

7035

2015-2016 Regular Sessions

I N A S S E M B L Y

April 21, 2015

Introduced by M. of A. PERRY, ORTIZ, McDONOUGH -- 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; and to amend the social services law, in relation to the reporting of child abuse

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

1 Section 1. Legislative intent. 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.

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

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

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

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

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

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

55 8. The legislature intends that the professional conduct of the natu-
56 ropathic doctor be informed by the naturopathic principles and the ther-

1 apautic order, and so distinguish over professional conduct for the
2 practice of the profession of medicine.

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

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

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

38 S 2. The Education Law is amended by adding a new article 138 to read
39 as follows:

40 ARTICLE 138

41 NATUROPATHIC MEDICINE

42 SECTION 6850. INTRODUCTION.

43 6851. DEFINITIONS.

44 6852. DEFINITION OF THE PRACTICE OF NATUROPATHIC MEDICINE.

45 6853. TITLE AND DESIGNATION.

46 6854. INJECTION THERAPY AND INJECTION THERAPY PRIVILEGE.

47 6855. BOUNDARIES OF PROFESSIONAL COMPETENCE.

48 6856. STATE BOARD FOR NATUROPATHIC MEDICINE.

49 6857. QUALIFICATIONS FOR LICENSURE.

50 6858. SPECIAL CONDITIONS.

51 6859. EXEMPT PERSONS AND EXEMPTIONS.

52 6860. LIMITED RESIDENCY PERMITS.

53 6861. LIMITED PERMITS.

54 6862. MANDATORY CONTINUING EDUCATION.

55 S 6850. INTRODUCTION. THIS ARTICLE APPLIES TO THE LICENSURE AND REGU-
56 LATION OF NATUROPATHIC DOCTORS TO PRACTICE NATUROPATHIC MEDICINE IN THIS

1 STATE. THE GENERAL PROVISIONS FOR ALL PROFESSIONS CONTAINED IN ARTICLE
2 ONE HUNDRED THIRTY, AS ADDED BY CHAPTER NINE HUNDRED EIGHTY-SEVEN OF THE
3 LAWS OF NINETEEN HUNDRED SEVENTY-ONE, OF THIS TITLE APPLY TO THIS ARTI-
4 CLE.

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

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

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

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

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

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

44 6. "CONTROLLED SUBSTANCE" MEANS CONTROLLED SUBSTANCES AS DEFINED IN
45 THE FEDERAL CONTROLLED SUBSTANCES ACT.

