

5012--B

2011-2012 Regular Sessions

I N S E N A T E

May 2, 2011

Introduced by Sens. FUSCHILLO, AVELLA, BONACIC, MAZIARZ, OPPENHEIMER, RITCHIE -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions -- reported favorably from said committee and committed to the Committee on Higher Education -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report and ordered reprinted, retaining its place in the order of second report -- recommitted to the Committee on Corporations, Authorities and Commissions in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the limited liability company law, the business corporation law, the partnership law, the public health law and the education law, in relation to allowing doctors of chiropractic licensed under title VIII, article 132 of the education law to form limited liability companies

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

1 Section 1. Subdivision (a) of section 1203 of the limited liability
2 company law, as separately amended by chapters 420 and 676 of the laws
3 of 2002, is amended to read as follows:
4 (a) Notwithstanding the education law or any other provision of law,
5 one or more professionals each of whom is authorized by law to render a
6 professional service within the state, or one or more professionals, at
7 least one of whom is authorized by law to render a professional service
8 within the state, may form, or cause to be formed, a professional
9 service limited liability company for pecuniary profit under this arti-
10 cle for the purpose of rendering the professional service or services as
11 such professionals are authorized to practice. With respect to a profes-
12 sional service limited liability company formed to provide medical
13 services as such services are defined in article 131 of the education

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

LBD10908-05-1

1 law, each member of such limited liability company must be licensed
2 pursuant to article 131 of the education law to practice medicine in
3 this state. With respect to a professional service limited liability
4 company formed to provide dental services as such services are defined
5 in article 133 of the education law, each member of such limited liabil-
6 ity company must be licensed pursuant to article 133 of the education
7 law to practice dentistry in this state. With respect to a professional
8 service limited liability company formed to provide veterinary services
9 as such services are defined in article 135 of the education law, each
10 member of such limited liability company must be licensed pursuant to
11 article 135 of the education law to practice veterinary medicine in this
12 state. With respect to a professional service limited liability company
13 formed to provide professional engineering, land surveying, architec-
14 tural and/or landscape architectural services as such services are
15 defined in article 145, article 147 and article 148 of the education
16 law, each member of such limited liability company must be licensed
17 pursuant to article 145, article 147 and/or article 148 of the education
18 law to practice one or more of such professions in this state. With
19 respect to a professional service limited liability company formed to
20 provide licensed clinical social work services as such services are
21 defined in article 154 of the education law, each member of such limited
22 liability company shall be licensed pursuant to article 154 of the
23 education law to practice licensed clinical social work in this state.
24 With respect to a professional service limited liability company formed
25 to provide creative arts therapy services as such services are defined
26 in article 163 of the education law, each member of such limited liabil-
27 ity company must be licensed pursuant to article 163 of the education
28 law to practice creative arts therapy in this state. With respect to a
29 professional service limited liability company formed to provide
30 marriage and family therapy services as such services are defined in
31 article 163 of the education law, each member of such limited liability
32 company must be licensed pursuant to article 163 of the education law to
33 practice marriage and family therapy in this state. With respect to a
34 professional service limited liability company formed to provide mental
35 health counseling services as such services are defined in article 163
36 of the education law, each member of such limited liability company must
37 be licensed pursuant to article 163 of the education law to practice
38 mental health counseling in this state. With respect to a professional
39 service limited liability company formed to provide psychoanalysis
40 services as such services are defined in article 163 of the education
41 law, each member of such limited liability company must be licensed
42 pursuant to article 163 of the education law to practice psychoanalysis
43 in this state. In addition to engaging in such profession or
44 professions, a professional service limited liability company may engage
45 in any other business or activities as to which a limited liability
46 company may be formed under section two hundred one of this chapter.
47 Notwithstanding any other provision of this section, a professional
48 service limited liability company (i) authorized to practice law may
49 only engage in another profession or business or activities or (ii)
50 which is engaged in a profession or other business or activities other
51 than law may only engage in the practice of law, to the extent not
52 prohibited by any other law of this state or any rule adopted by the
53 appropriate appellate division of the supreme court or the court of
54 appeals. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, WITH
55 RESPECT TO A LIMITED LIABILITY COMPANY FORMED TO PROVIDE INTEGRATED,
56 MULTIDISCIPLINARY MEDICAL AND CHIROPRACTIC SERVICES, AS SUCH SERVICES

