

10128

I N A S S E M B L Y

May 12, 2016

Introduced by M. of A. ORTIZ -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, the limited liability company law, the partnership law and the public health law, in relation to the practice of naturopathy; to amend the social services law, in relation to the reporting of child abuse; and providing for the repeal of certain provisions upon expiration thereof

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

1 Section 1. Legislative intent. 1. The legislature recognizes that in
2 spite of advances in science and technology that have resulted in the
3 American healthcare system excelling at triage and in responding to
4 acute emergent conditions, there is an epidemic of chronic disease and
5 an unacceptable degree of iatrogenic disease in America. The legislature
6 recognizes that the economics of healthcare and the pursuit of scientific
7 advancement have led to an occupational preference among physicians
8 for specialization, resulting in a shortage of primary care physicians.
9 The legislature finds that licensure of the profession of naturopathic
10 medicine favorably addresses such problems, and agrees with U.S. Senate
11 Resolution 221 of the 113th Congress in finding that naturopathic
12 doctors are skilled in preventing and treating chronic disease; that
13 naturopathic medicine is a safe, effective, and affordable means of
14 health care; and that licensure of naturopathic doctors helps address
15 the shortage of primary care physicians in the United States, while also
16 providing people with more choice in health care.

17 2. The legislature recognizes that naturopathic medicine, although
18 encompassing primary and secondary care services, including many of the
19 same diagnostic tools and assessment techniques as the medical profes-
20 sion, and having certain Hippocratic principles in common with the
21 medical profession, is not part of the profession of medicine as contem-
22 plated by article 131 of the education law, and intends that naturopath-
23 ic medicine be a distinct profession with its own state board.

24 3. The legislature recognizes that naturopathic medicine is a modern,
25 evolved form of naturopathy that is practiced by naturopathic doctors;

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

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1 that the early form, today sometimes called traditional naturopathy, is
2 characterized by its vitalistic philosophy, and by its foundation of
3 hygiene and nature cure (i.e., the use of natural agents such as air,
4 light, water, food, and herbs to stimulate the body's own natural heal-
5 ing powers); and that such early form is practiced in some states by
6 traditional naturopaths without licensure, by lay persons in their own
7 self care, and to some extent in health spas. This bill is not intended
8 to change the legality or illegality of activities relating to such
9 hygiene and nature cure; nor to limit the scope of naturopathic medicine
10 to such traditional naturopathy.

11 4. The legislature recognizes that the naturopathic doctor has a
12 primary mission of facilitating optimum health and wellness for patients
13 of any age; relies on the scientific method in implementing vitalistic,
14 functional, and evidence-based strategies for assessing and treating
15 patients; and works with patients of good or ill health having acute and
16 chronic conditions, including serious medical conditions.

17 5. The legislature intends that the authorized activities within the
18 scope of practice of a naturopathic doctor are those activities within
19 the meanings of naturopathic assessment, common office procedures, phys-
20 ical naturopathy, approved substances, approved routes of adminis-
21 tration, and noninvasive naturopathic therapies, as per sections sixty-
22 eight hundred fifty and sixty-eight hundred fifty-one of article 138 of
23 the education law as proposed in this act. For naturopathic doctors
24 having the injection therapy privilege the authorized activities further
25 include injection therapy, as per section sixty-eight hundred fifty-four
26 of article 138 of the education law, as proposed in this act. The scope
27 of such practice activities however are limited by section sixty-eight
28 hundred fifty-five of article 138 of the education law, as proposed in
29 this act, which provides boundaries of professional competence. The
30 legislature provides a list of broad clinical objectives included within
31 the meaning of "facilitating optimum health and wellness," as defined in
32 section sixty-eight hundred fifty-one of article 138 of the education
33 law as proposed in this act, which list, while relevant to professional
34 conduct, is not intended to expand upon the authorized activities. The
35 legislature intends that invasive procedures other than diagnostic imag-
36 ing be impermissible, and that the definitions of the terms "invasive
37 procedures" and "noninvasive" be construed independent of each other.

38 6. The legislature intends that the education qualification for natu-
39 ropathic medicine emphasizes the basic sciences and clinical sciences,
40 such as has been established by the Council on Naturopathic Medical
41 Education (CNME) and the Association of Accredited Naturopathic Medical
42 Colleges (AANMC), and so distinguish over traditional naturopathy.

43 7. The legislature intends that the education qualification for natu-
44 ropathic medicine insofar as including a substantial equivalent of a
45 program of naturopathic medicine registered with the department require
46 that such substantial equivalent, among other factors determined by the
47 department, also require that the substantial equivalent emphasize the
48 naturopathic principles and the therapeutic order in clinical training,
49 such as in programs accredited by the Council on Naturopathic Medical
50 Education (CNME) or in the naturopathic medical programs offered by the
51 Association of Accredited Naturopathic Medical Colleges (AANMC), and so
52 distinguish over a doctoral degree in medicine or osteopathy.

53 8. The legislature intends that the professional conduct of the natu-
54 ropathic doctor be informed by the naturopathic principles and the ther-
55 apeutic order, and so distinguish over professional conduct for the
56 practice of the profession of medicine.

1 9. The legislature recognizes that in the practice of naturopathic
2 medicine the healing power of nature principle is viewed as being an
3 inherent property in a living organism to heal itself, and is an
4 acknowledgment that synergy results from the coordination of the many
5 chemical and physical reactions of the living system through varied and
6 circuitous feedback pathways making the whole function as more than the
7 sum of its parts. The number of reactions and the resulting complexity
8 and synergy is viewed in the profession of naturopathic medicine as
9 being why treatment of a given physiological process may result in
10 unforeseen nonlocal consequences, including iatrogenic disease; and is
11 why naturopathic doctors investigate and treat the patient as a whole
12 living system, find and remove the cause, and prefer less invasive ther-
13 apies and substances with fewer side effects. It also is why the naturo-
14 pathic doctor prefers to intervene early to prevent occurrence of
15 disease.

16 10. The legislature intends that licensed naturopathic doctors, while
17 being permitted to practice in solo and among other naturopathic
18 doctors, also be permitted to practice naturopathic medicine in many of
19 the current patient care venue types in the healthcare system; that
20 there be referral among naturopathic doctors, physicians, and other
21 health care providers as based on the interests of the patient; and that
22 integrative care settings and the advancement of public health and safe-
23 ty be realized through collaboration among naturopathic doctors, physi-
24 cians, and other health care providers.

25 11. Naturopathic doctors add to the health care system by bringing
26 their naturopathic approach to patient care; and by bringing their
27 expertise on the determinants of health, diet and nutrient therapy,
28 phytotherapy, therapeutic use of physical agents, and drug/herb
29 drug/nutrient interactions. Therefore, to improve the public health,
30 safety and welfare of its citizens, the legislature finds it is desira-
31 ble to regulate the profession of naturopathic medicine, and intends
32 that admission to practice and regulation of such practice, including
33 professional conduct, shall be supervised by the board of regents and
34 administered by the state education department, assisted by a state
35 board of naturopathic medicine.

36 S 2. The education law is amended by adding a new article 138 to read
37 as follows:

38 ARTICLE 138
39 NATUROPATHIC MEDICINE

40 SECTION 6850. INTRODUCTION.
41 6851. DEFINITIONS.
42 6852. DEFINITION OF THE PRACTICE OF NATUROPATHIC MEDICINE.
43 6853. TITLE AND DESIGNATION.
44 6854. INJECTION THERAPY AND INJECTION THERAPY PRIVILEGE.
45 6855. BOUNDARIES OF PROFESSIONAL COMPETENCE.
46 6856. STATE BOARD FOR NATUROPATHIC MEDICINE.
47 6857. QUALIFICATIONS FOR LICENSURE.
48 6858. SPECIAL CONDITIONS.
49 6859. EXEMPT PERSONS AND EXEMPTIONS.
50 6860. LIMITED RESIDENCY PERMITS.
51 6861. LIMITED PERMITS.
52 6862. MANDATORY CONTINUING EDUCATION.

53 S 6850. INTRODUCTION. THIS ARTICLE APPLIES TO THE LICENSURE AND REGU-
54 LATION OF NATUROPATHIC DOCTORS TO PRACTICE NATUROPATHIC MEDICINE IN THIS
55 STATE. THE GENERAL PROVISIONS FOR ALL PROFESSIONS CONTAINED IN ARTICLE
56 ONE HUNDRED THIRTY, AS ADDED BY CHAPTER NINE HUNDRED EIGHTY-SEVEN OF THE

1 LAWS OF NINETEEN HUNDRED SEVENTY-ONE, OF THIS TITLE APPLY TO THIS ARTI-
2 CLE.

3 S 6851. DEFINITIONS. FOR THE PURPOSES OF THIS ARTICLE:

4 1. "APPROVED CLIA WAIVED TESTS" MEAN LABORATORY TESTS CATEGORIZED
5 UNDER THE FEDERAL CLINICAL LABORATORY IMPROVEMENT ACT (CLIA) OF 1988 AS
6 BEING WAIVED TESTS, AND WHICH ARE IDENTIFIED BY THE DEPARTMENT UPON THE
7 RECOMMENDATION OF THE BOARD, AND UPDATED AS NEEDED OR UPON TRIENNIAL
8 REVIEW, AS BEING APPROPRIATE IN THE PRACTICE OF NATUROPATHIC MEDICINE.

9 2. "APPROVED ROUTES OF ADMINISTRATION" MEANS ORAL, SUBLINGUAL, NASAL,
10 AURICULAR, OCULAR, RECTAL, VAGINAL, AND TRANSDERMAL. FOR NATUROPATHIC
11 DOCTORS HAVING INJECTION THERAPY PRIVILEGE UNDER SECTION SIXTY-EIGHT
12 HUNDRED FIFTY-FOUR OF THIS ARTICLE, "APPROVED ROUTES OF ADMINISTRATION"
13 FURTHER INCLUDE INJECTION ROUTES, NAMELY, INTRAVENOUS, INTRAMUSCULAR,
14 SUBCUTANEOUS, AND INTRADERMAL.

15 3. "APPROVED SUBSTANCES" MEANS OVER-THE-COUNTER SUBSTANCES; FOOD
16 CONCENTRATES, FOOD EXTRACTS, AND OTHER DIETARY INGREDIENTS; VITAMINS,
17 MINERALS, AND OTHER DIETARY SUPPLEMENTS; BOTANICAL AND HOMEOPATHIC PREP-
18 ARATIONS; AND A LIMITED FORMULARY OF LEGEND DRUGS. THE LIMITED FORMULARY
19 OF LEGEND DRUGS INCLUDES THYROID HORMONES, ESTROGEN HORMONES, PROGESTER-
20 ONE HORMONE, DHEA, AND HOMEOPATHIC PREPARATIONS OF HOMEOPATHIC DRUGS
21 LISTED IN THE OFFICIAL HOMEOPATHIC PHARMACOPOEIA OF THE UNITED STATES.
22 FOR NATUROPATHIC DOCTORS HAVING INJECTION THERAPY PRIVILEGE UNDER
23 SECTION SIXTY-EIGHT HUNDRED FIFTY-FOUR OF THIS ARTICLE, THE LIMITED
24 FORMULARY FURTHER INCLUDES IMMUNIZATIONS AND INJECTABLE FORMS OF THE
25 APPROVED SUBSTANCES. LEGEND DRUGS IN THE LIMITED FORMULARY MAY BE ADMIN-
26 ISTERED AND PRESCRIBED, AND THE OTHER APPROVED SUBSTANCES AND HOMEOPATH-
27 IC PREPARATIONS MAY BE ADMINISTERED, PRESCRIBED, AND DISPENSED.

28 4. "BOARD" MEANS THE STATE BOARD FOR NATUROPATHIC MEDICINE.

29 5. "COMMON OFFICE PROCEDURES" MEANS ADMINISTERING APPROVED CLIA WAIVED
30 TESTS; ADMINISTERING ULTRASONOGRAPHIC AND THERMOGRAPHIC IMAGING;
31 PRESCRIBING, INSTALLING, REMOVING, AND ADJUSTING BARRIER CONTRACEPTIVE
32 DEVICES; PROCEDURES FOR TREATING SUPERFICIAL LACERATIONS AND ABRASIONS
33 AND FOR THE REMOVAL OF FOREIGN BODIES LOCATED IN SUPERFICIAL STRUCTURES
34 NOT TO INCLUDE THE EYE, EXCLUDING BY INCISION AND SUTURING; ADMINISTER-
35 ING CRYOTHERAPY, LIGATION, AND FULGURATION; ADMINISTERING APPROVED
36 SUBSTANCES VIA APPROVED ROUTES OF ADMINISTRATION; PROCEDURES FOR OBTAIN-
37 ING SAMPLES OF BODILY FLUIDS, BODILY EXCRETIONS, BODILY SECRETIONS, AND
38 BODILY TISSUES; AND OTHER PROCEDURES FOR ASSESSMENT OR THERAPY THAT ARE
39 NONINVASIVE. COMMON OFFICE PROCEDURES FOR OBTAINING SAMPLES ARE LIMITED
40 TO: VENIPUNCTURE AND PHLEBOTOMY, PAP SMEAR, SCRAPING, AND FOR HAIR
41 CUTTING.

42 6. "CONTROLLED SUBSTANCE" MEANS CONTROLLED SUBSTANCES AS DEFINED IN
43 THE FEDERAL CONTROLLED SUBSTANCES ACT.

44 7. "DIAGNOSTIC IMAGING" MEANS RADIOGRAPHY, TOMOGRAPHY, MAGNETIC RESO-
45 NANCE IMAGING, ULTRASONOGRAPHY, AND THERMOGRAPHY, AND EXCLUDES NUCLEAR
46 MEDICINE, FLUOROSCOPY, AND RADIOLOGICAL PROCEDURES FOR TREATING A
47 MEDICAL CONDITION.