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

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

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

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

- 1 11. "FACILITATING OPTIMUM HEALTH AND WELLNESS" MEANS FACILITATING THE
2 ESTABLISHMENT AND MAINTENANCE OF A HEALTHY PATIENT LIFESTYLE AND NUTRI-
3 TIONAL FOUNDATION; EDUCATING THE PATIENT ABOUT THEIR CIRCUMSTANCES OF
4 HEALTH AND ILLNESS AND STEPS FOR ESTABLISHING AND MAINTAINING OPTIMUM
5 HEALTH AND WELLNESS; FACILITATING AND AUGMENTING SELF-HEALING PROCESSES;
6 SUPPORTING AND MODULATING PHYSIOLOGICAL PROCESSES; SUPPORTING AND
7 CORRECTING INTEGRITY OF ANATOMICAL STRUCTURES; IDENTIFYING AND REMOVING
8 UNDERLYING CAUSES OF ILLNESS; AND IDENTIFYING, PREVENTING, MITIGATING,
9 MONITORING, AND TREATING ILLNESS.
- 10 12. "FOOD" MEANS FOOD AS DEFINED IN THE FEDERAL FOOD, DRUG, AND
11 COSMETIC ACT, 21 USC 321.
- 12 13. "ILLNESS" MEANS PAIN, INJURY, DEFORMITY, SYNDROME, DISEASE, OR
13 OTHER UNHEALTHY CONDITION.
- 14 14. "INVASIVE PROCEDURE" MEANS ANY MEDICAL PROCEDURE IN WHICH BONE,
15 VISCERA, THE EYEBALL, THE INNER EAR, THE DORSAL BODY CAVITY, OR THE
16 VENTRAL BODY CAVITY IS PENETRATED BY A PHYSICAL DEVICE OR BY IONIZING
17 RADIATION ABOVE BACKGROUND LEVELS.
- 18 15. "INJECTION THERAPY" MEANS THE INJECTION OF APPROVED SUBSTANCES.
- 19 16. "INJECTION THERAPY PRIVILEGE" MEANS THE SCOPE OF PRACTICE PRIVI-
20 LEGE TO PRACTICE INJECTION THERAPY, IN ACCORDANCE WITH REGULATIONS
21 PROMULGATED BY THE COMMISSIONER.
- 22 17. "LEGEND DRUG" MEANS A DRUG FOR WHICH A PRESCRIPTION IS REQUIRED
23 UNDER THE FEDERAL FOOD, DRUG AND COSMETIC ACT.
- 24 18. "NATUROPATHIC ASSESSMENT" MEANS THE IDENTIFICATION AND EVALUATION
25 OF A PATIENT'S CIRCUMSTANCES OF HEALTH AND ILLNESS BY INVESTIGATING THE
26 PATIENT'S HEALTH, HISTORY, LIFE STYLE, AND DETERMINANTS OF HEALTH; BY
27 COMPREHENSIVE PHYSICAL EXAMINATION; BY COMMON OFFICE PROCEDURES FOR
28 ASSESSMENT; BY ORDERING AND PRESCRIBING LABORATORY TESTS AND PROCEDURES,
29 INCLUDING SUBMITTING SPECIMENS FOR TESTING TO LABORATORIES THAT HOLD
30 PERMITS OR LICENSES PURSUANT TO UNDER TITLE V OF ARTICLE FIVE OF THE
31 PUBLIC HEALTH LAW; BY ORDERING AND PRESCRIBING DIAGNOSTIC IMAGING; AND
32 BY OTHER ASSESSMENT TECHNIQUES THAT ARE NONINVASIVE. SPECIMENS FOR
33 TESTING MAY BE OBTAINED BY COMMON OFFICE PROCEDURES AS DESCRIBED IN
34 SUBDIVISION FIVE OF THIS SECTION OR BY PATIENT SUBMISSION (E.G., FOR
35 STOOL, URINE, HAIR, SALIVA).
- 36 19. "NATUROPATHIC PRINCIPLES" MEANS THE FOLLOWING PRINCIPLES, WHICH
37 ARE WEIGHED BY THE NATUROPATHIC DOCTOR TO INFLUENCE THE SELECTION OF
38 NATUROPATHIC ASSESSMENT ACTIVITIES, COMMON OFFICE PROCEDURES, AND TREAT-
39 MENTS ADMINISTERED, ORDERED OR REFERRED:
- 40 A. "THE HEALING POWER OF NATURE," WHICH MEANS THE INHERENT ABILITY OF
41 A LIVING ORGANISM FOR SELF-HEALING;
- 42 B. "IDENTIFY AND TREAT THE CAUSES," WHICH MEANS IDENTIFY AND REMOVE
43 THE UNDERLYING CAUSES OF ILLNESS SO THAT SELF-HEALING PROCESSES MAY
44 FUNCTION EFFECTIVELY;
- 45 C. "FIRST DO NO HARM," WHICH MEANS APPLY THE LEAST FORCE OR INTER-
46 VENTION TO IDENTIFY ILLNESS AND RESTORE HEALTH, SUCH AS REFERENCED IN
47 THE THERAPEUTIC ORDER; AND WHENEVER POSSIBLE, AVOID SYMPTOM SUPPRESSION
48 THAT INTERFERES WITH THE DYNAMICS OF SELF-HEALING;
- 49 D. "DOCTOR AS TEACHER," WHICH MEANS EDUCATE PATIENTS AS TO STEPS FOR
50 ACHIEVING AND MAINTAINING HEALTH, AND ENCOURAGE SELF-RESPONSIBILITY FOR
51 HEALTH;
- 52 E. "TREAT THE WHOLE PERSON," WHICH MEANS ASSESS AND TREAT THE PATIENT
53 AS AN INTEGRATED WHOLE HAVING MANY PHYSICAL, MENTAL, EMOTIONAL, SPIRITU-
54 AL, AND SOCIAL ASPECTS; AND
- 55 F. "PREVENTION," WHICH MEANS ASSESS LIFE STYLE, DETERMINANTS OF
56 HEALTH, AND GENETIC AND ENVIRONMENTAL SUSCEPTIBILITY TO ILLNESS; RECOM-

1 MEND APPROPRIATE INTERVENTIONS TO REDUCE RISKS OF DISEASE OCCURRENCE;
2 AND FACILITATE THE ESTABLISHMENT AND MAINTENANCE OF POSITIVE EMOTION,
3 THOUGHT AND ACTION.

