

4828--A

2013-2014 Regular Sessions

I N   S E N A T E

April 25, 2013

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Introduced by Sens. LAVALLE, ADDABBO, HASSELL-THOMPSON, LANZA, LARKIN, MAZIARZ, SEWARD -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

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

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

14                                                             ARTICLE 132-A

15                                                             NATUROPATHS

16    SECTION 6575. INTRODUCTION.

17                    6576. DEFINITIONS.

18                    6577. DEFINITION OF THE PRACTICE OF NATUROPATHY.

19                    6578. TITLE AND DESIGNATION.

20                    6579. QUALIFICATIONS FOR LICENSURE.

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

LBD00060-03-3

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. 1. THE PRACTICE OF THE PROFESSION OF NATUROPATHIC MEDICINE IS DEFINED AS THE PREVENTION, ASSESSMENT AND MANAGEMENT OF INJURIES, DISEASES AND CONDITIONS OF THE HUMAN BODY THROUGH THE USE OF EDUCATION, NUTRITION, NATUROPATHIC THERAPIES, NATURAL MEDICINES, AND NATUROPATHIC PHYSICAL MEDICINE THAT ARE DESIGNED TO SUPPORT AND/OR RESTORE AND/OR STIMULATE THE HUMAN BODY'S OWN NATURAL SELF-HEALING PROCESSES, AS WELL AS PRIMARY PREVENTIVE HEALTH CARE, AND SHALL INCLUDE EVALUATION AND REFERRAL AS NECESSARY. A LICENSED NATUROPATHIC DOCTOR SHALL HAVE THE AUTHORITY, AS NECESSARY, AND LIMITED TO THE PRACTICE OF NATUROPATHIC MEDICINE, TO ORDER LABORATORY TESTS AND IMAGING, AS ESTABLISHED BY THE BOARD IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS.

2. DOCTORS OF NATUROPATHIC MEDICINE SHALL BE AUTHORIZED TO PRESCRIBE, ADMINISTER, DISPENSE OR USE FOR PREVENTATIVE AND THERAPEUTIC PURPOSES THE FOLLOWING NATURAL MEDICINES AND THERAPIES: FOOD, FOOD EXTRACTS, VITAMINS, MINERALS, ENZYMES, DIGESTIVE AIDS, DESICCATED THYROID EXTRACT, PLANT SUBSTANCES, ALL HOMEOPATHIC PREPARATIONS, TOPICAL PREPARATIONS, COUNSELING AND EDUCATION ON LIFESTYLE CHANGES, DIETARY THERAPY, NATUROPATHIC PHYSICAL MEDICINE, NON-INVASIVE THERAPEUTIC DEVICES, AND BARRIER DEVICES FOR CONTRACEPTION.

3. NATUROPATHIC PHYSICAL MEDICINE CONSISTS OF NATUROPATHIC MANUAL THERAPY, THE THERAPEUTIC USE OF PHYSICAL AGENTS OF AIR, WATER, HEAT, COLD, SOUND, LIGHT, TOUCH, AND THE PHYSICAL MODALITIES OF MUSCLE STIMULATION, HYDROTHERAPY, ULTRASOUND, AND EXERCISE.

4. EACH NATUROPATHIC DOCTOR LICENSED PURSUANT TO THIS ARTICLE, SHALL ADVISE EACH PATIENT AS TO THE IMPORTANCE OF CONSULTING WITH A LICENSED PHYSICIAN REGARDING THE PATIENT'S CONDITION AND SHALL KEEP ON FILE WITH THE PATIENT'S RECORDS, A FORM ATTESTING TO THE PATIENT'S NOTICE OF SUCH ADVICE. SUCH FORM SHALL BE IN DUPLICATE, ONE COPY TO BE RETAINED BY THE PATIENT, SIGNED AND DATED BY BOTH THE NATUROPATHIC DOCTOR AND THE PATIENT AND SHALL BE PRESCRIBED IN THE FOLLOWING MANNER: "WE, THE UNDERSIGNED, DO AFFIRM THAT (THE PATIENT) HAS BEEN ADVISED BY, (A LICENSED NATUROPATHIC DOCTOR), TO CONSULT A PHYSICIAN REGARDING THE CONDITION OR CONDITIONS FOR WHICH SUCH PATIENT SEEKS NATUROPATHIC CARE."

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.

1 S 6579. QUALIFICATIONS FOR LICENSURE. TO QUALIFY FOR A LICENSE TO  
2 PRACTICE NATUROPATHY, AN APPLICANT SHALL FULFILL THE FOLLOWING REQUIRE-  
3 MENTS:

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

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

11 3. EXPERIENCE. AS OF THE YEAR TWO THOUSAND SIXTEEN, HAVE SATISFACTORI-  
12 LY COMPLETED AN APPROVED CLINICAL POST-GRADUATE RESIDENCY TRAINING, OF  
13 NOT LESS THAN TWELVE MONTHS DURATION, UNDER THE SUPERVISION OF A  
14 LICENSED NATUROPATHIC DOCTOR WITH A MINIMUM OF TWO YEARS OF PROFESSIONAL  
15 CLINICAL ACTIVITY AND IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;