1 ARE RESPECTIVELY DEFINED UNDER ARTICLES 131 AND 132 OF THE EDUCATION
2 LAW, (I) EACH MEMBER OF SUCH LIMITED LIABILITY COMPANY MUST BE LICENSED
3 PURSUANT TO ARTICLE 131 OR ARTICLE 132 OF THE EDUCATION LAW TO PRACTICE
4 HIS OR HER PROFESSION IN THIS STATE, (II) EACH MEMBER SHALL ONLY PRAC-
5 TICE HIS OR HER PROFESSION AS SPECIFIED IN HIS OR HER RESPECTIVE PROFES-
6 SIONAL ENABLING STATUTE UNDER ARTICLE 131 OR ARTICLE 132 OF THE EDUCA-
7 TION LAW, AND (III) THE CLINICAL INTEGRATION OF PROFESSIONAL PRACTICES
8 WITHIN AN INTEGRATED, MULTIDISCIPLINARY ENTITY ORGANIZED UNDER THIS
9 SECTION DOES NOT ALTER, EXPAND OR CURTAIL THE SCOPE OF PRACTICE OF ANY
10 OF THE INDIVIDUALS LICENSED UNDER THE STATUTE OF HIS OR HER RESPECTIVE
11 PROFESSIONAL ENABLING LAW, PROVIDED THAT: (A) THE CLINICAL JUDGMENT,
12 MANAGEMENT AND CLINICAL DECISION-MAKING OF ONE OR MORE ARTICLE 131
13 PROVIDERS IN AN INTEGRATED, MULTIDISCIPLINARY PROFESSIONAL SERVICE
14 LIMITED LIABILITY COMPANY SHALL BE CONTROLLING, (B) MEMBERS LICENSED
15 UNDER ARTICLE 132 OF THE EDUCATION LAW, SHALL NOT, DIRECTLY OR INDIRECT-
16 LY, INTERFERE WITH THE CLINICAL JUDGMENT OR LEGITIMATE CLINICAL PRACTICE
17 OF A PROFESSIONAL LICENSED UNDER ARTICLE 131, AND (C) INDIVIDUALS
18 LICENSED UNDER ARTICLE 131 MAY NOT ORDER OR DIRECT A PROFESSIONAL
19 LICENSED UNDER ARTICLE 132 OF THE EDUCATION LAW TO PRACTICE BEYOND THE
20 SCOPE OF HIS OR HER LICENSE UNDER ARTICLE 132 OF THE EDUCATION LAW, EVEN
21 IF SUPERVISED DIRECTLY OR INDIRECTLY BY A PROFESSIONAL LICENSED UNDER
22 ARTICLE 131.

23 S 2. 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 dental services as such
32 services are defined in article 133 of the education law, each member of
33 such limited liability company must be licensed pursuant to article 133
34 of the education law to practice dentistry in this state. With respect
35 to a professional service limited liability company formed to provide
36 veterinary services as such services are defined in article 135 of the
37 education law, each member of such limited liability company must be
38 licensed pursuant to article 135 of the education law to practice veter-
39 inary medicine in this state. With respect to a professional service
40 limited liability company formed to provide professional engineering,
41 land surveying, architectural and/or landscape architectural services as
42 such services are defined in article 145, article 147 and article 148 of
43 the education law, each member of such limited liability company must be
44 licensed pursuant to article 145, article 147 and/or article 148 of the
45 education law to practice one or more of such professions in this state.
46 With respect to a professional service limited liability company formed
47 to provide licensed clinical social work services as such services are
48 defined in article 154 of the education law, each member of such limited
49 liability company shall be licensed pursuant to article 154 of the
50 education law to practice licensed clinical social work in this state.
51 With respect to a professional service limited liability company formed
52 to provide creative arts therapy services as such services are defined
53 in article 163 of the education law, each member of such limited liabil-
54 ity company must be licensed pursuant to article 163 of the education
55 law to practice creative arts therapy in this state. With respect to a
56 professional service limited liability company formed to provide