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

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

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

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

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

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

41 26. "SUPERFICIAL" MEANS THE DERMAL AND SUBCUTANEOUS LAYERS OF THE BODY
42 EXTERIOR, THE MUCOSAL LAYER OF THE BODY ORIFICES, AND THE UNDERLYING
43 FASCIA AND ADIPOSE.

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

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

- 1 A. ESTABLISH THE CONDITIONS FOR HEALTH (E.G., IDENTIFY AND REMOVE
2 DISTURBING FACTORS; INSTITUTE A MORE HEALTHFUL REGIMEN);
- 3 B. STIMULATE THE SELF-HEALING PROCESSES;
- 4 C. ADDRESS WEAKENED OR DAMAGED SYSTEMS OR ORGANS (E.G., STRENGTHEN THE
5 IMMUNE SYSTEM; DECREASE TOXICITY; NORMALIZE INFLAMMATORY FUNCTION; OPTI-
6 MIZE METABOLIC FUNCTION; BALANCE REGULATORY SYSTEMS; ENHANCE REGENER-
7 ATION; CULTIVATE SENSORY AND MINDFUL AWARENESS OF THE INTEGRATION OF
8 PSYCHE AND SOMA);
- 9 D. CORRECT STRUCTURAL INTEGRITY;
- 10 E. ADDRESS PATHOLOGY USING SPECIFIC NATURAL SUBSTANCES, MODALITIES, OR
11 INTERVENTIONS;
- 12 F. ADDRESS PATHOLOGY USING SPECIFIC PHARMACOLOGIC OR SYNTHETIC
13 SUBSTANCES; AND
- 14 G. SUPPRESS OR SURGICALLY REMOVE PATHOLOGY.
- 15 29. "VERTEBRAL ADJUSTMENT" MEANS A HIGH VELOCITY, LOW AMPLITUDE THRUST
16 APPLIED TO A VERTEBRA AT THE END OF ITS RANGE OF MOTION UTILIZING PARTS
17 OF THE VERTEBRA AND CONTIGUOUS STRUCTURES AS LEVERS TO DIRECTIONALLY
18 CORRECT ARTICULATE MALPOSITION, AND EXCLUDES MOTION THAT MOVES THE
19 VERTEBRA TO THE END OF ITS RANGE OF MOTION.
- 20 30. "WELLNESS" MEANS A STATE OF BEING ABLE TO PREVENT ILLNESS AND
21 PROLONG LIFE.
- 22 31. "WELLNESS COUNSELING" MEANS PATIENT DOCTOR DIALOGUE FOR FACILITAT-
23 ING POSITIVE EMOTION, THOUGHT, AND ACTION PROVIDED WITHIN A MULTIMODAL
24 HOLISTIC FRAMEWORK OF THERAPY INFORMED BY THE NATUROPATHIC PRINCIPLES
25 AND THE THERAPEUTIC ORDER.
- 26 S 6852. DEFINITION OF THE PRACTICE OF NATUROPATHIC MEDICINE. THE
27 PRACTICE OF NATUROPATHIC MEDICINE IS DEFINED AS FACILITATING OPTIMUM
28 HEALTH AND WELLNESS FOR PATIENTS OF ANY AGE USING NATUROPATHIC ASSESS-
29 MENT, COMMON OFFICE PROCEDURES, PHYSICAL NATUROPATHY, APPROVED
30 SUBSTANCES, AND NONINVASIVE NATUROPATHIC THERAPIES IN A HOLISTIC FRAME-
31 WORK INFORMED BY NATUROPATHIC PRINCIPLES AND A THERAPEUTIC ORDER.
- 32 S 6853. TITLE AND DESIGNATION. ONLY A PERSON LICENSED UNDER THIS ARTI-
33 CLE MAY USE THE TITLE "NATUROPATHIC DOCTOR", "LICENSED NATUROPATH" OR
34 "PROFESSIONAL NATUROPATH" AND HOLD HERSELF OR HIMSELF OUT AS PRACTICING
35 NATUROPATHIC MEDICINE; PROVIDED, HOWEVER, THAT NONE OF SUCH TITLES NOR
36 ANY COMBINATION OF SUCH TITLES SHALL BE USED TO CONVEY THE IDEA THAT THE
37 INDIVIDUAL WHO USES SUCH TITLE PRACTICES ANYTHING OTHER THAN NATUROPATHY
38 AND NATUROPATHIC MEDICINE. A LICENSED NATUROPATHIC DOCTOR MAY NOT USE
39 THE TITLE "PHYSICIAN" UNLESS OTHERWISE AUTHORIZED UNDER TITLE VIII OF
40 THE EDUCATION LAW.
- 41 S 6854. INJECTION THERAPY AND INJECTION THERAPY PRIVILEGE. 1. FOR
42 ISSUANCE OF INJECTION THERAPY PRIVILEGE, THE APPLICANT SHALL FULFILL THE
43 FOLLOWING REQUIREMENTS:
- 44 A. FILE AN APPLICATION WITH THE DEPARTMENT;
- 45 B. BE LICENSED AS A NATUROPATHIC DOCTOR IN THE STATE, INCLUDING A
46 LIMITED PERMIT HOLDER, OR BE AN APPLICANT FOR LICENSURE UNDER THIS ARTI-
47 CLE MEETING THE QUALIFICATIONS FOR LICENSURE OR FOR A LIMITED PERMIT;
- 48 C. HAVE SUCCESSFULLY COMPLETED A CERTIFICATION COURSE IN INJECTION
49 THERAPY FROM A COURSE PROVIDER APPROVED BY THE DEPARTMENT OR AS PART OF
50 A PROGRAM OF NATUROPATHIC MEDICINE REGISTERED WITH THE DEPARTMENT OR THE
51 SUBSTANTIAL EQUIVALENT THEREOF;
- 52 D. PAY A FEE TO THE DEPARTMENT OF TWO HUNDRED DOLLARS FOR THE ISSUANCE
53 AND INITIAL REGISTRATION OF THE INJECTION THERAPY PRIVILEGE.
- 54 2. AN INJECTION THERAPY PRIVILEGE ISSUED UNDER THIS SECTION SHALL BE
55 VALID FOR THE LIFE OF THE HOLDER, UNLESS REVOKED, ANNULLED, OR SUSPENDED
56 BY THE BOARD OF REGENTS. DURING EACH TRIENNIAL REGISTRATION PERIOD, A

