article 163 of the education law to practice  
22 psychoanalysis in this state.

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

26 (q) Each partner of a foreign limited liability partnership which  
27 provides medical services in this state must be licensed pursuant to  
28 article 131 of the education law to practice medicine in the state and  
29 each partner of a foreign limited liability partnership which provides  
30 dental services in the state must be licensed pursuant to article 133 of  
31 the education law to practice dentistry in this state. EACH PARTNER OF  
32 A FOREIGN LIMITED LIABILITY PARTNERSHIP WHICH PROVIDES NATUROPATHIC  
33 SERVICES IN THIS STATE MUST BE LICENSED PURSUANT TO ARTICLE 132-A OF THE  
34 EDUCATION LAW TO PRACTICE NATUROPATHY IN THIS STATE. Each partner of a  
35 foreign limited liability partnership which provides veterinary service  
36 in the state shall be licensed pursuant to article 135 of the education  
37 law to practice veterinary medicine in this state. Each partner of a  
38 foreign limited liability partnership which provides professional engi-  
39 neering, land surveying, architectural and/or landscape architectural  
40 services in this state must be licensed pursuant to article 145, article  
41 147 and/or article 148 of the education law to practice one or more of  
42 such professions. Each partner of a foreign limited liability partner-  
43 ship which provides licensed clinical social work services in this state  
44 must be licensed pursuant to article 154 of the education law to prac-  
45 tice licensed clinical social work in this state. Each partner of a  
46 foreign limited liability partnership which provides creative arts ther-  
47 apy services in this state must be licensed pursuant to article 163 of  
48 the education law to practice creative arts therapy in this state. Each  
49 partner of a foreign limited liability partnership which provides  
50 marriage and family therapy services in this state must be licensed  
51 pursuant to article 163 of the education law to practice marriage and  
52 family therapy in this state. Each partner of a foreign limited liabil-  
53 ity partnership which provides mental health counseling services in this  
54 state must be licensed pursuant to article 163 of the education law to  
55 practice mental health counseling in this state. Each partner of a  
56 foreign limited liability partnership which provides psychoanalysis

1 services in this state must be licensed pursuant to article 163 of the  
2 education law to practice psychoanalysis in this state.

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

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

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