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

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

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

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

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

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

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

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

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

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

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

14 1. PRESCRIBING OR ADMINISTERING LEGEND DRUGS, PRESCRIPTION DRUGS OR  
15 CONTROLLED SUBSTANCES; AND

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

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

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

32 5. PROVIDING OBSTETRICAL SERVICES; AND

33 6. PROVIDING PSYCHOTHERAPY SERVICES; AND

34 7. SETTING FRACTURES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



1 company shall be licensed pursuant to article 135 of the education law  
2 to practice veterinary medicine. With respect to a foreign professional  
3 service limited liability company which provides medical services as  
4 such services are defined in article 131 of the education law, each  
5 member of such foreign professional service limited liability company  
6 must be licensed pursuant to article 131 of the education law to prac-  
7 tice medicine in this state. With respect to a foreign professional  
8 service limited liability company which provides dental services as such  
9 services are defined in article 133 of the education law, each member of  
10 such foreign professional service limited liability company must be  
11 licensed pursuant to article 133 of the education law to practice  
12 dentistry in this state. With respect to a foreign professional service  
13 limited liability company which provides professional engineering, land  
14 surveying, architectural and/or landscape architectural services as such  
15 services are defined in article 145, article 147 and article 148 of the  
16 education law, each member of such foreign professional service limited  
17 liability company must be licensed pursuant to article 145, article 147  
18 and/or article 148 of the education law to practice one or more of such  
19 professions in this state. With respect to a foreign professional  
20 service limited liability company which provides licensed clinical  
21 social work services as such services are defined in article 154 of the  
22 education law, each member of such foreign professional service limited  
23 liability company shall be licensed pursuant to article 154 of the  
24 education law to practice clinical social work in this state. With  
25 respect to a foreign professional service limited liability company  
26 which provides creative arts therapy services as such services are  
27 defined in article 163 of the education law, each member of such foreign  
28 professional service limited liability company must be licensed pursuant  
29 to article 163 of the education law to practice creative arts therapy in  
30 this state. With respect to a foreign professional service limited  
31 liability company which provides marriage and family therapy services as  
32 such services are defined in article 163 of the education law, each  
33 member of such foreign professional service limited liability company  
34 must be licensed pursuant to article 163 of the education law to prac-  
35 tice marriage and family therapy in this state. With respect to a  
36 foreign professional service limited liability company which provides  
37 mental health counseling services as such services are defined in arti-  
38 cle 163 of the education law, each member of such foreign professional  
39 service limited liability company must be licensed pursuant to article  
40 163 of the education law to practice mental health counseling in this  
41 state. With respect to a foreign professional service limited liability  
42 company which provides psychoanalysis services as such services are  
43 defined in article 163 of the education law, each member of such foreign  
44 professional service limited liability company must be licensed pursuant  
45 to article 163 of the education law to practice psychoanalysis in this  
46 state.

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

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

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

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

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

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

8 S 8. Paragraph (a) of subdivision 1 of section 413 of the social  
9 services law, as amended by section 3 of part D of chapter 501 of the  
10 laws of 2012, is amended to read as follows:

11 (a) The following persons and officials are required to report or  
12 cause a report to be made in accordance with this title when they have  
13 reasonable cause to suspect that a child coming before them in their  
14 professional or official capacity is an abused or maltreated child, or  
15 when they have reasonable cause to suspect that a child is an abused or  
16 maltreated child where the parent, guardian, custodian or other person  
17 legally responsible for such child comes before them in their profes-  
18 sional or official capacity and states from personal knowledge facts,  
19 conditions or circumstances which, if correct, would render the child an  
20 abused or maltreated child: any physician; registered physician assist-  
21 ant; surgeon; medical examiner; coroner; dentist; dental hygienist;  
22 osteopath; optometrist; chiropractor; podiatrist; LICENSED NATUROPATH;  
23 resident; intern; psychologist; registered nurse; social worker; emer-  
24 gency medical technician; licensed creative arts therapist; licensed  
25 marriage and family therapist; licensed mental health counselor;  
26 licensed psychoanalyst; hospital personnel engaged in the admission,  
27 examination, care or treatment of persons; a Christian Science practi-  
28 tioner; school official, which includes but is not limited to school  
29 teacher, school guidance counselor, school psychologist, school social  
30 worker, school nurse, school administrator or other school personnel  
31 required to hold a teaching or administrative license or certificate;  
32 social services worker; director of a children's overnight camp, summer  
33 day camp or traveling summer day camp, as such camps are defined in  
34 section thirteen hundred ninety-two of the public health law; day care  
35 center worker; school-age child care worker; provider of family or group  
36 family day care; or any other child care or foster care worker; mental  
37 health professional; substance abuse counselor; alcoholism counselor;  
38 all 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 if section 3 of  
44 part D of chapter 501 of the laws of 2012 shall not have taken effect on  
45 or before such date then section eight of this act shall take effect on  
46 the same date and in the same manner as section 3 of part D of chapter  
47 501 of the laws of 2012 takes effect; provided further that effective  
48 immediately, the addition, amendment and/or repeal of any rule or regu-  
49 lation necessary for the implementation of this act on its effective  
50 date is authorized and directed to be made and completed by the commis-  
51 sioner of education and the board of regents on or before such effective  
52 date.