1 marriage and family therapy services as such services are defined in
2 article 163 of the education law, each member of such limited liability
3 company must be licensed pursuant to article 163 of the education law to
4 practice marriage and family therapy in this state. With respect to a
5 professional service limited liability company formed to provide mental
6 health counseling services as such services are defined in article 163
7 of the education law, each member of such limited liability company must
8 be licensed pursuant to article 163 of the education law to practice
9 mental health counseling in this state. With respect to a professional
10 service limited liability company formed to provide psychoanalysis
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 psychoanalysis
14 in this state. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
15 WITH RESPECT TO A PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY FORMED
16 TO PROVIDE INTEGRATED, MULTIDISCIPLINARY MEDICAL AND CHIROPRACTIC
17 SERVICES, AS SUCH SERVICES ARE RESPECTIVELY DEFINED UNDER ARTICLES 131
18 AND 132 OF THE EDUCATION LAW, (I) EACH MEMBER OF SUCH LIMITED LIABILITY
19 COMPANY MUST BE LICENSED PURSUANT TO ARTICLE 131 OR ARTICLE 132 OF THE
20 EDUCATION LAW TO PRACTICE HIS OR HER PROFESSION IN THIS STATE, (II) EACH
21 MEMBER SHALL ONLY PRACTICE HIS OR HER PROFESSION AS SPECIFIED IN HIS OR
22 HER RESPECTIVE PROFESSIONAL ENABLING STATUTE UNDER ARTICLE 131 OR ARTI-
23 CLE 132 OF THE EDUCATION LAW, AND (III) THE CLINICAL INTEGRATION OF
24 PROFESSIONAL PRACTICES WITHIN AN INTEGRATED, MULTIDISCIPLINARY ENTITY
25 ORGANIZED UNDER THIS SECTION DOES NOT ALTER, EXPAND OR CURTAIL THE SCOPE
26 OF PRACTICE OF ANY OF THE INDIVIDUALS LICENSED UNDER THE STATUTE OF HIS
27 OR HER RESPECTIVE PROFESSIONAL ENABLING LAW, PROVIDED THAT: (A) THE
28 CLINICAL JUDGMENT, MANAGEMENT AND CLINICAL DECISION-MAKING OF ONE OR
29 MORE ARTICLE 131 PROVIDERS IN AN INTEGRATED, MULTIDISCIPLINARY PROFES-
30 SIONAL SERVICE LIMITED LIABILITY COMPANY SHALL BE CONTROLLING, (B)
31 MEMBERS LICENSED UNDER ARTICLE 132 OF THE EDUCATION LAW, SHALL NOT,
32 DIRECTLY OR INDIRECTLY, INTERFERE WITH THE CLINICAL JUDGMENT OR LEGITI-
33 MATE CLINICAL PRACTICE OF A PROFESSIONAL LICENSED UNDER ARTICLE 131, AND
34 (C) INDIVIDUALS LICENSED UNDER ARTICLE 131 MAY NOT ORDER OR DIRECT A
35 PROFESSIONAL LICENSED UNDER ARTICLE 132 OF THE EDUCATION LAW TO PRACTICE
36 BEYOND THE SCOPE OF HIS OR HER LICENSE UNDER ARTICLE 132 OF THE EDUCA-
37 TION LAW, EVEN IF SUPERVISED DIRECTLY OR INDIRECTLY BY A PROFESSIONAL
38 LICENSED UNDER ARTICLE 131.

39 S 3. Subdivision (a) of section 1301 of the limited liability company
40 law, as separately amended by chapters 420 and 676 of the laws of 2002,
41 is amended to read as follows:

42 (a) "Foreign professional service limited liability company" means a
43 professional service limited liability company, whether or not denomi-
44 nated as such, organized under the laws of a jurisdiction other than
45 this state, (i) each of whose members and managers, if any, is a profes-
46 sional authorized by law to render a professional service within this
47 state and who is or has been engaged in the practice of such profession
48 in such professional service limited liability company or a predecessor
49 entity, or will engage in the practice of such profession in the profes-
50 sional service limited liability company within thirty days of the date
51 such professional becomes a member, or each of whose members and manag-
52 ers, if any, is a professional at least one of such members is author-
53 ized by law to render a professional service within this state and who
54 is or has been engaged in the practice of such profession in such
55 professional service limited liability company or a predecessor entity,
56 or will engage in the practice of such profession in the professional