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

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

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

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

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

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

55 B. (I) IT SHALL BE DEEMED PRACTICING OUTSIDE THE BOUNDARIES OF PROFES-
56 SIONAL COMPETENCE FOR A NATUROPATHIC DOCTOR TO ADMINISTER PHYSICAL NATU-

1 ROPATHY ON A PATIENT ON A CONTINUED SUSTAINED BASIS UNDER EITHER OF THE
2 FOLLOWING CIRCUMSTANCES: TO ASSIST THE PATIENT TO COMPENSATE FOR DEVEL-
3 OPMENTAL DEFICITS AFFECTING PHYSICAL MOVEMENT AND MOBILITY THAT CANNOT
4 BE REVERSED; AND TO RESTORE, FOR PURPOSES OF PATIENT REINTEGRATION BACK
5 INTO THE HOME, COMMUNITY, OR WORK, SOME OR ALL OF THE PATIENT'S PATHOME-
6 CHANICAL DEFICITS AFFECTING PHYSICAL MOVEMENT AND MOBILITY THAT WERE
7 LOST DUE TO INJURY OR DISEASE CAUSING ONGOING SEPARATION FROM HOME,
8 COMMUNITY OR WORK.

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

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

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

44 3. WHILE THE SCOPE OF ACTIVITIES INCLUDED WITHIN THE PRACTICE OF NATU-
45 ROPATHIC MEDICINE OVERLAPS IN PART WITH OTHER PROFESSIONS LICENSED UNDER
46 THIS TITLE, A NATUROPATHIC DOCTOR'S ACTIVITIES ARE TO BE PERFORMED WITH-
47 IN A HOLISTIC FRAMEWORK OF ASSESSING AND TREATING MULTIPLE ASPECTS OF
48 THE PATIENT, AS INFORMED BY THE NATUROPATHIC PRINCIPLES AND THE THERA-
49 PEUTIC ORDER. IN THE PERFORMANCE OF ANY OVERLAPPING SCOPE ACTIVITIES,
50 THE NATUROPATHIC DOCTOR SHALL NOT HOLD HERSELF OR HIMSELF OUT AS PRAC-
51 TICING ANY SUCH OTHER PROFESSION OR USE A TITLE OF ANY SUCH OTHER
52 PROFESSION, UNLESS OTHERWISE AUTHORIZED UNDER THIS TITLE.

