

1803--E

2011-2012 Regular Sessions

I N S E N A T E

January 12, 2011

Introduced by Sens. LAVALLE, ADDABBO, AVELLA, BONACIC, DIAZ, DILAN, HASSELL-THOMPSON, LARKIN, MAZIARZ, 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 -- 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 -- 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 by providing licensure for qualified practitioners. It is the legislature's intent that only practitioners who meet and maintain standards
4 of competence are recognized by the public as licensed naturopaths. The
5 legislature recognizes that, unlike other currently licensed
6 professions, naturopathic doctors are formally educated in the use of
7 natural therapies, natural substances and pharmacological substances for
8
9

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

LBD01174-11-2

common health conditions and disease prevention. Naturopaths serve the public as experts in drug/nutrient and drug/herb interactions.

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

ARTICLE 132-A
NATUROPATHS

SECTION 6575. INTRODUCTION.

6576. DEFINITIONS.

6577. DEFINITION OF THE PRACTICE OF NATUROPATHY.

6578. TITLE AND DESIGNATION.

6579. QUALIFICATIONS FOR LICENSURE.

6580. STATE BOARD FOR NATUROPATHY.

6581. EXEMPTIONS.

6582. SPECIAL PROVISIONS.

6583. PROHIBITIONS.

6584. MANDATORY CONTINUING COMPETENCY.

S 6575. INTRODUCTION. THIS ARTICLE APPLIES TO THE LICENSURE AND REGULATION OF NATUROPATHIC DOCTORS TO PRACTICE NATUROPATHY IN THIS STATE. THE GENERAL PROVISIONS FOR ALL PROFESSIONS CONTAINED IN ARTICLE ONE HUNDRED THIRTY, AS ADDED BY CHAPTER NINE HUNDRED EIGHTY-SEVEN OF THE LAWS OF NINETEEN HUNDRED SEVENTY-ONE, OF THIS TITLE APPLY TO THIS ARTICLE.

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

S 6577. DEFINITION OF THE PRACTICE OF NATUROPATHY. THE PRACTICE OF NATUROPATHY BY A LICENSED NATUROPATHY PRACTITIONER INVOLVES THE APPLICATION OF NON-PHARMACEUTICAL AND NON-SURGICAL TREATMENTS, WHICH COMPLEMENT MEDICAL TREATMENT AS DEFINED PURSUANT TO SECTION SIXTY-FIVE HUNDRED TWENTY-ONE OF THIS TITLE, TO ENCOURAGE AND FACILITATE THE BODY'S SELF-HEALING PROCESS. THE PRACTICE OF NATUROPATHY BY A LICENSED NATUROPATHY DOCTOR INVOLVES THE APPLICATION OF THE FOLLOWING HEALING SYSTEMS OF PHYSICAL, NUTRITIONAL OR NATURAL AGENT REGIMENS; DIETARY CHANGES; VITAMINS, MINERALS AND OTHER DIETARY SUPPLEMENTS AND OVER-THE-COUNTER HERBAL MEDICINE; COUNSELING AND EDUCATION ON LIFESTYLE CHANGES; HOMEOPATHY; HYDROTHERAPY, MANIPULATION AND MOBILIZATION; EXERCISE THERAPY AND MIND-BODY THERAPIES SUCH AS YOGA AND MEDITATION (A CONSCIOUS MENTAL PROCESS USING CERTAIN TECHNIQUES, SUCH AS FOCUSING ATTENTION OR MAINTAINING A SPECIFIC POSTURE TO SUSPEND THE STREAM OF THOUGHTS AND RELAX THE BODY AND MIND). A PHYSICIAN MUST SUPERVISE THE PRACTICE OF A LICENSED NATUROPATHY PRACTITIONER.

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

S 6579. QUALIFICATIONS FOR LICENSURE. TO QUALIFY FOR A LICENSE TO PRACTICE NATUROPATHY, AN APPLICANT SHALL FULFILL THE FOLLOWING REQUIREMENTS:

1. APPLICATION. FILE AN APPLICATION WITH THE DEPARTMENT;

2. EDUCATION. HAVE RECEIVED A DOCTORAL DEGREE OR DIPLOMA AS A NATUROPATHIC DOCTOR (ND) OR DOCTOR OF NATUROPATHIC MEDICINE (ND) FROM A PROGRAM OF NATUROPATHIC MEDICINE REGISTERED BY THE DEPARTMENT OR DETERMINED BY THE DEPARTMENT THAT MEETS NATIONALLY RECOGNIZED ACCREDITATION

1 STANDARDS SATISFACTORY TO THE BOARD AND DETERMINED TO BE SUBSTANTIALLY
2 EQUIVALENT AND IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;

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

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

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

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

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

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

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

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

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

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

53 S 6582. SPECIAL PROVISIONS. THE COMMISSIONER MAY ADOPT SUCH REGU-
54 LATIONS AS APPROPRIATE TO LICENSE INDIVIDUALS WHO MEET THE REQUIREMENTS
55 FOR LICENSE ESTABLISHED IN THIS ARTICLE, EXCEPT FOR EXAMINATION AND,
56 WHOSE STANDARDS ARE ACCEPTABLE TO THE COMMISSIONER. THE APPLICANT SHALL

1 SUBMIT WITHIN ONE HUNDRED EIGHTY DAYS OF THE EFFECTIVE DATE OF THIS
2 SECTION EVIDENCE SATISFACTORY TO THE DEPARTMENT OF HAVING GRADUATED
3 PRIOR TO NINETEEN HUNDRED EIGHTY-SEVEN FROM AN APPROVED PROGRAM.