1 service limited liability company within thirty days of the date such
2 professional becomes a member, or (ii) authorized by, or holding a
3 license, certificate, registration or permit issued by the licensing
4 authority pursuant to, the education law to render a professional
5 service within this state; except that all members and managers, if any,
6 of a foreign professional service limited liability company that
7 provides health services in this state shall be licensed in this state.
8 With respect to a foreign professional service limited liability company
9 which provides veterinary services as such services are defined in arti-
10 cle 135 of the education law, each member of such foreign professional
11 service limited liability company shall be licensed pursuant to article
12 135 of the education law to practice veterinary medicine. With respect
13 to a foreign professional service limited liability company which
14 provides medical services as such services are defined in article 131 of
15 the education law, each member of such foreign professional service
16 limited liability company must be licensed pursuant to article 131 of
17 the education law to practice medicine in this state. With respect to a
18 foreign professional service limited liability company which provides
19 dental services as such services are defined in article 133 of the
20 education law, each member of such foreign professional service limited
21 liability company must be licensed pursuant to article 133 of the educa-
22 tion law to practice dentistry in this state. With respect to a foreign
23 professional service limited liability company which provides profes-
24 sional engineering, land surveying, architectural and/or landscape
25 architectural services as such services are defined in article 145,
26 article 147 and article 148 of the education law, each member of such
27 foreign professional service limited liability company must be licensed
28 pursuant to article 145, article 147 and/or article 148 of the education
29 law to practice one or more of such professions in this state. With
30 respect to a foreign professional service limited liability company
31 which provides licensed clinical social work services as such services
32 are defined in article 154 of the education law, each member of such
33 foreign professional service limited liability company shall be licensed
34 pursuant to article 154 of the education law to practice clinical social
35 work in this state. With respect to a foreign professional service
36 limited liability company which provides creative arts therapy services
37 as such services are defined in article 163 of the education law, each
38 member of such foreign professional service limited liability company
39 must be licensed pursuant to article 163 of the education law to prac-
40 tice creative arts therapy in this state. With respect to a foreign
41 professional service limited liability company which provides marriage
42 and family therapy services as such services are defined in article 163
43 of the education law, each member of such foreign professional service
44 limited liability company must be licensed pursuant to article 163 of
45 the education law to practice marriage and family therapy in this state.
46 With respect to a foreign professional service limited liability company
47 which provides mental health counseling services as such services are
48 defined in article 163 of the education law, each member of such foreign
49 professional service limited liability company must be licensed pursuant
50 to article 163 of the education law to practice mental health counseling
51 in this state. With respect to a foreign professional service limited
52 liability company which provides psychoanalysis services as such
53 services are defined in article 163 of the education law, each member of
54 such foreign professional service limited liability company must be
55 licensed pursuant to article 163 of the education law to practice
56 psychoanalysis in this state. WITH RESPECT TO A FOREIGN PROFESSIONAL

1 SERVICE LIMITED LIABILITY COMPANY FORMED TO PROVIDE INTEGRATED,
2 MULTI-DISCIPLINARY MEDICAL AND CHIROPRACTIC SERVICES, AS SUCH SERVICES
3 ARE RESPECTIVELY DEFINED UNDER ARTICLE 131 AND ARTICLE 132 OF THE EDUCA-
4 TION LAW, (I) EACH MEMBER OF SUCH LIMITED LIABILITY COMPANY MUST BE
5 LICENSED PURSUANT TO ARTICLE 131 OR ARTICLE 132 OF THE EDUCATION LAW TO
6 PRACTICE HIS OR HER PROFESSION IN THIS STATE, (II) EACH MEMBER SHALL
7 ONLY PRACTICE HIS OR HER PROFESSION AS SPECIFIED IN HIS OR HER RESPEC-
8 TIVE PROFESSIONAL ENABLING STATUTE UNDER ARTICLE 131 OR ARTICLE 132 OF
9 THE EDUCATION LAW, AND (III) THE CLINICAL INTEGRATION OF PROFESSIONAL
10 PRACTICES WITHIN AN INTEGRATED, MULTIDISCIPLINARY ENTITY ORGANIZED UNDER
11 THIS SECTION DOES NOT ALTER, EXPAND OR CURTAIL THE SCOPE OF PRACTICE OF
12 ANY OF THE INDIVIDUALS LICENSED UNDER THE STATUTE OF HIS OR HER RESPEC-
13 TIVE PROFESSIONAL ENABLING LAW, PROVIDED THAT: (A) THE CLINICAL JUDG-
14 MENT, MANAGEMENT AND CLINICAL DECISION-MAKING OF ONE OR MORE ARTICLE 131
15 PROVIDERS IN AN INTEGRATED, MULTIDISCIPLINARY PROFESSIONAL SERVICE
16 LIMITED LIABILITY COMPANY SHALL BE CONTROLLING, (B) MEMBERS LICENSED
17 UNDER ARTICLE 132 OF THE EDUCATION LAW, SHALL NOT, DIRECTLY OR INDIRECT-
18 LY, INTERFERE WITH THE CLINICAL JUDGMENT OR LEGITIMATE CLINICAL PRACTICE
19 OF A PROFESSIONAL LICENSED UNDER ARTICLE 131, AND (C) INDIVIDUALS
20 LICENSED UNDER ARTICLE 131 MAY NOT ORDER OR DIRECT A PROFESSIONAL
21 LICENSED UNDER ARTICLE 132 OF THE EDUCATION LAW TO PRACTICE BEYOND THE
22 SCOPE OF HIS OR HER LICENSE UNDER ARTICLE 132 OF THE EDUCATION LAW, EVEN
23 IF SUPERVISED DIRECTLY OR INDIRECTLY BY A PROFESSIONAL LICENSED UNDER
24 ARTICLE 131.