53 S 6856. STATE BOARD FOR NATUROPATHIC MEDICINE. 1. A STATE BOARD FOR
54 NATUROPATHIC MEDICINE SHALL BE APPOINTED BY THE BOARD OF REGENTS ON THE
55 RECOMMENDATION OF THE COMMISSIONER FOR THE PURPOSE OF ASSISTING THE
56 BOARD OF REGENTS AND THE DEPARTMENT ON MATTERS OF PROFESSIONAL LICENSING

1 AND PROFESSIONAL CONDUCT IN ACCORDANCE WITH SECTION SIXTY-FIVE HUNDRED
2 EIGHT OF THIS TITLE. THE BOARD SHALL BE COMPOSED OF TWO PUBLIC REPRESENTATIVES WHO DO NOT HOLD INTERESTS IN THE ORGANIZATION, FINANCING OR
3 DELIVERY OF NATUROPATHIC SERVICES, ONE LICENSED PHYSICIAN WHO IS A
4 DOCTOR OF MEDICINE OR A DOCTOR OF OSTEOPATHY, AND NOT LESS THAN SIX
5 NATUROPATHIC DOCTORS. A NATUROPATHIC DOCTOR MEMBER OF THE BOARD SHALL
6 HAVE BEEN LICENSED UNDER THIS ARTICLE FOR AT LEAST TWO YEARS PRIOR TO
7 BEING APPOINTED, WHICH TWO YEAR LICENSE REQUIREMENT IS WAIVED FOR THE
8 INITIAL BOARD AND REPLACED WITH A REQUIREMENT THAT THE NATUROPATHIC
9 DOCTOR OBTAIN A LICENSE UNDER THIS ARTICLE WITHIN ONE YEAR OF APPOINTMENT OR ONE YEAR OF THE EFFECTIVE DATE OF THIS ARTICLE, WHICHEVER COMES
10 LATER. THE TERMS OF THE FIRST APPOINTED MEMBERS SHALL BE STAGGERED SO
11 THAT THREE ARE APPOINTED FOR THREE YEARS, THREE ARE APPOINTED FOR FOUR
12 YEARS, AND FOUR ARE APPOINTED FOR FIVE YEARS. AN EXECUTIVE SECRETARY OF
13 THE BOARD SHALL BE APPOINTED BY THE BOARD OF REGENTS ON THE RECOMMENDATION OF THE COMMISSIONER.

17 2. EXAMINATIONS SELECTED OR PREPARED BY THE BOARD PURSUANT TO SUBDIVISION TWO OF SECTION SIXTY-FIVE HUNDRED EIGHT OF THIS TITLE SHALL CONFORM
18 WHENEVER POSSIBLE TO NATIONALLY RECOGNIZED TEST DEVELOPMENT STANDARDS
19 AND TEST COMPETENCIES FOR NATUROPATHIC MEDICINE.

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

24 1. FILE AN APPLICATION WITH THE DEPARTMENT;

25 2. HAVE RECEIVED AN EDUCATION, INCLUDING A DOCTORAL DEGREE IN NATUROPATHIC MEDICINE, GRANTED ON THE BASIS OF COMPLETION OF A PROGRAM OF
26 NATUROPATHIC MEDICINE REGISTERED WITH THE DEPARTMENT OR THE SUBSTANTIAL EQUIVALENT THEREOF, IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;

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

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

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

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

38 7. PAY A FEE OF THREE HUNDRED FIFTY DOLLARS TO THE DEPARTMENT FOR AN
39 INITIAL LICENSE AND A FEE OF FIVE HUNDRED DOLLARS FOR EACH TRIENNIAL
40 REGISTRATION PERIOD.