48 8. "DIETARY INGREDIENT" MEANS A DIETARY INGREDIENT AS DEFINED IN THE
49 FEDERAL DIETARY SUPPLEMENT HEALTH AND EDUCATION ACT OF 1994 (DSHEA).

50 9. "DIETARY SUPPLEMENT" MEANS A DIETARY SUPPLEMENT AS DEFINED IN THE
51 FEDERAL DIETARY SUPPLEMENT HEALTH AND EDUCATION ACT OF 1994 (DSHEA).

52 10. "DRUG" MEANS A DRUG AS DEFINED IN THE FEDERAL FOOD, DRUG, AND
53 COSMETIC ACT, 21 USC 321.

54 11. "FACILITATING OPTIMUM HEALTH AND WELLNESS" MEANS FACILITATING THE
55 ESTABLISHMENT AND MAINTENANCE OF A HEALTHY PATIENT LIFESTYLE AND NUTRI-
56 TIONAL FOUNDATION; EDUCATING THE PATIENT ABOUT THEIR CIRCUMSTANCES OF

1 HEALTH AND ILLNESS AND STEPS FOR ESTABLISHING AND MAINTAINING OPTIMUM
2 HEALTH AND WELLNESS; FACILITATING AND AUGMENTING SELF-HEALING PROCESSES;
3 SUPPORTING AND MODULATING PHYSIOLOGICAL PROCESSES; SUPPORTING AND
4 CORRECTING INTEGRITY OF ANATOMICAL STRUCTURES; IDENTIFYING AND REMOVING
5 UNDERLYING CAUSES OF ILLNESS; AND IDENTIFYING, PREVENTING, MITIGATING,
6 MONITORING, AND TREATING ILLNESS.

7 12. "FOOD" MEANS FOOD AS DEFINED IN THE FEDERAL FOOD, DRUG, AND
8 COSMETIC ACT, 21 USC 321.

9 13. "ILLNESS" MEANS PAIN, INJURY, DEFORMITY, SYNDROME, DISEASE, OR
10 OTHER UNHEALTHY CONDITION.

11 14. "INVASIVE PROCEDURE" MEANS ANY MEDICAL PROCEDURE IN WHICH BONE,
12 VISCERA, THE EYEBALL, THE INNER EAR, THE DORSAL BODY CAVITY, OR THE
13 VENTRAL BODY CAVITY IS PENETRATED BY A PHYSICAL DEVICE OR BY IONIZING
14 RADIATION ABOVE BACKGROUND LEVELS.

15 15. "INJECTION THERAPY" MEANS THE INJECTION OF APPROVED SUBSTANCES.

16 16. "INJECTION THERAPY PRIVILEGE" MEANS THE SCOPE OF PRACTICE PRIVI-
17 LEGE TO PRACTICE INJECTION THERAPY, IN ACCORDANCE WITH REGULATIONS
18 PROMULGATED BY THE COMMISSIONER.

19 17. "LEGEND DRUG" MEANS A DRUG FOR WHICH A PRESCRIPTION IS REQUIRED
20 UNDER THE FEDERAL FOOD, DRUG AND COSMETIC ACT.

21 18. "NATUROPATHIC ASSESSMENT" MEANS THE IDENTIFICATION AND EVALUATION
22 OF A PATIENT'S CIRCUMSTANCES OF HEALTH AND ILLNESS BY INVESTIGATING THE
23 PATIENT'S HEALTH, HISTORY, LIFE STYLE, AND DETERMINANTS OF HEALTH; BY
24 COMPREHENSIVE PHYSICAL EXAMINATION; BY COMMON OFFICE PROCEDURES FOR
25 ASSESSMENT; BY ORDERING AND PRESCRIBING LABORATORY TESTS AND PROCEDURES,
26 INCLUDING SUBMITTING SPECIMENS FOR TESTING TO LABORATORIES THAT HOLD
27 PERMITS OR LICENSES PURSUANT TO UNDER TITLE V OF ARTICLE FIVE OF THE
28 PUBLIC HEALTH LAW; BY ORDERING AND PRESCRIBING DIAGNOSTIC IMAGING; AND
29 BY OTHER ASSESSMENT TECHNIQUES THAT ARE NONINVASIVE. SPECIMENS FOR
30 TESTING MAY BE OBTAINED BY COMMON OFFICE PROCEDURES AS DESCRIBED IN
31 SUBDIVISION FIVE OF THIS SECTION OR BY PATIENT SUBMISSION (E.G., FOR
32 STOOL, URINE, HAIR, SALIVA).

33 19. "NATUROPATHIC PRINCIPLES" MEANS THE FOLLOWING PRINCIPLES, WHICH
34 ARE WEIGHED BY THE NATUROPATHIC DOCTOR TO INFLUENCE THE SELECTION OF
35 NATUROPATHIC ASSESSMENT ACTIVITIES, COMMON OFFICE PROCEDURES, AND TREAT-
36 MENTS ADMINISTERED, ORDERED OR REFERRED:

37 A. "THE HEALING POWER OF NATURE," WHICH MEANS THE INHERENT ABILITY OF
38 A LIVING ORGANISM FOR SELF-HEALING;

39 B. "IDENTIFY AND TREAT THE CAUSES," WHICH MEANS IDENTIFY AND REMOVE
40 THE UNDERLYING CAUSES OF ILLNESS SO THAT SELF-HEALING PROCESSES MAY
41 FUNCTION EFFECTIVELY;

42 C. "FIRST DO NO HARM," WHICH MEANS APPLY THE LEAST FORCE OR INTER-
43 VENTION TO IDENTIFY ILLNESS AND RESTORE HEALTH, SUCH AS REFERENCED IN
44 THE THERAPEUTIC ORDER; AND WHENEVER POSSIBLE, AVOID SYMPTOM SUPPRESSION
45 THAT INTERFERES WITH THE DYNAMICS OF SELF-HEALING;

46 D. "DOCTOR AS TEACHER," WHICH MEANS EDUCATE PATIENTS AS TO STEPS FOR
47 ACHIEVING AND MAINTAINING HEALTH, AND ENCOURAGE SELF-RESPONSIBILITY FOR
48 HEALTH;

49 E. "TREAT THE WHOLE PERSON," WHICH MEANS ASSESS AND TREAT THE PATIENT
50 AS AN INTEGRATED WHOLE HAVING MANY PHYSICAL, MENTAL, EMOTIONAL, SPIRITU-
51 AL, AND SOCIAL ASPECTS; AND

52 F. "PREVENTION," WHICH MEANS ASSESS LIFE STYLE, DETERMINANTS OF
53 HEALTH, AND GENETIC AND ENVIRONMENTAL SUSCEPTIBILITY TO ILLNESS; RECOM-
54 MEND APPROPRIATE INTERVENTIONS TO REDUCE RISKS OF DISEASE OCCURRENCE;
55 AND FACILITATE THE ESTABLISHMENT AND MAINTENANCE OF POSITIVE EMOTION,
56 THOUGHT AND ACTION.

1 20. "NONINVASIVE" MEANS NO BREAK IS CREATED IN THE SKIN OR MUCOSA, NO
2 INFILTRATION OF THE SKIN OR MUCOSA IS MADE BY IONIZING RADIATION ABOVE
3 BACKGROUND LEVELS, NO ENDOSCOPY IS PERFORMED BETWEEN THE ESOPHAGUS AND
4 COLON, INCLUSIVE, AND NO RADIOGRAPHY, TOMOGRAPHY, OR MAGNETIC RESONANCE
5 IMAGING IS ADMINISTERED.

6 21. "NONINVASIVE NATUROPATHIC THERAPIES" MEANS DIET AND LIFESTYLE
7 COUNSELING, PATIENT EDUCATION AS TO CIRCUMSTANCES OF HEALTH AND ILLNESS,
8 WELLNESS COUNSELING, BIOFEEDBACK, HYPNOTHERAPY, AND TOUCH AND/OR TAPPING
9 THERAPIES WITH AND WITHOUT A VERBAL COMMUNICATION COMPONENT. NONINVASIVE
10 NATUROPATHIC THERAPIES EXCLUDE THE PRACTICE OF MARITAL AND FAMILY THERA-
11 PY, PSYCHOANALYSIS, AND CREATIVE ARTS THERAPY ON A CONTINUED SUSTAINED
12 BASIS, AND IS FURTHER LIMITED IN APPLICATION BY A BOUNDARY OF PROFES-
13 SIONAL COMPETENCE RESTRICTING PSYCHOTHERAPEUTIC INTERVENTION WITH
14 PATIENTS HAVING SYMPTOMATIC, INTELLECTUALLY, SOCIALLY OR EMOTIONALLY
15 MALADAPTIVE BEHAVIOR SUFFICIENT TO BE A MENTAL, EMOTIONAL, COGNITIVE,
16 ADDICTIVE OR BEHAVIORAL DISORDER AS PER DSM CRITERIA OR PER DIAGNOSIS BY
17 A QUALIFIED HEALTHCARE PROVIDER, AS PROVIDED IN SECTION SIXTY-EIGHT
18 HUNDRED FIFTY-FIVE OF THIS ARTICLE.

19 22. "OPTIMUM HEALTH" MEANS A PERSON'S DESIRED, MAINTAINABLE, BEST
20 DEGREE OF HEALTH, GIVEN THE PERSON'S CIRCUMSTANCES OF HEALTH AND
21 ILLNESS, THE THERAPEUTIC GOALS, AND THE PERSON'S DEGREE OF SELF-RESPON-
22 SIBILITY FOR HEALING.

23 23. "OVER THE COUNTER SUBSTANCES" MEANS SUBSTANCES THAT HAVE BEEN
24 APPROVED OR CLEARED BY THE FOOD AND DRUG ADMINISTRATION OF THE UNITED
25 STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR SALE OR DISTRIBUTION
26 TO THE PUBLIC ON A DIRECT OR OVER-THE-COUNTER BASIS WITHOUT A
27 PRESCRIPTION FROM A QUALIFIED HEALTH CARE PRACTITIONER.

28 24. "PHYSICAL NATUROPATHY" MEANS MANUAL THERAPY, THERAPEUTIC EXERCISE,
29 HYDROTHERAPY, COLONIC THERAPY, SAUNA, MICROWAVE DIATHERMY, SHORTWAVE
30 DIATHERMY, ULTRASONIC DIATHERMY, MUSCLE STIMULATION, BIOFEEDBACK, INFRA-
31 RED LIGHT THERAPY, ULTRAVIOLET LIGHT THERAPY, VISIBLE LIGHT THERAPY,
32 IONTOPHORESIS, AND THE THERAPEUTIC USE OF PHYSICAL MEDICINE THERAPEUTIC
33 DEVICES THAT ARE EXEMPT OR ARE CLASS I OR CLASS II DEVICES IDENTIFIED
34 UNDER THE CODE OF FEDERAL REGULATIONS, TITLE 21, CHAPTER I, SUBCHAPTER
35 H, PART 890, SUBPART F.

36 25. "RADIOLOGICAL PROCEDURES" MEANS RADIOLOGICAL PROCEDURES AS DEFINED
37 IN ARTICLE EIGHTY-SEVEN HUNDRED ONE OF THIS TITLE.

38 26. "SUPERFICIAL" MEANS THE DERMAL AND SUBCUTANEOUS LAYERS OF THE BODY
39 EXTERIOR, THE MUCOSAL LAYER OF THE BODY ORIFICES, AND THE UNDERLYING
40 FASCIA AND ADIPOSE.

41 27. "SURGERY" MEANS A MEDICAL PROCEDURE FOR STRUCTURALLY ALTERING THE
42 HUMAN BODY BY CUTTING INTO LIVE HUMAN TISSUE FOR THE PURPOSE OF LOCAL-
43 IZED ALTERATION, TRANSPORTATION, OR DESTRUCTION OF LIVE HUMAN TISSUE
44 USING IONIZING RADIATION OR AN INSTRUMENT, SUCH AS A LASER, SCALPEL, OR
45 PROBE; AND DOES NOT INCLUDE PUNCTURES, INJECTIONS, DRY NEEDLING,
46 ACUPUNCTURE, OR REMOVAL OF DEAD TISSUE.