25 S 4. Paragraph (a) of section 1503 of the business corporation law, as
26 amended by chapter 550 of the laws of 2011, is amended to read as
27 follows:

28 (a) Notwithstanding any other provision of law, (I) one or more indi-
29 viduals duly authorized by law to render the same professional service
30 within the state may organize, or cause to be organized, a professional
31 service corporation for pecuniary profit under this article for the
32 purpose of rendering the same professional service, except that one or
33 more individuals duly authorized by law to practice professional engi-
34 neering, architecture, landscape architecture or land surveying within
35 the state may organize, or cause to be organized, a professional service
36 corporation or a design professional service corporation for pecuniary
37 profit under this article for the purpose of rendering such professional
38 services as such individuals are authorized to practice, AND, (II) ONE
39 OR MORE INDIVIDUALS DULY LICENSED TO PRACTICE MEDICINE AND ONE OR MORE
40 CHIROPRACTORS LICENSED UNDER ARTICLE 132 OF THE EDUCATION LAW, WHO MAY
41 BE BOARD CERTIFIED OR QUALIFIED BY HIS OR HER RESPECTIVE PROFESSIONAL
42 SPECIALTY BOARDS, MAY ORGANIZE, OR CAUSE TO BE ORGANIZED, FOR BUSINESS
43 PURPOSES ONLY, A MULTIDISCIPLINARY PROFESSIONAL SERVICE CORPORATION
44 FORMED FOR PECUNIARY PROFIT UNDER THIS ARTICLE FOR THE PURPOSE OF
45 RENDERING INTEGRATED AND NON-INTEGRATED PROFESSIONAL SERVICES WITHIN
46 SUCH A CORPORATION AS SUCH INDIVIDUALS ARE AUTHORIZED TO PRACTICE INDI-
47 VIDUALLY IN HIS OR HER RESPECTIVE PROFESSIONS, PROVIDED THAT THE CLIN-
48 ICAL INTEGRATION OF PROFESSIONAL PRACTICES WITHIN AN ENTITY ORGANIZED
49 UNDER THIS SECTION DOES NOT ALTER, EXPAND OR CURTAIL THE SCOPE OF PRAC-
50 TICE OF ANY OF THE INDIVIDUALS LICENSED UNDER THE STATUTE OF HIS OR HER
51 RESPECTIVE PROFESSIONAL ENABLING LAW; THAT THE CLINICAL JUDGMENT,
52 MANAGEMENT AND CLINICAL DECISION-MAKING OF ONE OR MORE ARTICLE 131
53 PROVIDERS IN AN INTEGRATED, MULTIDISCIPLINARY PRACTICE SHALL BE CONTROL-
54 LING; THAT MEMBERS LICENSED UNDER ARTICLE 132 OF THE EDUCATION LAW,
55 SHALL NOT, DIRECTLY OR INDIRECTLY, INTERFERE WITH THE CLINICAL JUDGMENT
56 OR LEGITIMATE CLINICAL PRACTICE OF A PROFESSIONAL LICENSED UNDER ARTICLE