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

52 2. AN APPLICANT HAVING RECEIVED, PRIOR TO TWO YEARS AFTER THE EFFECTIVE DATE OF THIS ARTICLE, AN EDUCATION, INCLUDING A DOCTORAL DEGREE IN
53 NATUROPATHIC MEDICINE, GRANTED ON THE BASIS OF COMPLETION OF A PROGRAM
54 OF NATUROPATHIC MEDICINE REGISTERED WITH THE DEPARTMENT OR THE SUBSTANTIAL EQUIVALENT THEREOF, MAY SUBSTITUTE FOR THE EXPERIENCE QUALIFICATION
55
56

1 OF SECTION SIXTY-EIGHT HUNDRED FIFTY-SEVEN OF THIS ARTICLE, EITHER OF:
2 (I) SATISFACTORY EVIDENCE OF PRACTICE OF NATUROPATHIC MEDICINE OF NOT
3 LESS THAN THREE YEARS DURING THE FIVE YEARS PRECEDING THE FILING OF THE
4 APPLICATION; OR (II) PRACTICE UNDER A LIMITED PERMIT FOR AT LEAST TWO OF
5 THE THREE YEARS PRIOR TO APPLICATION UNDER THIS ARTICLE.

6 3. THE "PRACTICE OF NATUROPATHIC MEDICINE" AS USED IN THIS SECTION
7 INCLUDES THE PRACTICE OF NATUROPATHY OR NATUROPATHIC MEDICINE IN A STATE
8 OR TERRITORY OF THE UNITED STATES, INCLUDING NEW YORK STATE, OR A CANA-
9 DIAN PROVINCE, WHILE MAINTAINING A PROFESSIONAL LICENSE IN NATUROPATHY
10 OR NATUROPATHIC MEDICINE ISSUED BY THE SAME OR ANOTHER STATE OR TERRITO-
11 RY OR A CANADIAN PROVINCE; AND INCLUDES PRACTICE PERFORMED BEFORE AND
12 AFTER THE EFFECTIVE DATE OF THIS ARTICLE.

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

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

23 1. A. A LICENSED PHYSICIAN FROM PRACTICING HIS OR HER PROFESSION AS
24 DEFINED IN ARTICLES ONE HUNDRED THIRTY-ONE, AS ADDED BY CHAPTER NINE
25 HUNDRED EIGHTY-SEVEN OF THE LAWS OF NINETEEN SEVENTY-ONE, AND ONE
26 HUNDRED THIRTY-ONE-B OF THIS TITLE; A REGISTERED PROFESSIONAL NURSE OR A
27 CERTIFIED NURSE PRACTITIONER PRACTICING HIS OR HER PROFESSION AS DEFINED
28 UNDER ARTICLE ONE HUNDRED THIRTY-NINE OF THIS TITLE; OR

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

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

36 3. THE PRACTICE OF NATUROPATHIC MEDICINE BY A SALARIED EMPLOYEE OF THE
37 GOVERNMENT OF THE UNITED STATES WHILE THE INDIVIDUAL IS ENGAGED IN THE
38 PERFORMANCE OF DUTIES PRESCRIBED BY THE LAWS AND REGULATIONS OF THE
39 UNITED STATES.

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

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

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

50 7. THE CONDUCT, ACTIVITIES, OR SERVICES OF INDIVIDUALS, CHURCHES,
51 SCHOOLS, TEACHERS, ORGANIZATIONS, OR NOT-FOR-PROFIT BUSINESSES IN
52 PROVIDING INSTRUCTION, ADVICE, SUPPORT, ENCOURAGEMENT, OR INFORMATION TO
53 INDIVIDUALS, FAMILIES, AND RELATIONAL GROUPS.

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

56 A. FILE AN APPLICATION WITH THE DEPARTMENT;

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

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

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

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

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

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

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

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

39 A. FILE AN APPLICATION WITH THE DEPARTMENT;

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

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

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

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

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

50 2. SUCH LIMITED PERMIT SHALL AUTHORIZE THE PRACTICE OF NATUROPATHIC
51 MEDICINE ONLY UNDER THE SUPERVISION OF A LICENSED NATUROPATHIC DOCTOR.
52 SUPERVISION OF THE LIMITED PERMIT HOLDER'S PRACTICE ACTIVITIES SHALL BE
53 ON-SITE SUPERVISION BY A LICENSED NATUROPATHIC DOCTOR.