47 28. "THERAPEUTIC ORDER" MEANS THE HIERARCHY OF THERAPEUTIC INTER-
48 VENTION, AS FOLLOWS, ORDERED ACCORDING TO DEGREE OF INTERVENTION, AND
49 USED BY DETERMINING THE LOWEST DEGREE OF INTERVENTION FOR WHICH THE
50 SPECIFIC PATIENT'S CIRCUMSTANCES OF HEALTH AND ILLNESS CAN BE EFFEC-
51 TIVELY ADDRESSED TO RESTORE AND FACILITATE OPTIMUM HEALTH, WHEREIN THER-
52 APEUTIC INTERVENTION OUTSIDE THE BOUNDARIES OF PROFESSIONAL COMPETENCE
53 IS INTENDED TO BE REFERRED:

54 A. ESTABLISH THE CONDITIONS FOR HEALTH (E.G., IDENTIFY AND REMOVE
55 DISTURBING FACTORS; INSTITUTE A MORE HEALTHFUL REGIMEN);

56 B. STIMULATE THE SELF-HEALING PROCESSES;

1 C. ADDRESS WEAKENED OR DAMAGED SYSTEMS OR ORGANS (E.G., STRENGTHEN THE
2 IMMUNE SYSTEM; DECREASE TOXICITY; NORMALIZE INFLAMMATORY FUNCTION; OPTI-
3 MIZE METABOLIC FUNCTION; BALANCE REGULATORY SYSTEMS; ENHANCE REGENER-
4 ATION; CULTIVATE SENSORY AND MINDFUL AWARENESS OF THE INTEGRATION OF
5 PSYCHE AND SOMA);

6 D. CORRECT STRUCTURAL INTEGRITY;

7 E. ADDRESS PATHOLOGY USING SPECIFIC NATURAL SUBSTANCES, MODALITIES, OR
8 INTERVENTIONS;

9 F. ADDRESS PATHOLOGY USING SPECIFIC PHARMACOLOGIC OR SYNTHETIC
10 SUBSTANCES; AND

11 G. SUPPRESS OR SURGICALLY REMOVE PATHOLOGY.

12 29. "VERTEBRAL ADJUSTMENT" MEANS A HIGH VELOCITY, LOW AMPLITUDE THRUST
13 APPLIED TO A VERTEBRA AT THE END OF ITS RANGE OF MOTION UTILIZING PARTS
14 OF THE VERTEBRA AND CONTIGUOUS STRUCTURES AS LEVERS TO DIRECTIONALLY
15 CORRECT ARTICULATE MALPOSITION, AND EXCLUDES MOTION THAT MOVES THE
16 VERTEBRA TO THE END OF ITS RANGE OF MOTION.

17 30. "WELLNESS" MEANS A STATE OF BEING ABLE TO PREVENT ILLNESS AND
18 PROLONG LIFE.

19 31. "WELLNESS COUNSELING" MEANS PATIENT DOCTOR DIALOGUE FOR FACILITAT-
20 ING POSITIVE EMOTION, THOUGHT, AND ACTION PROVIDED WITHIN A MULTIMODAL
21 HOLISTIC FRAMEWORK OF THERAPY INFORMED BY THE NATUROPATHIC PRINCIPLES
22 AND THE THERAPEUTIC ORDER.

23 S 6852. DEFINITION OF THE PRACTICE OF NATUROPATHIC MEDICINE. THE
24 PRACTICE OF NATUROPATHIC MEDICINE IS DEFINED AS FACILITATING OPTIMUM
25 HEALTH AND WELLNESS FOR PATIENTS OF ANY AGE USING NATUROPATHIC ASSESS-
26 MENT, COMMON OFFICE PROCEDURES, PHYSICAL NATUROPATHY, APPROVED
27 SUBSTANCES, AND NONINVASIVE NATUROPATHIC THERAPIES IN A HOLISTIC FRAME-
28 WORK INFORMED BY NATUROPATHIC PRINCIPLES AND A THERAPEUTIC ORDER.

29 S 6853. TITLE AND DESIGNATION. ONLY A PERSON LICENSED UNDER THIS ARTI-
30 CLE MAY USE THE TITLE "NATUROPATHIC DOCTOR", "LICENSED NATUROPATH" OR
31 "PROFESSIONAL NATUROPATH" AND HOLD HERSELF OR HIMSELF OUT AS PRACTICING
32 NATUROPATHIC MEDICINE; PROVIDED, HOWEVER, THAT NONE OF SUCH TITLES NOR
33 ANY COMBINATION OF SUCH TITLES SHALL BE USED TO CONVEY THE IDEA THAT THE
34 INDIVIDUAL WHO USES SUCH TITLE PRACTICES ANYTHING OTHER THAN NATUROPATHY
35 AND NATUROPATHIC MEDICINE. A LICENSED NATUROPATHIC DOCTOR MAY NOT USE
36 THE TITLE "PHYSICIAN" UNLESS OTHERWISE AUTHORIZED UNDER TITLE VIII OF
37 THE EDUCATION LAW.

38 S 6854. INJECTION THERAPY AND INJECTION THERAPY PRIVILEGE. 1. FOR
39 ISSUANCE OF INJECTION THERAPY PRIVILEGE, THE APPLICANT SHALL FULFILL THE
40 FOLLOWING REQUIREMENTS:

41 A. FILE AN APPLICATION WITH THE DEPARTMENT;

42 B. BE LICENSED AS A NATUROPATHIC DOCTOR IN THE STATE, INCLUDING A
43 LIMITED PERMIT HOLDER, OR BE AN APPLICANT FOR LICENSURE UNDER THIS ARTI-
44 CLE MEETING THE QUALIFICATIONS FOR LICENSURE OR FOR A LIMITED PERMIT;

45 C. HAVE SUCCESSFULLY COMPLETED A CERTIFICATION COURSE IN INJECTION
46 THERAPY FROM A COURSE PROVIDER APPROVED BY THE DEPARTMENT OR AS PART OF
47 A PROGRAM OF NATUROPATHIC MEDICINE REGISTERED WITH THE DEPARTMENT OR THE
48 SUBSTANTIAL EQUIVALENT THEREOF;

49 D. PAY A FEE TO THE DEPARTMENT OF TWO HUNDRED DOLLARS FOR THE ISSUANCE
50 AND INITIAL REGISTRATION OF THE INJECTION THERAPY PRIVILEGE.

51 2. AN INJECTION THERAPY PRIVILEGE ISSUED UNDER THIS SECTION SHALL BE
52 VALID FOR THE LIFE OF THE HOLDER, UNLESS REVOKED, ANNULLED, OR SUSPENDED
53 BY THE BOARD OF REGENTS. DURING EACH TRIENNIAL REGISTRATION PERIOD, A
54 NATUROPATHIC DOCTOR HAVING INJECTION THERAPY PRIVILEGE SHALL COMPLETE
55 EIGHT HOURS OF ACCEPTABLE FORMAL CONTINUING EDUCATION AS PART OF THEIR
56 MANDATORY CONTINUING EDUCATION REQUIREMENT, IN CONFORMANCE WITH THE

1 PROVISIONS OF SECTION SIXTY-EIGHT HUNDRED SIXTY-TWO OF THIS ARTICLE, ON
2 THE SUBJECT OF INJECTION THERAPY, INCLUDING FORMAL CONTINUING EDUCATION
3 THAT CONTRIBUTES TO THE ENHANCEMENT OF CLINICAL INJECTION THERAPY
4 SKILLS, PURSUANT TO THE REGULATION OF THE COMMISSIONER. FAILURE TO
5 COMPLETE THE REQUIRED CONTINUING EDUCATION UNDER THIS SUBSECTION SHALL
6 RESULT IN SUSPENSION OF THE INJECTION THERAPY PRIVILEGE UNTIL SUCH TIME
7 AS THE REQUIRED CONTINUING EDUCATION IS COMPLETE. A SUSPENSION OF THE
8 INJECTION THERAPY PRIVILEGE FOR LACK OF COMPLETION OF THE REQUIRED
9 CONTINUING EDUCATION THAT EXCEEDS TWELVE MONTHS IN DURATION SHALL RESULT
10 IN A REVOCATION OF THE INJECTION THERAPY PRIVILEGE, AND REQUIRE RE-AP-
11 PPLICATION, RECERTIFICATION OR OTHER EDUCATION SATISFACTORY TO THE
12 COMMISSIONER, AND THE FEE AS PER SECTION SIXTY-EIGHT HUNDRED FIFTY-SEVEN
13 OF THIS ARTICLE FOR RE-ISSUANCE OF THE INJECTION THERAPY PRIVILEGE. THIS
14 CONTINUING EDUCATION REQUIREMENT IS EFFECTIVE AS OF THE SAME EFFECTIVE
15 DATE AS SECTION SIXTY-EIGHT HUNDRED FIFTY-SEVEN OF THIS ARTICLE.

16 3. A STUDENT IN A DOCTORAL PROGRAM OF NATUROPATHIC MEDICINE REGISTERED
17 WITH THE DEPARTMENT OR THE SUBSTANTIAL EQUIVALENT THEREOF MAY PERFORM
18 INJECTION THERAPY IN AN INTERNSHIP OR PRECEPTORSHIP SETTING WHEN
19 REQUIRED AS PART OF SUCH PROGRAM FOR THE PURPOSE OF FULFILLING SUCH
20 PROGRAM REQUIREMENT ONLY UNDER THE IMMEDIATE DIRECT PERSONAL SUPERVISION
21 OF A PHYSICIAN LICENSED UNDER THIS TITLE OR A NATUROPATHIC DOCTOR
22 LICENSED UNDER THIS ARTICLE HAVING INJECTION THERAPY PRIVILEGE. "IMMEDI-
23 ATE DIRECT PERSONAL SUPERVISION" FOR THE PURPOSES OF THIS SECTION MEANS
24 SUPERVISION OF A PROCEDURE FOR INJECTION THERAPY BASED ON INSTRUCTIONS
25 GIVEN DIRECTLY BY THE SUPERVISING PHYSICIAN OR SUPERVISING NATUROPATHIC
26 DOCTOR WHO REMAINS PHYSICALLY PRESENT IN THE IMMEDIATE AREA WHEN THE
27 INJECTION THERAPY PROCEDURE IS PERFORMED.

28 S 6855. BOUNDARIES OF PROFESSIONAL COMPETENCE. THE ACTIVITIES ENCOM-
29 PASSED WITHIN THE DEFINITION OF THE PRACTICE OF NATUROPATHIC MEDICINE
30 UNDER SECTIONS SIXTY-EIGHT HUNDRED FIFTY-TWO AND SIXTY-EIGHT HUNDRED
31 FIFTY-FOUR OF THIS ARTICLE ARE LIMITED BY THE PROHIBITIONS, BOUNDARIES,
32 AND RESTRICTIONS OF THIS SECTION.

33 1. THE PRACTICE OF THE PROFESSION OF NATUROPATHIC MEDICINE DOES NOT
34 INCLUDE: ADMINISTERING OR PRESCRIBING CONTROLLED SUBSTANCES; ADMINIS-
35 TERING INVASIVE PROCEDURES; ADMINISTERING ELECTROCONVULSIVE THERAPY;
36 ADMINISTERING NEEDLE-TYPE ELECTROMYOGRAPHY; PERFORMING SURGERY OTHER
37 THAN CRYOTHERAPY, LIGATION AND FULGURATION; ADMINISTERING RADIOLOGICAL
38 PROCEDURES USING IONIZING RADIATION ABOVE BACKGROUND LEVELS; ADMINISTER-
39 ING GENERAL OR SPINAL ANESTHETIC DRUGS; ADMINISTERING OBSTETRIC SERVICES
40 OTHER THAN COMPLEMENTARY NATUROPATHIC PRENATAL AND POSTNATAL WELLNESS
41 CARE; ADMINISTERING ACUPUNCTURE; AND SETTING FRACTURES.

42 2. A. (I) IT SHALL BE DEEMED PRACTICING OUTSIDE THE BOUNDARIES OF
43 PROFESSIONAL COMPETENCE FOR A NATUROPATHIC DOCTOR TO PROVIDE EMERGENCY
44 CARE SERVICES FOR TREATING INJURIES OR TRAUMA FROM A SERIOUS ACCIDENT OR
45 A VIOLENT CRIME, EXCEPT AS PERMITTED BY ARTICLE 30 OF THE PUBLIC HEALTH
46 LAW OF NEW YORK.

47 (II) IT SHALL BE DEEMED PROFESSIONAL MISCONDUCT FOR A NATUROPATHIC
48 DOCTOR TO HOLD HERSELF OR HIMSELF OUT AS PROVIDING EMERGENCY CARE
49 SERVICES ON A CONTINUED SUSTAINED BASIS; OR TO TREAT AN ACUTE EMERGENCY
50 CONDITION OF SIGNIFICANT THREAT TO LIFE OR LIMB WITHOUT ALSO SUMMONING
51 EMERGENCY MEDICAL RESPONSE.

52 B. (I) IT SHALL BE DEEMED PRACTICING OUTSIDE THE BOUNDARIES OF PROFES-
53 SIONAL COMPETENCE FOR A NATUROPATHIC DOCTOR TO ADMINISTER PHYSICAL NATU-
54 ROPATHY ON A PATIENT ON A CONTINUED SUSTAINED BASIS UNDER EITHER OF THE
55 FOLLOWING CIRCUMSTANCES: TO ASSIST THE PATIENT TO COMPENSATE FOR DEVEL-
56 OPMENTAL DEFICITS AFFECTING PHYSICAL MOVEMENT AND MOBILITY THAT CANNOT

1 BE REVERSED; AND TO RESTORE, FOR PURPOSES OF PATIENT REINTEGRATION BACK
2 INTO THE HOME, COMMUNITY, OR WORK, SOME OR ALL OF THE PATIENT'S PATHOME-
3 CHANICAL DEFICITS AFFECTING PHYSICAL MOVEMENT AND MOBILITY THAT WERE
4 LOST DUE TO INJURY OR DISEASE CAUSING ONGOING SEPARATION FROM HOME,
5 COMMUNITY OR WORK.

6 (II) A NATUROPATHIC DOCTOR MAY CORRECT VERTEBRAL ALIGNMENT USING
7 VERTEBRAL ADJUSTMENT IN COMBINATION WITH NATUROPATHIC MUSCLE RELEASE
8 TECHNIQUES AND SOFT TISSUE MANIPULATION WITHIN A MULTIMODAL HOLISTIC
9 TREATMENT PLAN, BUT OTHERWISE MAY NOT PRACTICE VERTEBRAL ADJUSTMENT.