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

6 1. PRESCRIBING OR ADMINISTERING DRUGS WHICH WOULD BE PREPARED OR
7 DISPENSED BY A STATE LICENSED PHARMACIST; AND AS DEFINED IN THIS CHAPTER
8 AS A TREATMENT, THERAPY OR PROFESSIONAL SERVICE IN THE PRACTICE OF NATU-
9 ROPATHY; AND

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

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

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

26 5. PROVIDING OBSTETRICAL SERVICES; AND

27 6. PROVIDING PSYCHOTHERAPY SERVICES; AND

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

30 8. ORDERING OR INTERPRETING DIAGNOSTIC TESTS; AND

31 9. SETTING FRACTURES.

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

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

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

51 C. A LICENSED NATUROPATH NOT ENGAGED IN PRACTICE, AS DETERMINED BY THE
52 DEPARTMENT, SHALL BE EXEMPT FROM THE MANDATORY CONTINUING COMPETENCY
53 REQUIREMENT UPON THE FILING OF A STATEMENT WITH THE DEPARTMENT DECLARING
54 SUCH STATUS. ANY LICENSEE WHO RETURNS TO THE PRACTICE OF LICENSED NATU-
55 ROPATH DURING THE TRIENNIAL REGISTRATION PERIOD SHALL NOTIFY THE DEPART-
56 MENT PRIOR TO REENTERING THE PROFESSION AND SHALL MEET SUCH MANDATORY

1 CONTINUING COMPETENCY REQUIREMENTS AS SHALL BE PRESCRIBED BY REGULATIONS
2 OF THE COMMISSIONER.

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

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

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

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

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

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

53 5. LICENSED NATUROPATHS SHALL MAINTAIN ADEQUATE DOCUMENTATION OF
54 COMPLETION OF:

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

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

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

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

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

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

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

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

1 licensed pursuant to article 154 of the education law to practice
2 licensed clinical social work in this state. With respect to a profes-
3 sional service limited liability company formed to provide creative arts
4 therapy services as such services are defined in article 163 of the
5 education law, each member of such limited liability company must be
6 licensed pursuant to article 163 of the education law to practice crea-
7 tive arts therapy in this state. With respect to a professional service
8 limited liability company formed to provide marriage and family therapy
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 marriage and
12 family therapy in this state. With respect to a professional service
13 limited liability company formed to provide mental health counseling
14 services as such services are defined in article 163 of the education
15 law, each member of such limited liability company must be licensed
16 pursuant to article 163 of the education law to practice mental health
17 counseling in this state. With respect to a professional service limited
18 liability company formed to provide psychoanalysis services as such
19 services are defined in article 163 of the education law, each member of
20 such limited liability company must be licensed pursuant to article 163
21 of the education law to practice psychoanalysis in this state.

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

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

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

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

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

1 partner of a registered limited liability partnership formed to provide
2 veterinary services in this state must be licensed pursuant to article
3 135 of the education law to practice veterinary medicine in this state.
4 Each partner of a registered limited liability partnership formed to
5 provide professional engineering, land surveying, architectural and/or
6 landscape architectural services in this state must be licensed pursuant
7 to article 145, article 147 and/or article 148 of the education law to
8 practice one or more of such professions in this state. Each partner of
9 a registered limited liability partnership formed to provide licensed
10 clinical social work services in this state must be licensed pursuant to
11 article 154 of the education law to practice clinical social work in
12 this state. Each partner of a registered limited liability partnership
13 formed to provide creative arts therapy services in this state must be
14 licensed pursuant to article 163 of the education law to practice crea-
15 tive arts therapy in this state. Each partner of a registered limited
16 liability partnership formed to provide marriage and family therapy
17 services in this state must be licensed pursuant to article 163 of the
18 education law to practice marriage and family therapy in this state.
19 Each partner of a registered limited liability partnership formed to
20 provide mental health counseling services in this state must be licensed
21 pursuant to article 163 of the education law to practice mental health
22 counseling in this state. Each partner of a registered limited liability
23 partnership formed to provide psychoanalysis services in this state must
24 be licensed pursuant to article 163 of the education law to practice
25 psychoanalysis in this state.

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

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

1 state must be licensed pursuant to article 163 of the education law to
2 practice mental health counseling in this state. Each partner of a
3 foreign limited liability partnership which provides psychoanalysis
4 services in this state must be licensed pursuant to article 163 of the
5 education law to practice psychoanalysis in this state.

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

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

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