1 131; AND THAT INDIVIDUALS LICENSED UNDER ARTICLE 131 MAY NOT ORDER OR
2 DIRECT A PROFESSIONAL LICENSED UNDER ARTICLE 132 OF THE EDUCATION LAW TO
3 PRACTICE BEYOND THE SCOPE OF HIS OR HER LICENSE UNDER ARTICLE 132 OF THE
4 EDUCATION LAW IN A PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY, EVEN
5 IF SUPERVISED DIRECTLY OR INDIRECTLY BY A PROFESSIONAL LICENSED UNDER
6 ARTICLE 131.

7 S 5. Subdivision (q) of section 121-1500 of the partnership law, as
8 separately amended by chapters 420 and 676 of the laws of 2002, is
9 amended to read as follows:

10 (q) Each partner of a registered limited liability partnership formed
11 to provide medical services in this state must be licensed pursuant to
12 article 131 of the education law to practice medicine in this state and
13 each partner of a registered limited liability partnership formed to
14 provide dental services in this state must be licensed pursuant to arti-
15 cle 133 of the education law to practice dentistry in this state. Each
16 partner of a registered limited liability partnership formed to provide
17 veterinary services in this state must be licensed pursuant to article
18 135 of the education law to practice veterinary medicine in this state.
19 Each partner of a registered limited liability partnership formed to
20 provide professional engineering, land surveying, architectural and/or
21 landscape architectural services in this state must be licensed pursuant
22 to article 145, article 147 and/or article 148 of the education law to
23 practice one or more of such professions in this state. Each partner of
24 a registered limited liability partnership formed to provide licensed
25 clinical social work services in this state must be licensed pursuant to
26 article 154 of the education law to practice clinical social work in
27 this state. Each partner of a registered limited liability partnership
28 formed to provide creative arts therapy services in this state must be
29 licensed pursuant to article 163 of the education law to practice crea-
30 tive arts therapy in this state. Each partner of a registered limited
31 liability partnership formed to provide marriage and family therapy
32 services in this state must be licensed pursuant to article 163 of the
33 education law to practice marriage and family therapy in this state.
34 Each partner of a registered limited liability partnership formed to
35 provide mental health counseling services in this state must be licensed
36 pursuant to article 163 of the education law to practice mental health
37 counseling in this state. Each partner of a registered limited liability
38 partnership formed to provide psychoanalysis services in this state must
39 be licensed pursuant to article 163 of the education law to practice
40 psychoanalysis in this state. EACH PARTNER OF A REGISTERED LIMITED
41 LIABILITY PARTNERSHIP FORMED TO PROVIDE INTEGRATED, MULTIDISCIPLINARY
42 MEDICAL AND CHIROPRACTIC SERVICES, AS SUCH SERVICES ARE RESPECTIVELY
43 DEFINED UNDER ARTICLE 131 AND ARTICLE 132 OF THE EDUCATION LAW, (I) MUST
44 BE LICENSED PURSUANT TO ARTICLE 131 OR ARTICLE 132 OF THE EDUCATION LAW
45 TO PRACTICE HIS OR HER PROFESSION IN THIS STATE, (II) SHALL ONLY PRAC-
46 TICE HIS OR HER PROFESSION AS SPECIFIED IN HIS OR HER RESPECTIVE PROFES-
47 SIONAL ENABLING STATUTE UNDER ARTICLE 131 OR ARTICLE 132 OF THE EDUCA-
48 TION LAW, AND (III) THE CLINICAL INTEGRATION OF PROFESSIONAL PRACTICES
49 WITHIN AN INTEGRATED, MULTI-DISCIPLINARY ENTITY ORGANIZED UNDER THIS
50 SECTION DOES NOT ALTER, EXPAND OR CURTAIL THE SCOPE OF PRACTICE OF ANY
51 OF THE INDIVIDUALS LICENSED UNDER THE STATUTE OF HIS OR HER RESPECTIVE
52 PROFESSIONAL ENABLING LAW, PROVIDED THAT: (A) THE CLINICAL JUDGMENT,
53 MANAGEMENT AND CLINICAL DECISION-MAKING OF ONE OR MORE ARTICLE 131
54 PROVIDERS IN AN INTEGRATED, MULTIDISCIPLINARY PROFESSIONAL SERVICE
55 LIMITED LIABILITY COMPANY SHALL BE CONTROLLING, (B) MEMBERS LICENSED
56 UNDER ARTICLE 132 OF THE EDUCATION LAW, SHALL NOT, DIRECTLY OR INDIRECT-