10 C. FOR PATIENTS HAVING SYMPTOMATIC, INTELLECTUALLY, SOCIALLY OR
11 EMOTIONALLY MALADAPTIVE BEHAVIOR SUFFICIENT TO BE A MENTAL, EMOTIONAL,
12 COGNITIVE, ADDICTIVE OR BEHAVIORAL DISORDER AS PER DSM (DIAGNOSTIC AND
13 STATISTICAL MANUAL OF MENTAL DISORDERS) CRITERIA OR AN EQUIVALENT THERE-
14 OF, OR PER DIAGNOSIS BY A QUALIFIED HEALTHCARE PROVIDER, IT SHALL BE
15 DEEMED PRACTICING OUTSIDE THE BOUNDARIES OF PROFESSIONAL COMPETENCE FOR
16 A NATUROPATHIC DOCTOR TO FACILITATE CHANGES IN THE PATIENT'S PERSONALITY
17 AND BEHAVIOR FOR THE PURPOSE OF ELIMINATING SUCH SYMPTOMATIC MALADAPTIVE
18 BEHAVIOR CORRESPONDING TO SUCH DISORDER THROUGH THE USE OF VERBAL,
19 COGNITIVE, AND EMOTIONAL INTERPERSONAL COMMUNICATION METHODS OF
20 PSYCHOTHERAPEUTIC INTERVENTION ON A CONTINUED SUSTAINED BASIS. SUCH
21 RESTRICTION ON PSYCHOTHERAPEUTIC INTERVENTION DOES NOT RESTRICT A NATU-
22 ROPATHIC DOCTOR FROM PROVIDING DIETARY AND LIFESTYLE ADVICE AND
23 INSTRUCTIONS TO THE PATIENT, NOR FROM EDUCATING THE PATIENT ABOUT THEIR
24 CIRCUMSTANCES OF HEALTH AND ILLNESS. SUCH RESTRICTION ON PSYCHOTHERAPEU-
25 TIC INTERVENTION EXCLUDES HYPNOTHERAPY APPLIED AS PART OF A MULTIMODE
26 HOLISTIC TREATMENT PLAN (E.G., NUTRIENT THERAPY AND HYPNOTHERAPY) TO
27 TREAT TOBACCO ADDICTION OR OBESITY. ALTHOUGH A NATUROPATHIC DOCTOR
28 CANNOT PROVIDE A PSYCHOLOGICAL DIAGNOSIS, A NATUROPATHIC DOCTOR MAY
29 APPLY AND DOCUMENT SUCH DSM OR EQUIVALENT CRITERIA, OR THE ABSENCE THER-
30 EOF TO DISCERN THIS BOUNDARY OF PROFESSIONAL COMPETENCE, WHICH DISCERN-
31 MENT SHALL DEFER TO A DIAGNOSIS BY A QUALIFIED HEALTHCARE PROVIDER.

32 D. ALTHOUGH THE IDENTIFICATION OF AN ILLNESS IS PART OF A NATUROPATHIC
33 ASSESSMENT, A NATUROPATHIC DOCTOR MAY NOT EQUATE SUCH ASSESSMENT TO A
34 MEDICAL OR PSYCHOLOGICAL DIAGNOSIS, NOR HOLD HIMSELF OR HERSELF OUT AS
35 MAKING A MEDICAL OR PSYCHOLOGICAL DIAGNOSIS. A NATUROPATHIC DOCTOR,
36 HOWEVER, MAY USE COMMON DIAGNOSTIC CODES (E.G., ICD-10 CODES; DSM-V
37 CODES) AND MAY REFER TO AN IDENTIFIED ILLNESS IN DISCUSSIONS WITH THE
38 PATIENT, IN PATIENT HEALTH RECORDS, AND IN COMMUNICATIONS COMPLIANT WITH
39 THE FEDERAL HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996
40 (HIPAA).

41 3. WHILE THE SCOPE OF ACTIVITIES INCLUDED WITHIN THE PRACTICE OF NATU-
42 ROPATHIC MEDICINE OVERLAPS IN PART WITH OTHER PROFESSIONS LICENSED UNDER
43 THIS TITLE, THE NATUROPATHIC DOCTOR SHALL NOT HOLD HERSELF OR HIMSELF
44 OUT AS PRACTICING ANY SUCH OTHER PROFESSION OR USE A TITLE OF ANY SUCH
45 OTHER PROFESSION, UNLESS OTHERWISE AUTHORIZED UNDER THIS TITLE.

46 S 6856. STATE BOARD FOR NATUROPATHIC MEDICINE. 1. A STATE BOARD FOR
47 NATUROPATHIC MEDICINE SHALL BE APPOINTED BY THE BOARD OF REGENTS ON THE
48 RECOMMENDATION OF THE COMMISSIONER FOR THE PURPOSE OF ASSISTING THE
49 BOARD OF REGENTS AND THE DEPARTMENT ON MATTERS OF PROFESSIONAL LICENSING
50 AND PROFESSIONAL CONDUCT IN ACCORDANCE WITH SECTION SIXTY-FIVE HUNDRED
51 EIGHT OF THIS TITLE. THE BOARD SHALL BE COMPOSED OF TWO PUBLIC REPRESENTATIVES WHO DO NOT HOLD INTERESTS IN THE ORGANIZATION, FINANCING OR
52 DELIVERY OF NATUROPATHIC SERVICES, ONE LICENSED PHYSICIAN WHO IS A
53 DOCTOR OF MEDICINE OR A DOCTOR OF OSTEOPATHY, AND NOT LESS THAN SIX
54 NATUROPATHIC DOCTORS. A NATUROPATHIC DOCTOR MEMBER OF THE BOARD SHALL
55 HAVE BEEN LICENSED UNDER THIS ARTICLE FOR AT LEAST TWO YEARS PRIOR TO
56

1 BEING APPOINTED, WHICH TWO YEAR LICENSE REQUIREMENT IS WAIVED FOR THE
2 INITIAL BOARD AND REPLACED WITH A REQUIREMENT THAT THE NATUROPATHIC
3 DOCTOR OBTAIN A LICENSE UNDER THIS ARTICLE WITHIN ONE YEAR OF APPOINT-
4 MENT OR ONE YEAR OF THE EFFECTIVE DATE OF THIS ARTICLE, WHICHEVER COMES
5 LATER. THE TERMS OF THE FIRST APPOINTED MEMBERS SHALL BE STAGGERED SO
6 THAT THREE ARE APPOINTED FOR THREE YEARS, THREE ARE APPOINTED FOR FOUR
7 YEARS, AND FOUR ARE APPOINTED FOR FIVE YEARS. AN EXECUTIVE SECRETARY OF
8 THE BOARD SHALL BE APPOINTED BY THE BOARD OF REGENTS ON THE RECOMMENDA-
9 TION OF THE COMMISSIONER.

10 2. EXAMINATIONS SELECTED OR PREPARED BY THE BOARD PURSUANT TO SUBDIVI-
11 SION TWO OF SECTION SIXTY-FIVE HUNDRED EIGHT OF THIS TITLE SHALL CONFORM
12 WHENEVER POSSIBLE TO NATIONALLY RECOGNIZED TEST DEVELOPMENT STANDARDS
13 AND TEST COMPETENCIES FOR NATUROPATHIC MEDICINE.

14 S 6857. QUALIFICATIONS FOR LICENSURE. TO QUALIFY FOR A LICENSE TO
15 PRACTICE THE PROFESSION OF NATUROPATHIC MEDICINE, AN APPLICANT SHALL
16 FULFILL THE FOLLOWING REQUIREMENTS:

17 1. FILE AN APPLICATION WITH THE DEPARTMENT;

18 2. HAVE RECEIVED AN EDUCATION, INCLUDING A DOCTORAL DEGREE IN NATURO-
19 PATHIC MEDICINE, GRANTED ON THE BASIS OF COMPLETION OF A PROGRAM OF
20 NATUROPATHIC MEDICINE REGISTERED WITH THE DEPARTMENT OR THE SUBSTANTIAL
21 EQUIVALENT THEREOF, IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;

22 3. FOR APPLICANTS APPLYING MORE THAN TWO YEARS AFTER THE EFFECTIVE
23 DATE OF THIS ARTICLE, HAVE SATISFACTORILY COMPLETED A POST-GRADUATE
24 RESIDENCY PROGRAM OF NATUROPATHIC MEDICINE OF AT LEAST TWELVE MONTHS
25 DURATION APPROVED BY THE DEPARTMENT, OR THE SUBSTANTIAL EQUIVALENT THER-
26 EOF, AND IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;

27 4. PASS AN EXAMINATION SATISFACTORY TO THE BOARD AND IN ACCORDANCE
28 WITH THE COMMISSIONER'S REGULATIONS;

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

30 6. BE OF GOOD MORAL CHARACTER AS DETERMINED BY THE DEPARTMENT; AND

31 7. PAY A FEE OF THREE HUNDRED FIFTY DOLLARS TO THE DEPARTMENT FOR AN
32 INITIAL LICENSE AND A FEE OF FIVE HUNDRED DOLLARS FOR EACH TRIENNIAL
33 REGISTRATION PERIOD.

34 S 6858. SPECIAL CONDITIONS. 1. AN APPLICANT HAVING RECEIVED, PRIOR TO
35 NINETEEN HUNDRED EIGHTY-EIGHT, AN EDUCATION, INCLUDING A DOCTORAL DEGREE
36 IN NATUROPATHIC MEDICINE, GRANTED ON THE BASIS OF COMPLETION OF A
37 PROGRAM OF NATUROPATHIC MEDICINE REGISTERED WITH THE DEPARTMENT OR THE
38 SUBSTANTIAL EQUIVALENT THEREOF, MAY SUBSTITUTE FOR THE EXPERIENCE AND
39 EXAMINATION QUALIFICATIONS OF SECTION SIXTY-EIGHT HUNDRED FIFTY-SEVEN OF
40 THIS ARTICLE, EITHER OF: (I) SATISFACTORY EVIDENCE OF PRACTICE OF NATU-
41 ROPATHIC MEDICINE OF NOT LESS THAN THREE YEARS DURING THE FIVE YEARS
42 PRECEDING THE FILING OF THE APPLICATION; OR (II) PRACTICE UNDER A LIMIT-
43 ED PERMIT FOR AT LEAST TWO OF THE THREE YEARS PRIOR TO APPLICATION UNDER
44 THIS ARTICLE.

45 2. AN APPLICANT HAVING RECEIVED, PRIOR TO TWO YEARS AFTER THE EFFEC-
46 TIVE DATE OF THIS ARTICLE, AN EDUCATION, INCLUDING A DOCTORAL DEGREE IN
47 NATUROPATHIC MEDICINE, GRANTED ON THE BASIS OF COMPLETION OF A PROGRAM
48 OF NATUROPATHIC MEDICINE REGISTERED WITH THE DEPARTMENT OR THE SUBSTAN-
49 TIAL EQUIVALENT THEREOF, MAY SUBSTITUTE FOR THE EXPERIENCE QUALIFICATION
50 OF SECTION SIXTY-EIGHT HUNDRED FIFTY-SEVEN OF THIS ARTICLE, EITHER OF:
51 (I) SATISFACTORY EVIDENCE OF PRACTICE OF NATUROPATHIC MEDICINE OF NOT
52 LESS THAN THREE YEARS DURING THE FIVE YEARS PRECEDING THE FILING OF THE
53 APPLICATION; OR (II) PRACTICE UNDER A LIMITED PERMIT FOR AT LEAST TWO OF
54 THE THREE YEARS PRIOR TO APPLICATION UNDER THIS ARTICLE.

55 3. THE "PRACTICE OF NATUROPATHIC MEDICINE" AS USED IN THIS SECTION
56 INCLUDES THE PRACTICE OF NATUROPATHY OR NATUROPATHIC MEDICINE IN A STATE

1 OR TERRITORY OF THE UNITED STATES, INCLUDING NEW YORK STATE, OR A CANA-
2 DIAN PROVINCE, WHILE MAINTAINING A PROFESSIONAL LICENSE IN NATUROPATHY
3 OR NATUROPATHIC MEDICINE ISSUED BY THE SAME OR ANOTHER STATE OR TERRITO-
4 RY OR A CANADIAN PROVINCE; AND INCLUDES PRACTICE PERFORMED BEFORE AND
5 AFTER THE EFFECTIVE DATE OF THIS ARTICLE.

6 4. PRACTICE DEMONSTRATED BY SATISFACTORY EVIDENCE OF PRACTICE OR BY A
7 LIMITED PERMIT, AS PROVIDED IN SUBDIVISIONS ONE AND TWO OF THIS SECTION,
8 MUST BE COMPLETE WITHIN EIGHTEEN YEARS AFTER THE EFFECTIVE DATE OF THIS
9 ARTICLE. APPLICANTS HAVING COMPLETED THE PRACTICE REQUIREMENTS OF A
10 SPECIAL CONDITION UNDER THIS SECTION MUST SUBMIT AN APPLICATION FOR
11 LICENSE BY NINETEEN YEARS AFTER THE EFFECTIVE DATE OF THIS ARTICLE AND
12 MUST CURE DEFECTS, IF ANY, IN THE APPLICATION AS IDENTIFIED BY THE
13 DEPARTMENT WITHIN A TIME PERIOD INDICATED BY THE DEPARTMENT.

14 S 6859. EXEMPT PERSONS AND EXEMPTIONS. NOTHING CONTAINED IN THIS ARTI-
15 CLE SHALL BE CONSTRUED TO AFFECT OR PREVENT THE FOLLOWING:

16 1. A. A LICENSED PHYSICIAN FROM PRACTICING HIS OR HER PROFESSION AS
17 DEFINED IN ARTICLES ONE HUNDRED THIRTY-ONE, AS ADDED BY CHAPTER NINE
18 HUNDRED EIGHTY-SEVEN OF THE LAWS OF NINETEEN SEVENTY-ONE, AND ONE
19 HUNDRED THIRTY-ONE-B OF THIS TITLE; A REGISTERED PROFESSIONAL NURSE OR A
20 CERTIFIED NURSE PRACTITIONER PRACTICING HIS OR HER PROFESSION AS DEFINED
21 UNDER ARTICLE ONE HUNDRED THIRTY-NINE OF THIS TITLE; OR

22 B. QUALIFIED MEMBERS OF OTHER PROFESSIONS LICENSED UNDER THIS TITLE
23 FROM PERFORMING THE PRACTICE OF THEIR PROFESSIONS; EXCEPT THAT SUCH
24 PERSONS MAY NOT HOLD THEMSELVES OUT UNDER THE TITLE NATUROPATH OR NATU-
25 ROPATHIC DOCTOR, OR AS PERFORMING NATUROPATHY OR NATUROPATHIC MEDICINE.

26 2. A STUDENT FROM ENGAGING IN CLINICAL PRACTICE UNDER SUPERVISION OF A
27 LICENSED NATUROPATHIC DOCTOR AS PART OF A PROGRAM OF NATUROPATHIC MEDI-
28 CINE REGISTERED BY THE DEPARTMENT OR THE SUBSTANTIAL EQUIVALENT THEREOF.

29 3. THE PRACTICE OF NATUROPATHIC MEDICINE BY A SALARIED EMPLOYEE OF THE
30 GOVERNMENT OF THE UNITED STATES WHILE THE INDIVIDUAL IS ENGAGED IN THE
31 PERFORMANCE OF DUTIES PRESCRIBED BY THE LAWS AND REGULATIONS OF THE
32 UNITED STATES.

33 4. THE DOMESTIC CARE OF THE SICK, DISABLED OR INJURED BY ANY FAMILY
34 MEMBER, HOUSEHOLD MEMBER OR FRIEND, OR PERSON EMPLOYED PRIMARILY IN A
35 DOMESTIC CAPACITY WHO DOES NOT HOLD HIMSELF OR HERSELF OUT, OR ACCEPT
36 EMPLOYMENT AS A PERSON LICENSED TO PRACTICE NATUROPATHIC MEDICINE UNDER
37 THE PROVISIONS OF THIS ARTICLE.

38 5. THE CARE OF THE SICK WHEN DONE IN CONNECTION WITH THE PRACTICE OF
39 THE RELIGIOUS TENETS OF ANY CHURCH.

40 6. THE MARKETING, SALE OR USE OF SUBSTANCES OR DEVICES GOVERNED BY THE
41 FEDERAL FOOD, DRUG, AND COSMETIC ACT THAT DO NOT REQUIRE A PRESCRIPTION
42 FROM A QUALIFIED HEALTHCARE PROVIDER.

43 7. THE CONDUCT, ACTIVITIES, OR SERVICES OF INDIVIDUALS, CHURCHES,
44 SCHOOLS, TEACHERS, ORGANIZATIONS, OR NOT-FOR-PROFIT BUSINESSES IN
45 PROVIDING INSTRUCTION, ADVICE, SUPPORT, ENCOURAGEMENT, OR INFORMATION TO
46 INDIVIDUALS, FAMILIES, AND RELATIONAL GROUPS.

47 S 6860. LIMITED RESIDENCY PERMITS. 1. FOR ISSUANCE OF A LIMITED RESI-
48 DENCY PERMIT, THE APPLICANT SHALL FULFILL THE FOLLOWING REQUIREMENTS:

49 A. FILE AN APPLICATION WITH THE DEPARTMENT;

50 B. HAVE RECEIVED AN EDUCATION, INCLUDING A DOCTORAL DEGREE IN NATURO-
51 PATHIC MEDICINE, GRANTED ON THE BASIS OF COMPLETION OF A PROGRAM OF
52 NATUROPATHIC MEDICINE REGISTERED WITH THE DEPARTMENT OR THE SUBSTANTIAL
53 EQUIVALENT THEREOF;

54 C. HAVE BEEN ACCEPTED INTO A POST-GRADUATE RESIDENCY PROGRAM OF NATU-
55 ROPATHIC MEDICINE APPROVED BY THE DEPARTMENT;

56 D. BE OF GOOD MORAL CHARACTER AS DETERMINED BY THE DEPARTMENT;

1 E. BE AT LEAST TWENTY-ONE YEARS OF AGE; AND

2 F. PAY A FEE TO THE DEPARTMENT OF ONE HUNDRED DOLLARS, OR FOR A
3 RENEWAL A FEE OF FIFTY DOLLARS.

4 2. SUCH PERMIT SHALL ALLOW THE PERMIT HOLDER TO PERFORM SUCH ACTIV-
5 ITIES THAT ARE REQUIRED FOR SUCCESSFUL COMPLETION OF THE RESIDENCY
6 PROGRAM UNDER THE ADMINISTRATIVE SUPERVISION OF A LICENSED NATUROPATHIC
7 DOCTOR SERVING AS THE RESIDENCY DIRECTOR. PRACTICE ACTIVITIES UNDER A
8 LIMITED RESIDENCY PERMIT SHALL BE LIMITED TO FACILITIES ENCOMPASSED BY
9 THE POST-GRADUATE RESIDENCY PROGRAM OF THE PERMIT HOLDER, SUCH AS A
10 HOSPITAL, AN INCORPORATED HOSPITAL OR CLINIC, A LICENSED PROPRIETARY
11 HOSPITAL, A LICENSED NURSING HOME, A PUBLIC HEALTH AGENCY, A RECOGNIZED
12 PUBLIC OR NON-PUBLIC SCHOOL SETTING, THE OFFICE OF A LICENSED NATURO-
13 PATHIC DOCTOR, OR IN THE CIVIL SERVICE OF THE STATE OR POLITICAL SUBDI-
14 VISION THEREOF. PRACTICE SUPERVISION OF A PERMIT HOLDER'S PRACTICE
15 ACTIVITIES SHALL BE ON-SITE SUPERVISION BY A LICENSED NATUROPATHIC
16 DOCTOR, EXCEPT FOR INJECTION THERAPY PROCEDURES, WHICH SHALL BE DIRECT
17 PERSONAL SUPERVISION BY A LICENSED PHYSICIAN OR A LICENSED NATUROPATHIC
18 DOCTOR HAVING INJECTION THERAPY PRIVILEGE. "DIRECT PERSONAL SUPERVISION"
19 FOR THE PURPOSES OF THIS SECTION MEANS SUPERVISION OF A PROCEDURE FOR
20 INJECTION THERAPY BASED ON INSTRUCTIONS GIVEN DIRECTLY BY THE SUPERVIS-
21 ING PHYSICIAN OR SUPERVISING NATUROPATHIC DOCTOR WHO REMAINS ON SITE
22 WHEN AND WHERE THE PROCEDURE IS BEING PERFORMED, BUT SHALL NOT BE
23 CONSTRUED AS NECESSARILY REQUIRING THE PHYSICAL PRESENCE OF THE SUPER-
24 VISING PHYSICIAN OR SUPERVISING NATUROPATHIC DOCTOR IN THE IMMEDIATE
25 AREA AT THE TIME WHEN THE INJECTION THERAPY PROCEDURE IS PERFORMED.

26 3. SUCH PERMIT SHALL BE ISSUED FOR ONE YEAR AND MAY BE RENEWED AT THE
27 DISCRETION OF THE DEPARTMENT FOR ONE OR TWO ADDITIONAL YEARS WHEN NECES-
28 SARY TO PERMIT THE COMPLETION OF AN APPROVED POST-GRADUATE RESIDENCY IN
29 NATUROPATHIC MEDICINE.

30 S 6861. LIMITED PERMITS. 1. FOR ISSUANCE OF A LIMITED PERMIT, THE
31 APPLICANT SHALL FULFILL THE FOLLOWING REQUIREMENTS:

32 A. FILE AN APPLICATION WITH THE DEPARTMENT;

33 B. HAVE RECEIVED AN EDUCATION, INCLUDING A DOCTORAL DEGREE IN NATURO-
34 PATHIC MEDICINE, GRANTED ON THE BASIS OF COMPLETION OF A PROGRAM OF
35 NATUROPATHIC MEDICINE REGISTERED WITH THE DEPARTMENT OR THE SUBSTANTIAL
36 EQUIVALENT THEREOF;

37 C. INDICATE EXERCISING OPTION TO ATTAIN QUALIFICATIONS FOR LICENSURE
38 USING A LIMITED PERMIT SPECIAL CONDITION UNDER SECTION SIXTY-EIGHT
39 HUNDRED FIFTY-EIGHT OF THIS ARTICLE;

40 D. BE OF GOOD MORAL CHARACTER AS DETERMINED BY THE DEPARTMENT;

41 E. BE AT LEAST TWENTY-ONE YEARS OF AGE; AND

42 F. PAY A FEE OF TWO HUNDRED DOLLARS TO THE DEPARTMENT.

43 2. SUCH LIMITED PERMIT SHALL AUTHORIZE THE PRACTICE OF NATUROPATHIC
44 MEDICINE ONLY UNDER THE SUPERVISION OF A LICENSED NATUROPATHIC DOCTOR.
45 SUPERVISION OF THE LIMITED PERMIT HOLDER'S PRACTICE ACTIVITIES SHALL BE
46 ON-SITE SUPERVISION BY A LICENSED NATUROPATHIC DOCTOR.

47 3. A LIMITED PERMIT SHALL BE ISSUED FOR A PERIOD OF TWO YEARS, AND MAY
48 BE RENEWED UNDER CIRCUMSTANCES AND FOR A TIME PERIOD AND FEE IN ACCORD-
49 ANCE WITH THE COMMISSIONER'S REGULATIONS.

50 4. THE LAST DAY FOR APPLYING FOR A LIMITED PERMIT UNDER THIS SECTION
51 IS FIFTEEN YEARS AFTER THE EFFECTIVE DATE OF THIS SECTION.

52 S 6862. MANDATORY CONTINUING EDUCATION. 1. A. EACH NATUROPATHIC DOCTOR
53 LICENSED PURSUANT TO THIS ARTICLE, REQUIRED TO REGISTER TRIENNIALLY WITH
54 THE DEPARTMENT TO PRACTICE IN THIS STATE SHALL COMPLY WITH THE
55 PROVISIONS OF THE MANDATORY CONTINUING EDUCATION REQUIREMENTS PRESCRIBED
56 IN SUBDIVISION TWO OF THIS SECTION, EXCEPT AS PROVIDED IN PARAGRAPHS B

1 AND C OF THIS SUBDIVISION. NATUROPATHIC DOCTORS WHO DO NOT SATISFY THE
2 MANDATORY CONTINUING EDUCATION REQUIREMENTS SHALL NOT PRACTICE UNTIL
3 THEY HAVE MET SUCH REQUIREMENTS, AND THEY HAVE BEEN ISSUED A REGISTRA-
4 TION CERTIFICATE, EXCEPT THAT A NATUROPATHIC DOCTOR MAY PRACTICE WITHOUT
5 HAVING MET SUCH REQUIREMENTS IF HE OR SHE IS ISSUED A CONDITIONAL REGIS-
6 TRATION PURSUANT TO SUBDIVISION THREE OF THIS SECTION.

7 B. NATUROPATHIC DOCTORS SHALL BE EXEMPT FROM THE MANDATORY CONTINUING
8 EDUCATION REQUIREMENT FOR THE TRIENNIAL REGISTRATION PERIOD DURING WHICH
9 THEY ARE FIRST LICENSED. IN ACCORD WITH THE INTENT OF THIS SECTION,
10 ADJUSTMENTS TO THE MANDATORY CONTINUING EDUCATION REQUIREMENTS MAY BE
11 GRANTED BY THE DEPARTMENT FOR REASONS OF HEALTH CERTIFIED BY AN APPRO-
12 PRIATE HEALTH CARE PROFESSIONAL, FOR EXTENDED ACTIVE DUTY WITH THE ARMED
13 FORCES OF THE UNITED STATES, OR FOR OTHER GOOD CAUSE ACCEPTABLE TO THE
14 DEPARTMENT, WHICH MAY PREVENT COMPLIANCE.

15 C. A LICENSED NATUROPATHIC DOCTOR NOT ENGAGED IN PROFESSIONAL PRAC-
16 TICE, AS DETERMINED BY THE DEPARTMENT, SHALL BE EXEMPT FROM THE MANDATO-
17 RY CONTINUING EDUCATION REQUIREMENT UPON THE FILING OF A STATEMENT WITH
18 THE DEPARTMENT DECLARING SUCH STATUS. ANY LICENSEE WHO RETURNS TO THE
19 PRACTICE OF NATUROPATHIC MEDICINE DURING THE TRIENNIAL REGISTRATION
20 PERIOD SHALL NOTIFY THE DEPARTMENT PRIOR TO REENTERING THE PROFESSION
21 AND SHALL MEET SUCH MANDATORY EDUCATION REQUIREMENTS AS SHALL BE
22 PRESCRIBED BY REGULATIONS OF THE COMMISSIONER.