1 LY, INTERFERE WITH THE CLINICAL JUDGMENT OR LEGITIMATE CLINICAL PRACTICE
2 OF A PROFESSIONAL LICENSED UNDER ARTICLE 131, AND (C) INDIVIDUALS
3 LICENSED UNDER ARTICLE 131 MAY NOT ORDER OR DIRECT A PROFESSIONAL
4 LICENSED UNDER ARTICLE 132 OF THE EDUCATION LAW TO PRACTICE BEYOND THE
5 SCOPE OF HIS OR HER LICENSE UNDER ARTICLE 132 OF THE EDUCATION LAW, EVEN
6 IF SUPERVISED DIRECTLY OR INDIRECTLY BY A PROFESSIONAL LICENSED UNDER
7 ARTICLE 131.

8 S 6. Subdivision (q) of section 121-1502 of the partnership law, as
9 amended by chapter 230 of the laws of 2004, is amended to read as
10 follows:

11 (q) Each partner of a foreign limited liability partnership which
12 provides medical services in this state must be licensed pursuant to
13 article 131 of the education law to practice medicine in the state and
14 each partner of a foreign limited liability partnership which provides
15 dental services in the state must be licensed pursuant to article 133 of
16 the education law to practice dentistry in this state. Each partner of a
17 foreign limited liability partnership which provides veterinary service
18 in the state shall be licensed pursuant to article 135 of the education
19 law to practice veterinary medicine in this state. Each partner of a
20 foreign limited liability partnership which provides professional engi-
21 neering, land surveying, architectural and/or landscape architectural
22 services in this state must be licensed pursuant to article 145, article
23 147 and/or article 148 of the education law to practice one or more of
24 such professions. Each partner of a foreign limited liability partner-
25 ship which provides licensed clinical social work services in this state
26 must be licensed pursuant to article 154 of the education law to prac-
27 tice licensed clinical social work in this state. Each partner of a
28 foreign limited liability partnership which provides creative arts ther-
29 apy services in this state must be licensed pursuant to article 163 of
30 the education law to practice creative arts therapy in this state. Each
31 partner of a foreign limited liability partnership which provides
32 marriage and family therapy services in this state must be licensed
33 pursuant to article 163 of the education law to practice marriage and
34 family therapy in this state. Each partner of a foreign limited liabil-
35 ity partnership which provides mental health counseling services in this
36 state must be licensed pursuant to article 163 of the education law to
37 practice mental health counseling in this state. Each partner of a
38 foreign limited liability partnership which provides psychoanalysis
39 services in this state must be licensed pursuant to article 163 of the
40 education law to practice psychoanalysis in this state. EACH PARTNER OF
41 A FOREIGN LIMITED LIABILITY PARTNERSHIP FORMED TO PROVIDE INTEGRATED,
42 MULTIDISCIPLINARY MEDICAL AND CHIROPRACTIC SERVICES, AS SUCH SERVICES
43 ARE DEFINED UNDER ARTICLE 131 OR ARTICLE 132 OF THE EDUCATION LAW, (I)
44 MUST BE LICENSED PURSUANT TO ARTICLE 131 OR ARTICLE 132 OF THE EDUCATION
45 LAW TO PRACTICE HIS OR HER PROFESSION IN THIS STATE, (II) SHALL ONLY
46 PRACTICE HIS OR HER PROFESSION AS SPECIFIED IN HIS OR HER RESPECTIVE
47 PROFESSIONAL ENABLING STATUTE UNDER ARTICLE 131 OR ARTICLE 132 OF THE
48 EDUCATION LAW, AND (III) THE CLINICAL INTEGRATION OF PROFESSIONAL PRAC-
49 TICES WITHIN AN INTEGRATED, MULTIDISCIPLINARY ENTITY ORGANIZED UNDER
50 THIS SECTION DOES NOT ALTER, EXPAND OR CURTAIL THE SCOPE OF PRACTICE OF
51 ANY OF THE INDIVIDUALS LICENSED UNDER THE STATUTE OF HIS OR HER RESPEC-
52 TIVE PROFESSIONAL ENABLING LAW, PROVIDED THAT: (A) THE CLINICAL JUDG-
53 MENT, MANAGEMENT AND CLINICAL DECISION-MAKING OF ONE OR MORE ARTICLE 131
54 PROVIDERS IN AN INTEGRATED, MULTIDISCIPLINARY PROFESSIONAL SERVICE
55 LIMITED LIABILITY COMPANY SHALL BE CONTROLLING, (B) MEMBERS NOT LICENSED
56 UNDER ARTICLE 131 OF THE EDUCATION LAW, SHALL NOT, DIRECTLY OR INDIRECT-