23 2. DURING EACH TRIENNIAL REGISTRATION PERIOD AN APPLICANT FOR REGIS-
24 TRATION SHALL COMPLETE SIXTY HOURS OF ACCEPTABLE FORMAL CONTINUING
25 EDUCATION. ANY LICENSED NATUROPATHIC DOCTOR WHOSE FIRST REGISTRATION
26 DATE FOLLOWING THE EFFECTIVE DATE OF THIS SECTION OCCURS LESS THAN THREE
27 YEARS FROM SUCH EFFECTIVE DATE, SHALL COMPLETE CONTINUING EDUCATION
28 HOURS ON A PRORATED BASIS AT THE RATE OF ONE AND ONE-HALF HOURS PER
29 MONTH FOR THE NUMBER OF MONTHS BETWEEN THE EFFECTIVE DATE AND THE FIRST
30 REGISTRATION DATE. THEREAFTER, A LICENSEE WHO HAS NOT SATISFIED THE
31 MANDATORY CONTINUING EDUCATION REQUIREMENTS SHALL NOT BE ISSUED A TRIEN-
32 NIAL REGISTRATION CERTIFICATE BY THE DEPARTMENT AND SHALL NOT PRACTICE
33 UNLESS AND UNTIL A CONDITIONAL REGISTRATION CERTIFICATE IS ISSUED AS
34 PROVIDED IN SUBDIVISION THREE OF THIS SECTION. THE INDIVIDUAL LICENSEE
35 SHALL DETERMINE THE SELECTION OF COURSES OR PROGRAMS OF STUDY PURSUANT
36 TO SUBDIVISION FOUR OF THIS SECTION. CONTINUING EDUCATION HOURS TAKEN
37 DURING ONE TRIENNIUM MAY NOT BE CARRIED OVER OR OTHERWISE CREDITED OR
38 TRANSFERRED TO A SUBSEQUENT TRIENNIUM.

39 3. THE DEPARTMENT, IN ITS DISCRETION, MAY ISSUE A CONDITIONAL REGIS-
40 TRATION TO A LICENSEE WHO FAILS TO MEET THE CONTINUING EDUCATION
41 REQUIREMENTS ESTABLISHED IN SUBDIVISION TWO OF THIS SECTION BUT WHO
42 AGREES TO MAKE UP ANY DEFICIENCIES AND TAKE ANY ADDITIONAL EDUCATION
43 WHICH THE DEPARTMENT MAY REQUIRE. THE FEE FOR SUCH A CONDITIONAL REGIS-
44 TRATION SHALL BE THE SAME AS, AND IN ADDITION TO, THE FEE FOR THE TRIEN-
45 NIAL REGISTRATION. THE DURATION OF SUCH CONDITIONAL REGISTRATION SHALL
46 BE DETERMINED BY THE DEPARTMENT BUT SHALL NOT EXCEED ONE YEAR. ANY
47 LICENSEE WHO IS NOTIFIED OF THE DENIAL OF REGISTRATION FOR FAILURE TO
48 COMPLETE THE REQUIRED CONTINUED EDUCATION AND WHO CONTINUES TO PRACTICE
49 NATUROPATHIC MEDICINE WITHOUT SUCH REGISTRATION, SHALL BE SUBJECT TO
50 DISCIPLINARY PROCEEDINGS PURSUANT TO SECTION SIXTY-FIVE HUNDRED TEN OF
51 THIS TITLE.

52 4. AS USED IN THIS SECTION, "ACCEPTABLE FORMAL CONTINUING EDUCATION"
53 SHALL MEAN FORMAL PROGRAMS OF LEARNING WHICH CONTAIN SUBJECT MATTER
54 WHICH MEET THE FOLLOWING REQUIREMENTS: CONTRIBUTES TO THE ENHANCEMENT OF
55 PROFESSIONAL AND CLINICAL SKILLS OF THE NATUROPATHIC DOCTOR; MEETS THE
56 STANDARDS PRESCRIBED BY REGULATIONS OF THE COMMISSIONER IN CONSULTATION

1 WITH THE BOARD TO FULFILL THE MANDATORY CONTINUING EDUCATION REQUIRE-
2 MENT; AND IS SPONSORED OR PRESENTED BY A STATE OR A CANADIAN PROVINCE
3 NATUROPATHIC MEDICINE PROFESSIONAL ORGANIZATION ACCEPTABLE TO THE
4 DEPARTMENT, A UNITED STATES OR CANADIAN NATIONAL NATUROPATHIC MEDICINE
5 PROFESSIONAL ORGANIZATION ACCEPTABLE TO THE DEPARTMENT, AN INSTITUTION
6 OF HIGHER LEARNING HAVING AN ACCREDITATION ACCEPTABLE TO THE DEPARTMENT,
7 OR ANOTHER SPONSOR APPROVED BY THE DEPARTMENT, PURSUANT TO THE REGU-
8 LATION OF THE COMMISSIONER. CONTINUING EDUCATION COURSES MUST BE TAKEN
9 FROM A PROVIDER WHO HAS BEEN APPROVED BY THE DEPARTMENT, BASED UPON AN
10 APPLICATION AND FEE, PURSUANT TO THE REGULATIONS OF THE COMMISSIONER.
11 THE DEPARTMENT MAY, IN ITS DISCRETION AND AS NEEDED TO CONTRIBUTE TO THE
12 HEALTH AND WELFARE OF THE PUBLIC, REQUIRE THE COMPLETION OF CONTINUING
13 EDUCATION ACTIVITIES IN SPECIFIC SUBJECTS TO FULFILL THIS MANDATORY
14 CONTINUING EDUCATION REQUIREMENT.

15 5. LICENSED NATUROPATHIC DOCTORS SHALL MAINTAIN ADEQUATE DOCUMENTATION
16 OF COMPLETION OF ACCEPTABLE FORMAL CONTINUING EDUCATION AND SHALL
17 PROVIDE SUCH DOCUMENTATION TO THE DEPARTMENT UPON REQUEST. FAILURE TO
18 PROVIDE SUCH DOCUMENTATION UPON REQUEST OF THE DEPARTMENT SHALL BE AN
19 ACT OF MISCONDUCT SUBJECT TO DISCIPLINARY PROCEEDINGS PURSUANT TO
20 SECTION SIXTY-FIVE HUNDRED TEN OF THIS TITLE.

21 6. THE MANDATORY CONTINUING EDUCATION FEE SHALL BE FIFTY DOLLARS,
22 SHALL BE PAYABLE ON OR BEFORE THE FIRST DAY OF EACH TRIENNIAL REGISTRA-
23 TION PERIOD, AND SHALL BE IN ADDITION TO THE TRIENNIAL REGISTRATION FEE
24 REQUIRED BY SECTION SIXTY-EIGHT HUNDRED FIFTY-SEVEN OF THIS ARTICLE.

25 S 3. Subdivision (a) of section 1203 of the limited liability company
26 law, as amended by chapter 554 of the laws of 2013, is amended to read
27 as follows:

28 (a) Notwithstanding the education law or any other provision of law,
29 one or more professionals each of whom is authorized by law to render a
30 professional service within the state, or one or more professionals, at
31 least one of whom is authorized by law to render a professional service
32 within the state, may form, or cause to be formed, a professional
33 service limited liability company for pecuniary profit under this arti-
34 cle for the purpose of rendering the professional service or services as
35 such professionals are authorized to practice. With respect to a profes-
36 sional service limited liability company formed to provide medical
37 services as such services are defined in article 131 of the education
38 law, each member of such limited liability company must be licensed
39 pursuant to article 131 of the education law to practice medicine in
40 this state. WITH RESPECT TO A PROFESSIONAL SERVICE LIMITED LIABILITY
41 COMPANY FORMED TO PROVIDE NATUROPATHIC SERVICES AS SUCH SERVICES ARE
42 DEFINED IN ARTICLE 138 OF THE EDUCATION LAW, EACH MEMBER OF SUCH LIMITED
43 LIABILITY COMPANY MUST BE LICENSED PURSUANT TO ARTICLE 138 OF THE EDUCA-
44 TION LAW TO PRACTICE NATUROPATHY IN THIS STATE. With respect to a
45 professional service limited liability company formed to provide dental
46 services as such services are defined in article 133 of the education
47 law, each member of such limited liability company must be licensed
48 pursuant to article 133 of the education law to practice dentistry in
49 this state. With respect to a professional service limited liability
50 company formed to provide veterinary services as such services are
51 defined in article 135 of the education law, each member of such limited
52 liability company must be licensed pursuant to article 135 of the educa-
53 tion law to practice veterinary medicine in this state. With respect to
54 a professional service limited liability company formed to provide
55 professional engineering, land surveying, architectural and/or landscape
56 architectural services as such services are defined in article 145,

1 article 147 and article 148 of the education law, each member of such
2 limited liability company must be licensed pursuant to article 145,
3 article 147 and/or article 148 of the education law to practice one or
4 more of such professions in this state. With respect to a professional
5 service limited liability company formed to provide licensed clinical
6 social work services as such services are defined in article 154 of the
7 education law, each member of such limited liability company shall be
8 licensed pursuant to article 154 of the education law to practice
9 licensed clinical social work in this state. With respect to a profes-
10 sional service limited liability company formed to provide creative arts
11 therapy services as such services are defined in article 163 of the
12 education law, each member of such limited liability company must be
13 licensed pursuant to article 163 of the education law to practice crea-
14 tive arts therapy in this state. With respect to a professional service
15 limited liability company formed to provide marriage and family therapy
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 marriage and
19 family therapy in this state. With respect to a professional service
20 limited liability company formed to provide mental health counseling
21 services as such services are defined in article 163 of the education
22 law, each member of such limited liability company must be licensed
23 pursuant to article 163 of the education law to practice mental health
24 counseling in this state. With respect to a professional service limited
25 liability company formed to provide psychoanalysis services as such
26 services are defined in article 163 of the education law, each member of
27 such limited liability company must be licensed pursuant to article 163
28 of the education law to practice psychoanalysis in this state. With
29 respect to a professional service limited liability company formed to
30 provide applied behavior analysis services as such services are defined
31 in article 167 of the education law, each member of such limited liabil-
32 ity company must be licensed or certified pursuant to article 167 of the
33 education law to practice applied behavior analysis in this state. In
34 addition to engaging in such profession or professions, a professional
35 service limited liability company may engage in any other business or
36 activities as to which a limited liability company may be formed under
37 section two hundred one of this chapter. Notwithstanding any other
38 provision of this section, a professional service limited liability
39 company (i) authorized to practice law may only engage in another
40 profession or business or activities or (ii) which is engaged in a
41 profession or other business or activities other than law may only
42 engage in the practice of law, to the extent not prohibited by any other
43 law of this state or any rule adopted by the appropriate appellate divi-
44 sion of the supreme court or the court of appeals.

45 S 3-a. Subdivision (a) of section 1203 of the limited liability compa-
46 ny law, as amended by chapter 475 of the laws of 2014, is amended to
47 read as follows:

48 (a) Notwithstanding the education law or any other provision of law,
49 one or more professionals each of whom is authorized by law to render a
50 professional service within the state, or one or more professionals, at
51 least one of whom is authorized by law to render a professional service
52 within the state, may form, or cause to be formed, a professional
53 service limited liability company for pecuniary profit under this arti-
54 cle for the purpose of rendering the professional service or services as
55 such professionals are authorized to practice. With respect to a
56 professional service limited liability company formed to provide medical

1 services as such services are defined in article 131 of the education
2 law, each member of such limited liability company must be licensed
3 pursuant to article 131 of the education law to practice medicine in
4 this state. WITH RESPECT TO A PROFESSIONAL SERVICE LIMITED LIABILITY
5 COMPANY FORMED TO PROVIDE NATUROPATHIC SERVICES AS SUCH SERVICES ARE
6 DEFINED IN ARTICLE 138 OF THE EDUCATION LAW, EACH MEMBER OF SUCH LIMITED
7 LIABILITY COMPANY MUST BE LICENSED PURSUANT TO ARTICLE 138 OF THE EDUCA-
8 TION LAW TO PRACTICE NATUROPATHY IN THIS STATE. With respect to a
9 professional service limited liability company formed to provide dental
10 services as such services are defined in article 133 of the education
11 law, each member of such limited liability company must be licensed
12 pursuant to article 133 of the education law to practice dentistry in
13 this state. With respect to a professional service limited liability
14 company formed to provide veterinary services as such services are
15 defined in article 135 of the education law, each member of such limited
16 liability company must be licensed pursuant to article 135 of the educa-
17 tion law to practice veterinary medicine in this state. With respect to
18 a professional service limited liability company formed to provide
19 professional engineering, land surveying, architectural, landscape
20 architectural and/or geological services as such services are defined in
21 article 145, article 147 and article 148 of the education law, each
22 member of such limited liability company must be licensed pursuant to
23 article 145, article 147 and/or article 148 of the education law to
24 practice one or more of such professions in this state. With respect to
25 a professional service limited liability company formed to provide
26 licensed clinical social work services as such services are defined in
27 article 154 of the education law, each member of such limited liability
28 company shall be licensed pursuant to article 154 of the education law
29 to practice licensed clinical social work in this state. With respect to
30 a professional service limited liability company formed to provide crea-
31 tive arts therapy services as such services are defined in article 163
32 of the education law, each member of such limited liability company must
33 be licensed pursuant to article 163 of the education law to practice
34 creative arts therapy in this state. With respect to a professional
35 service limited liability company formed to provide marriage and family
36 therapy services as such services are defined in article 163 of the
37 education law, each member of such limited liability company must be
38 licensed pursuant to article 163 of the education law to practice
39 marriage and family therapy in this state. With respect to a profes-
40 sional service limited liability company formed to provide mental health
41 counseling services as such services are defined in article 163 of the
42 education law, each member of such limited liability company must be
43 licensed pursuant to article 163 of the education law to practice mental
44 health counseling in this state. With respect to a professional service
45 limited liability company formed to provide psychoanalysis services as
46 such services are defined in article 163 of the education law, each
47 member of such limited liability company must be licensed pursuant to
48 article 163 of the education law to practice psychoanalysis in this
49 state. With respect to a professional service limited liability company
50 formed to provide applied behavior analysis services as such services
51 are defined in article 167 of the education law, each member of such
52 limited liability company must be licensed or certified pursuant to
53 article 167 of the education law to practice applied behavior analysis
54 in this state. In addition to engaging in such profession or
55 professions, a professional service limited liability company may engage
56 in any other business or activities as to which a limited liability

1 company may be formed under section two hundred one of this chapter.
2 Notwithstanding any other provision of this section, a professional
3 service limited liability company (i) authorized to practice law may
4 only engage in another profession or business or activities or (ii)
5 which is engaged in a profession or other business or activities other
6 than law may only engage in the practice of law, to the extent not
7 prohibited by any other law of this state or any rule adopted by the
8 appropriate appellate division of the supreme court or the court of
9 appeals.

10 S 4. Subdivision (b) of section 1207 of the limited liability company
11 law, as amended by chapter 554 of the laws of 2013, is amended to read
12 as follows:

13 (b) With respect to a professional service limited liability company
14 formed to provide medical services as such services are defined in arti-
15 cle 131 of the education law, each member of such limited liability
16 company must be licensed pursuant to article 131 of the education law to
17 practice medicine in this state. WITH RESPECT TO A PROFESSIONAL SERVICE
18 LIMITED LIABILITY COMPANY FORMED TO PROVIDE NATUROPATHIC SERVICES AS
19 SUCH SERVICES ARE DEFINED IN ARTICLE 138 OF THE EDUCATION LAW, EACH
20 MEMBER OF SUCH LIMITED LIABILITY COMPANY MUST BE LICENSED PURSUANT TO
21 ARTICLE 138 OF THE EDUCATION LAW TO PRACTICE NATUROPATHY IN THIS STATE.
22 With respect to a professional service limited liability company formed
23 to provide dental services as such services are defined in article 133
24 of the education law, each member of such limited liability company must
25 be licensed pursuant to article 133 of the education law to practice
26 dentistry in this state. With respect to a professional service limited
27 liability company formed to provide veterinary services as such services
28 are defined in article 135 of the education law, each member of such
29 limited liability company must be licensed pursuant to article 135 of
30 the education law to practice veterinary medicine in this state. With
31 respect to a professional service limited liability company formed to
32 provide professional engineering, land surveying, architectural and/or
33 landscape architectural services as such services are defined in article
34 145, article 147 and article 148 of the education law, each member of
35 such limited liability company must be licensed pursuant to article 145,
36 article 147 and/or article 148 of the education law to practice one or
37 more of such professions in this state. With respect to a professional
38 service limited liability company formed to provide licensed clinical
39 social work services as such services are defined in article 154 of the
40 education law, each member of such limited liability company shall be
41 licensed pursuant to article 154 of the education law to practice
42 licensed clinical social work in this state. With respect to a profes-
43 sional service limited liability company formed to provide creative arts
44 therapy services as such services are defined in article 163 of the
45 education law, each member of such limited liability company must be
46 licensed pursuant to article 163 of the education law to practice crea-
47 tive arts therapy in this state. With respect to a professional service
48 limited liability company formed to provide marriage and family therapy
49 services as such services are defined in article 163 of the education
50 law, each member of such limited liability company must be licensed
51 pursuant to article 163 of the education law to practice marriage and
52 family therapy in this state. With respect to a professional service
53 limited liability company formed to provide mental health counseling
54 services as such services are defined in article 163 of the education
55 law, each member of such limited liability company must be licensed
56 pursuant to article 163 of the education law to practice mental health

1 counseling in this state. With respect to a professional service limited
2 liability company formed to provide psychoanalysis services as such
3 services are defined in article 163 of the education law, each member of
4 such limited liability company must be licensed pursuant to article 163
5 of the education law to practice psychoanalysis in this state. With
6 respect to a professional service limited liability company formed to
7 provide applied behavior analysis services as such services are defined
8 in article 167 of the education law, each member of such limited liabil-
9 ity company must be licensed or certified pursuant to article 167 of the
10 education law to practice applied behavior analysis in this state.

11 S 4-a. Subdivision (b) of section 1207 of the limited liability compa-
12 ny law, as amended by chapter 475 of the laws of 2014, is amended to
13 read as follows:

14 (b) With respect to a professional service limited liability company
15 formed to provide medical services as such services are defined in arti-
16 cle 131 of the education law, each member of such limited liability
17 company must be licensed pursuant to article 131 of the education law to
18 practice medicine in this state. WITH RESPECT TO A PROFESSIONAL SERVICE
19 LIMITED LIABILITY COMPANY FORMED TO PROVIDE NATUROPATHIC SERVICES AS
20 SUCH SERVICES ARE DEFINED IN ARTICLE 138 OF THE EDUCATION LAW, EACH
21 MEMBER OF SUCH LIMITED LIABILITY COMPANY MUST BE LICENSED PURSUANT TO
22 ARTICLE 138 OF THE EDUCATION LAW TO PRACTICE NATUROPATHY IN THIS STATE.
23 With respect to a professional service limited liability company formed
24 to provide dental services as such services are defined in article 133
25 of the education law, each member of such limited liability company must
26 be licensed pursuant to article 133 of the education law to practice
27 dentistry in this state. With respect to a professional service limited
28 liability company formed to provide veterinary services as such services
29 are defined in article 135 of the education law, each member of such
30 limited liability company must be licensed pursuant to article 135 of
31 the education law to practice veterinary medicine in this state. With
32 respect to a professional service limited liability company formed to
33 provide professional engineering, land surveying, architectural, land-
34 scape architectural and/or geological services as such services are
35 defined in article 145, article 147 and article 148 of the education
36 law, each member of such limited liability company must be licensed
37 pursuant to article 145, article 147 and/or article 148 of the education
38 law to practice one or more of such professions in this state. With
39 respect to a professional service limited liability company formed to
40 provide licensed clinical social work services as such services are
41 defined in article 154 of the education law, each member of such limited
42 liability company shall be licensed pursuant to article 154 of the
43 education law to practice licensed clinical social work in this state.
44 With respect to a professional service limited liability company formed
45 to provide creative arts therapy services as such services are defined
46 in article 163 of the education law, each member of such limited liabil-
47 ity company must be licensed pursuant to article 163 of the education
48 law to practice creative arts therapy in this state. With respect to a
49 professional service limited liability company formed to provide
50 marriage and family therapy services as such services are defined in
51 article 163 of the education law, each member of such limited liability
52 company must be licensed pursuant to article 163 of the education law to
53 practice marriage and family therapy in this state. With respect to a
54 professional service limited liability company formed to provide mental
55 health counseling services as such services are defined in article 163
56 of the education law, each member of such limited liability company must

1 be licensed pursuant to article 163 of the education law to practice
2 mental health counseling in this state. With respect to a professional
3 service limited liability company formed to provide psychoanalysis
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 psychoanalysis
7 in this state. With respect to a professional service limited liability
8 company formed to provide applied behavior analysis services as such
9 services are defined in article 167 of the education law, each member of
10 such limited liability company must be licensed or certified pursuant to
11 article 167 of the education law to practice applied behavior analysis
12 in this state.

13 S 5. Subdivision (a) of section 1301 of the limited liability company
14 law, as amended by chapter 554 of the laws of 2013, is amended to read
15 as follows:

16 (a) "Foreign professional service limited liability company" means a
17 professional service limited liability company, whether or not denomi-
18 nated as such, organized under the laws of a jurisdiction other than
19 this state, (i) each of whose members and managers, if any, is a profes-
20 sional authorized by law to render a professional service within this
21 state and who is or has been engaged in the practice of such profession
22 in such professional service limited liability company or a predecessor
23 entity, or will engage in the practice of such profession in the profes-
24 sional service limited liability company within thirty days of the date
25 such professional becomes a member, or each of whose members and manag-
26 ers, if any, is a professional at least one of such members is author-
27 ized by law to render a professional service within this state and who
28 is or has been engaged in the practice of such profession in such
29 professional service limited liability company or a predecessor entity,
30 or will engage in the practice of such profession in the professional
31 service limited liability company within thirty days of the date such
32 professional becomes a member, or (ii) authorized by, or holding a
33 license, certificate, registration or permit issued by the licensing
34 authority pursuant to, the education law to render a professional
35 service within this state; except that all members and managers, if any,
36 of a foreign professional service limited liability company that
37 provides health services in this state shall be licensed in this state.
38 WITH RESPECT TO A PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY FORMED
39 TO PROVIDE NATUROPATHIC SERVICES AS SUCH SERVICES ARE DEFINED IN ARTICLE
40 138 OF THE EDUCATION LAW, EACH MEMBER OF SUCH LIMITED LIABILITY COMPANY
41 MUST BE LICENSED PURSUANT TO ARTICLE 138 OF THE EDUCATION LAW TO PRAC-
42 TICE NATUROPATHY IN THIS STATE. With respect to a foreign professional
43 service limited liability company which provides veterinary services as
44 such services are defined in article 135 of the education law, each
45 member of such foreign professional service limited liability company
46 shall be licensed pursuant to article 135 of the education law to prac-
47 tice veterinary medicine. With respect to a foreign professional service
48 limited liability company which provides medical services as such
49 services are defined in article 131 of the education law, each member of
50 such foreign professional service limited liability company must be
51 licensed pursuant to article 131 of the education law to practice medi-
52 cine in this state. With respect to a foreign professional service
53 limited liability company which provides dental services as such
54 services are defined in article 133 of the education law, each member of
55 such foreign professional service limited liability company must be
56 licensed pursuant to article 133 of the education law to practice

1 dentistry in this state. With respect to a foreign professional service
2 limited liability company which provides professional engineering, land
3 surveying, architectural and/or landscape architectural services as such
4 services are defined in article 145, article 147 and article 148 of the
5 education law, each member of such foreign professional service limited
6 liability company must be licensed pursuant to article 145, article 147
7 and/or article 148 of the education law to practice one or more of such
8 professions in this state. With respect to a foreign professional
9 service limited liability company which provides licensed clinical
10 social work services as such services are defined in article 154 of the
11 education law, each member of such foreign professional service limited
12 liability company shall be licensed pursuant to article 154 of the
13 education law to practice clinical social work in this state. With
14 respect to a foreign professional service limited liability company
15 which provides creative arts therapy services as such services are
16 defined in article 163 of the education law, each member of such foreign
17 professional service limited liability company must be licensed pursuant
18 to article 163 of the education law to practice creative arts therapy in
19 this state. With respect to a foreign professional service limited
20 liability company which provides marriage and family therapy services as
21 such services are defined in article 163 of the education law, each
22 member of such foreign professional service limited liability company
23 must be licensed pursuant to article 163 of the education law to prac-
24 tice marriage and family therapy in this state. With respect to a
25 foreign professional service limited liability company which provides
26 mental health counseling services as such services are defined in arti-
27 cle 163 of the education law, each member of such foreign professional
28 service limited liability company must be licensed pursuant to article
29 163 of the education law to practice mental health counseling in this
30 state. With respect to a foreign professional service limited liability
31 company which provides psychoanalysis services as such services are
32 defined in article 163 of the education law, each member of such foreign
33 professional service limited liability company must be licensed pursuant
34 to article 163 of the education law to practice psychoanalysis in this
35 state. With respect to a foreign professional service limited liability
36 company which provides applied behavior analysis services as such
37 services are defined in article 167 of the education law, each member of
38 such foreign professional service limited liability company must be
39 licensed or certified pursuant to article 167 of the education law to
40 practice applied behavior analysis in this state.

41 S 5-a. Subdivision (a) of section 1301 of the limited liability compa-
42 ny law, as amended by chapter 475 of the laws of 2014, is amended to
43 read as follows:

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

1 professional service limited liability company or a predecessor entity,
2 or will engage in the practice of such profession in the professional
3 service limited liability company within thirty days of the date such
4 professional becomes a member, or (ii) authorized by, or holding a
5 license, certificate, registration or permit issued by the licensing
6 authority pursuant to, the education law to render a professional
7 service within this state; except that all members and managers, if any,
8 of a foreign professional service limited liability company that
9 provides health services in this state shall be licensed in this state.
10 WITH RESPECT TO A PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY FORMED
11 TO PROVIDE NATUROPATHIC SERVICES AS SUCH SERVICES ARE DEFINED IN ARTICLE
12 138 OF THE EDUCATION LAW, EACH MEMBER OF SUCH LIMITED LIABILITY COMPANY
13 MUST BE LICENSED PURSUANT TO ARTICLE 138 OF THE EDUCATION LAW TO PRAC-
14 TICE NATUROPATHY IN THIS STATE. With respect to a foreign professional
15 service limited liability company which provides veterinary services as
16 such services are defined in article 135 of the education law, each
17 member of such foreign professional service limited liability company
18 shall be licensed pursuant to article 135 of the education law to prac-
19 tice veterinary medicine. With respect to a foreign professional service
20 limited liability company which provides medical services as such
21 services are defined in article 131 of the education law, each member of
22 such foreign professional service limited liability company must be
23 licensed pursuant to article 131 of the education law to practice medi-
24 cine in this state. With respect to a foreign professional service
25 limited liability company which provides dental services as such
26 services are defined in article 133 of the education law, each member of
27 such foreign professional service limited liability company must be
28 licensed pursuant to article 133 of the education law to practice
29 dentistry in this state. With respect to a foreign professional service
30 limited liability company which provides professional engineering, land
31 surveying, geologic, architectural and/or landscape architectural
32 services as such services are defined in article 145, article 147 and
33 article 148 of the education law, each member of such foreign profes-
34 sional service limited liability company must be licensed pursuant to
35 article 145, article 147 and/or article 148 of the education law to
36 practice one or more of such professions in this state. With respect to
37 a foreign professional service limited liability company which provides
38 licensed clinical social work services as such services are defined in
39 article 154 of the education law, each member of such foreign profes-
40 sional service limited liability company shall be licensed pursuant to
41 article 154 of the education law to practice clinical social work in
42 this state. With respect to a foreign professional service limited
43 liability company which provides creative arts therapy services as such
44 services are defined in article 163 of the education law, each member of
45 such foreign professional service limited liability company must be
46 licensed pursuant to article 163 of the education law to practice crea-
47 tive arts therapy in this state. With respect to a foreign professional
48 service limited liability company which provides marriage and family
49 therapy services as such services are defined in article 163 of the
50 education law, each member of such foreign professional service limited
51 liability company must be licensed pursuant to article 163 of the educa-
52 tion law to practice marriage and family therapy in this state. With
53 respect to a foreign professional service limited liability company
54 which provides mental health counseling services as such services are
55 defined in article 163 of the education law, each member of such foreign
56 professional service limited liability company must be licensed pursuant

1 to article 163 of the education law to practice mental health counseling
2 in this state. With respect to a foreign professional service limited
3 liability company which provides psychoanalysis services as such
4 services are defined in article 163 of the education law, each member of
5 such foreign professional service limited liability company must be
6 licensed pursuant to article 163 of the education law to practice
7 psychoanalysis in this state. With respect to a foreign professional
8 service limited liability company which provides applied behavior analy-
9 sis services as such services are defined in article 167 of the educa-
10 tion law, each member of such foreign professional service limited
11 liability company must be licensed or certified pursuant to article 167
12 of the education law to practice applied behavior analysis in this
13 state.