1 LY, INTERFERE WITH THE CLINICAL JUDGMENT OR LEGITIMATE CLINICAL PRACTICE
2 OF A PROFESSIONAL LICENSED UNDER ARTICLE 131, AND (C) INDIVIDUALS
3 LICENSED UNDER ARTICLE 131 MAY NOT ORDER OR DIRECT A PROFESSIONAL
4 LICENSED UNDER ARTICLE 132 OF THE EDUCATION LAW TO PRACTICE BEYOND THE
5 SCOPE OF HIS OR HER LICENSE UNDER ARTICLE 132 OF THE EDUCATION LAW, EVEN
6 IF SUPERVISED DIRECTLY OR INDIRECTLY BY A PROFESSIONAL LICENSED UNDER
7 ARTICLE 131.

8 S 7. Subdivision 1 of section 2801 of the public health law, as sepa-
9 rately amended by chapters 297 and 416 of the laws of 1983, is amended
10 to read as follows:

11 1. "Hospital" means a facility or institution engaged principally in
12 providing services by or under the supervision of a physician or, in the
13 case of a dental clinic or dental dispensary, of a dentist, for the
14 prevention, diagnosis or treatment of human disease, pain, injury,
15 deformity or physical condition, including, but not limited to, a gener-
16 al hospital, public health center, diagnostic center, treatment center,
17 dental clinic, dental dispensary, rehabilitation center other than a
18 facility used solely for vocational rehabilitation, nursing home, tuber-
19 culosis hospital, chronic disease hospital, maternity hospital, lying-
20 in-asylum, out-patient department, out-patient lodge, dispensary and a
21 laboratory or central service facility serving one or more such insti-
22 tutions, but the term hospital shall not include an institution, sani-
23 tarium or other facility engaged principally in providing services for
24 the prevention, diagnosis or treatment of mental disability and which is
25 subject to the powers of visitation, examination, inspection and inves-
26 tigation of the department of mental hygiene except for those distinct
27 parts of such a facility which provide hospital service. The provisions
28 of this article shall not apply to a facility or institution engaged
29 principally in providing services by or under the supervision of the
30 bona fide members and adherents of a recognized religious organization
31 whose teachings include reliance on spiritual means through prayer alone
32 for healing in the practice of the religion of such organization and
33 where services are provided in accordance with those teachings OR TO A
34 BUSINESS CORPORATION, LIMITED LIABILITY CORPORATION OR PARTNERSHIP
35 BETWEEN A MEDICAL DOCTOR AND A DULY LICENSED TITLE VIII HEALTHCARE
36 PROFESSIONAL.

37 S 8. Subdivision 19 of section 6530 of the education law, as added by
38 chapter 606 of the laws of 1991, is amended to read as follows:

39 19. Permitting any person to share in the fees for professional
40 services, other than: a partner, employee, associate in a professional
41 firm or corporation, professional subcontractor or consultant authorized
42 to practice medicine, or a legally authorized trainee practicing under
43 the supervision of a licensee OR A CHIROPRACTOR PROVIDING PROFESSIONAL
44 SERVICES IN THE SAME PRACTICE. This prohibition shall include any
45 arrangement or agreement whereby the amount received in payment for
46 furnishing space, facilities, equipment or personnel services used by a
47 licensee constitutes a percentage of, or is otherwise dependent upon,
48 the income or receipts of the licensee from such practice, except as
49 otherwise provided by law with respect to a facility licensed pursuant
50 to article twenty-eight of the public health law or article thirteen of
51 the mental hygiene law;

52 S 9. This act shall take effect immediately.