14 S 6. Subdivision (q) of section 121-1500 of the partnership law, as
15 amended by chapter 554 of the laws of 2013, is amended to read as
16 follows:

17 (q) Each partner of a registered limited liability partnership formed
18 to provide medical services in this state must be licensed pursuant to
19 article 131 of the education law to practice medicine in this state and
20 each partner of a registered limited liability partnership formed to
21 provide dental services in this state must be licensed pursuant to arti-
22 cle 133 of the education law to practice dentistry in this state. EACH
23 PARTNER OF A REGISTERED LIMITED LIABILITY PARTNERSHIP FORMED TO PROVIDE
24 NATUROPATHIC SERVICES IN THIS STATE MUST BE LICENSED PURSUANT TO ARTICLE
25 138 OF THE EDUCATION LAW TO PRACTICE NATUROPATHY IN THIS STATE. Each
26 partner of a registered limited liability partnership formed to provide
27 veterinary services in this state must be licensed pursuant to article
28 135 of the education law to practice veterinary medicine in this state.
29 Each partner of a registered limited liability partnership formed to
30 provide professional engineering, land surveying, architectural and/or
31 landscape architectural services in this state must be licensed pursuant
32 to article 145, article 147 and/or article 148 of the education law to
33 practice one or more of such professions in this state. Each partner of
34 a registered limited liability partnership formed to provide licensed
35 clinical social work services in this state must be licensed pursuant to
36 article 154 of the education law to practice clinical social work in
37 this state. Each partner of a registered limited liability partnership
38 formed to provide creative arts therapy services in this state must be
39 licensed pursuant to article 163 of the education law to practice crea-
40 tive arts therapy in this state. Each partner of a registered limited
41 liability partnership formed to provide marriage and family therapy
42 services in this state must be licensed pursuant to article 163 of the
43 education law to practice marriage and family therapy in this state.
44 Each partner of a registered limited liability partnership formed to
45 provide mental health counseling services in this state must be licensed
46 pursuant to article 163 of the education law to practice mental health
47 counseling in this state. Each partner of a registered limited liability
48 partnership formed to provide psychoanalysis services in this state must
49 be licensed pursuant to article 163 of the education law to practice
50 psychoanalysis in this state. Each partner of a registered limited
51 liability partnership formed to provide applied behavior analysis
52 service in this state must be licensed or certified pursuant to article
53 167 of the education law to practice applied behavior analysis in this
54 state.

1 S 6-a. Subdivision (q) of section 121-1500 of the partnership law, as
2 amended by chapter 475 of the laws of 2014, is amended to read as
3 follows:

4 (q) Each partner of a registered limited liability partnership formed
5 to provide medical services in this state must be licensed pursuant to
6 article 131 of the education law to practice medicine in this state and
7 each partner of a registered limited liability partnership formed to
8 provide dental services in this state must be licensed pursuant to arti-
9 cle 133 of the education law to practice dentistry in this state. EACH
10 PARTNER OF A REGISTERED LIMITED LIABILITY PARTNERSHIP FORMED TO PROVIDE
11 NATUROPATHIC SERVICES IN THIS STATE MUST BE LICENSED PURSUANT TO ARTICLE
12 138 OF THE EDUCATION LAW TO PRACTICE NATUROPATHY IN THIS STATE. Each
13 partner of a registered limited liability partnership formed to provide
14 veterinary services in this state must be licensed pursuant to article
15 135 of the education law to practice veterinary medicine in this state.
16 Each partner of a registered limited liability partnership formed to
17 provide professional engineering, land surveying, geological services,
18 architectural and/or landscape architectural services in this state must
19 be licensed pursuant to article 145, article 147 and/or article 148 of
20 the education law to practice one or more of such professions in this
21 state. Each partner of a registered limited liability partnership formed
22 to provide licensed clinical social work services in this state must be
23 licensed pursuant to article 154 of the education law to practice clin-
24 ical social work in this state. Each partner of a registered limited
25 liability partnership formed to provide creative arts therapy services
26 in this state must be licensed pursuant to article 163 of the education
27 law to practice creative arts therapy in this state. Each partner of a
28 registered limited liability partnership formed to provide marriage and
29 family therapy services in this state must be licensed pursuant to arti-
30 cle 163 of the education law to practice marriage and family therapy in
31 this state. Each partner of a registered limited liability partnership
32 formed to provide mental health counseling services in this state must
33 be licensed pursuant to article 163 of the education law to practice
34 mental health counseling in this state. Each partner of a registered
35 limited liability partnership formed to provide psychoanalysis services
36 in this state must be licensed pursuant to article 163 of the education
37 law to practice psychoanalysis in this state. Each partner of a regis-
38 tered limited liability partnership formed to provide applied behavior
39 analysis service in this state must be licensed or certified pursuant to
40 article 167 of the education law to practice applied behavior analysis
41 in this state.

42 S 7. Subdivision (q) of section 121-1502 of the partnership law, as
43 amended by chapter 554 of the laws of 2013, is amended to read as
44 follows:

45 (q) Each partner of a foreign limited liability partnership which
46 provides medical services in this state must be licensed pursuant to
47 article 131 of the education law to practice medicine in the state and
48 each partner of a foreign limited liability partnership which provides
49 dental services in the state must be licensed pursuant to article 133 of
50 the education law to practice dentistry in this state. EACH PARTNER OF
51 A FOREIGN LIMITED LIABILITY PARTNERSHIP WHICH PROVIDES NATUROPATHIC
52 SERVICES IN THIS STATE MUST BE LICENSED PURSUANT TO ARTICLE 138 OF THE
53 EDUCATION LAW TO PRACTICE NATUROPATHY IN THIS STATE. Each partner of a
54 foreign limited liability partnership which provides veterinary service
55 in the state shall be licensed pursuant to article 135 of the education
56 law to practice veterinary medicine in this state. Each partner of a

1 foreign limited liability partnership which provides professional engi-
2 neering, land surveying, architectural and/or landscape architectural
3 services in this state must be licensed pursuant to article 145, article
4 147 and/or article 148 of the education law to practice one or more of
5 such professions. Each partner of a foreign limited liability partner-
6 ship which provides licensed clinical social work services in this state
7 must be licensed pursuant to article 154 of the education law to prac-
8 tice licensed clinical social work in this state. Each partner of a
9 foreign limited liability partnership which provides creative arts ther-
10 apy services in this state must be licensed pursuant to article 163 of
11 the education law to practice creative arts therapy in this state. Each
12 partner of a foreign limited liability partnership which provides
13 marriage and family therapy services in this state must be licensed
14 pursuant to article 163 of the education law to practice marriage and
15 family therapy in this state. Each partner of a foreign limited liabil-
16 ity partnership which provides mental health counseling services in this
17 state must be licensed pursuant to article 163 of the education law to
18 practice mental health counseling in this state. Each partner of a
19 foreign limited liability partnership which provides psychoanalysis
20 services in this state must be licensed pursuant to article 163 of the
21 education law to practice psychoanalysis in this state. Each partner of
22 a foreign limited liability partnership which provides applied behavior
23 analysis services in this state must be licensed or certified pursuant
24 to article 167 of the education law to practice applied behavior analy-
25 sis in this state.

26 S 7-a. Subdivision (q) of section 121-1500 of the partnership law, as
27 amended by chapter 475 of the laws of 2014, 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 A
35 FOREIGN LIMITED LIABILITY PARTNERSHIP WHICH PROVIDES NATUROPATHIC
36 SERVICES IN THIS STATE MUST BE LICENSED PURSUANT TO ARTICLE 138 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, geological services, architectural and/or land-
43 scape architectural services in this state must be licensed pursuant to
44 article 145, article 147 and/or article 148 of the education law to
45 practice one or more of such professions. Each partner of a foreign
46 limited liability partnership which provides licensed clinical social
47 work services in this state must be licensed pursuant to article 154 of
48 the education law to practice licensed clinical social work in this
49 state. Each partner of a foreign limited liability partnership which
50 provides creative arts therapy services in this state must be licensed
51 pursuant to article 163 of the education law to practice creative arts
52 therapy in this state. Each partner of a foreign limited liability part-
53 nership which provides marriage and family therapy services in this
54 state must be licensed pursuant to article 163 of the education law to
55 practice marriage and family therapy in this state. Each partner of a
56 foreign limited liability partnership which provides mental health coun-

1 selling services in this state must be licensed pursuant to article 163
2 of the education law to practice mental health counseling in this state.
3 Each partner of a foreign limited liability partnership which provides
4 psychoanalysis services in this state must be licensed pursuant to arti-
5 cle 163 of the education law to practice psychoanalysis in this state.
6 Each partner of a foreign limited liability partnership which provides
7 applied behavior analysis services in this state must be licensed or
8 certified pursuant to article 167 of the education law to practice
9 applied behavior analysis in this state.

10 S 8. Paragraph (a) of subdivision 1 of section 413 of the social
11 services law, as separately amended by chapters 126 and 205 of the laws
12 of 2014, is amended to read as follows:

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

49 S 9. Subdivision 6 of section 571 of the public health law, as amended
50 by chapter 444 of the laws of 2013, is amended to read as follows:

51 6. "Qualified health care professional" means a physician, dentist,
52 podiatrist, NATUROPATHIC DOCTOR, optometrist performing a clinical labo-
53 ratory test that does not use an invasive modality as defined in section
54 seventy-one hundred one of the education law, physician assistant,
55 specialist assistant, nurse practitioner, or midwife, who is licensed
56 and registered with the state education department.

1 S 10. Subdivision 1 of section 585 of the public health law, as added
2 by chapter 803 of the laws of 1992, is amended to read as follows:

3 1. "Health services purveyor" means any person, firm, partnership,
4 group, association, corporation or professional corporation, or any
5 agent, employee, fiduciary, employer or representative thereof, includ-
6 ing but not limited to a physician, dentist, podiatrist, NATUROPATHIC
7 DOCTOR or chiropractor, either in individual practice, group practice or
8 employed in a facility owned by any person, group, association, firm,
9 partnership or corporation hiring any of the aforementioned practition-
10 ers, who provide health or health related services.

11 S 11. This act shall take effect on the five hundred fortieth day
12 after it shall have become a law; provided however, that:

13 a. section eight of this act shall take effect immediately; provided
14 however that;

15 b. the amendments to subdivision (a) of section 1203 of the limited
16 liability company law made by section three-a of this act shall take
17 effect on the same date and in the same manner as section twenty-one of
18 chapter 475 of the laws of 2014, takes effect;

19 c. the amendments to subdivision (a) of section 1207 of the limited
20 liability company law made by section four-a of this act shall take
21 effect on the same date and in the same manner as section twenty-two of
22 chapter 475 of the laws of 2014, takes effect;

23 d. the amendments to subdivision (a) of section 1301 of the limited
24 liability company law made by section five-a of this act shall take
25 effect on the same date and in the same manner as section twenty-three
26 of chapter 475 of the laws of 2014, takes effect;

27 e. the amendments to subdivision (q) of section 121-1500 of the part-
28 nership law made by section six-a of this act shall take effect on the
29 same date and in the same manner as section twenty-six of chapter 475 of
30 the laws of 2014, takes effect;

31 f. the amendments to subdivision (q) of section 121-1502 of the part-
32 nership law made by section seven-a of this act shall take effect on the
33 same date and in the same manner as section twenty-seven of chapter 475
34 of the laws of 2014, takes effect;

35 g. the provisions of section 6854 of the education law, as added by
36 section two of this act, shall take effect two years after the effective
37 date of this act;

38 h. the provisions of section 6856 of the education law, as added by
39 section two of this act, shall expire and be deemed repealed ten years
40 after the effective date of this act;

41 i. the provisions of sections 6858 and 6861 of the education law, as
42 added by section two of this act, shall expire and be deemed repealed
43 twenty years after the effective date of this act;

44 j. the provisions of section 6862 of the education law, as added by
45 section two of this act, shall take effect three years after the effec-
46 tive date of this act; and

47 k. effective immediately, the addition, amendment and/or repeal of any
48 rule or regulation necessary for the implementation of this act on its
49 effective date are authorized and directed to be made and completed by
50 the commissioner of education and the board of regents on or before such
51 effective date.