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

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

3 S 6862. MANDATORY CONTINUING EDUCATION. 1. A. EACH NATUROPATHIC DOCTOR
4 LICENSED PURSUANT TO THIS ARTICLE, REQUIRED TO REGISTER TRIENNIALLY WITH
5 THE DEPARTMENT TO PRACTICE IN THIS STATE SHALL COMPLY WITH THE
6 PROVISIONS OF THE MANDATORY CONTINUING EDUCATION REQUIREMENTS PRESCRIBED
7 IN SUBDIVISION TWO OF THIS SECTION, EXCEPT AS PROVIDED IN PARAGRAPHS B
8 AND C OF THIS SUBDIVISION. NATUROPATHIC DOCTORS WHO DO NOT SATISFY THE
9 MANDATORY CONTINUING EDUCATION REQUIREMENTS SHALL NOT PRACTICE UNTIL
10 THEY HAVE MET SUCH REQUIREMENTS, AND THEY HAVE BEEN ISSUED A REGISTRA-
11 TION CERTIFICATE, EXCEPT THAT A NATUROPATHIC DOCTOR MAY PRACTICE WITHOUT
12 HAVING MET SUCH REQUIREMENTS IF HE OR SHE IS ISSUED A CONDITIONAL REGIS-
13 TRATION PURSUANT TO SUBDIVISION THREE OF THIS SECTION.

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

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

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

46 3. THE DEPARTMENT, IN ITS DISCRETION, MAY ISSUE A CONDITIONAL REGIS-
47 TRATION TO A LICENSEE WHO FAILS TO MEET THE CONTINUING EDUCATION
48 REQUIREMENTS ESTABLISHED IN SUBDIVISION TWO OF THIS SECTION BUT WHO
49 AGREES TO MAKE UP ANY DEFICIENCIES AND TAKE ANY ADDITIONAL EDUCATION
50 WHICH THE DEPARTMENT MAY REQUIRE. THE FEE FOR SUCH A CONDITIONAL REGIS-
51 TRATION SHALL BE THE SAME AS, AND IN ADDITION TO, THE FEE FOR THE TRIEN-
52 NIAL REGISTRATION. THE DURATION OF SUCH CONDITIONAL REGISTRATION SHALL
53 BE DETERMINED BY THE DEPARTMENT BUT SHALL NOT EXCEED ONE YEAR. ANY
54 LICENSEE WHO IS NOTIFIED OF THE DENIAL OF REGISTRATION FOR FAILURE TO
55 COMPLETE THE REQUIRED CONTINUED EDUCATION AND WHO CONTINUES TO PRACTICE
56 NATUROPATHIC MEDICINE WITHOUT SUCH REGISTRATION, SHALL BE SUBJECT TO

1 DISCIPLINARY PROCEEDINGS PURSUANT TO SECTION SIXTY-FIVE HUNDRED TEN OF
2 THIS TITLE.

3 4. AS USED IN THIS SECTION, "ACCEPTABLE FORMAL CONTINUING EDUCATION"
4 SHALL MEAN FORMAL PROGRAMS OF LEARNING WHICH CONTAIN SUBJECT MATTER
5 WHICH MEET THE FOLLOWING REQUIREMENTS: CONTRIBUTES TO THE ENHANCEMENT OF
6 PROFESSIONAL AND CLINICAL SKILLS OF THE NATUROPATHIC DOCTOR; MEETS THE
7 STANDARDS PRESCRIBED BY REGULATIONS OF THE COMMISSIONER IN CONSULTATION
8 WITH THE BOARD TO FULFILL THE MANDATORY CONTINUING EDUCATION REQUIRE-
9 MENT; AND IS SPONSORED OR PRESENTED BY A STATE OR A CANADIAN PROVINCE
10 NATUROPATHIC MEDICINE PROFESSIONAL ORGANIZATION ACCEPTABLE TO THE
11 DEPARTMENT, A UNITED STATES OR CANADIAN NATIONAL NATUROPATHIC MEDICINE
12 PROFESSIONAL ORGANIZATION ACCEPTABLE TO THE DEPARTMENT, AN INSTITUTION
13 OF HIGHER LEARNING HAVING AN ACCREDITATION ACCEPTABLE TO THE DEPARTMENT,
14 OR ANOTHER SPONSOR APPROVED BY THE DEPARTMENT, PURSUANT TO THE REGU-
15 LATION OF THE COMMISSIONER. CONTINUING EDUCATION COURSES MUST BE TAKEN
16 FROM A PROVIDER WHO HAS BEEN APPROVED BY THE DEPARTMENT, BASED UPON AN
17 APPLICATION AND FEE, PURSUANT TO THE REGULATIONS OF THE COMMISSIONER.
18 THE DEPARTMENT MAY, IN ITS DISCRETION AND AS NEEDED TO CONTRIBUTE TO THE
19 HEALTH AND WELFARE OF THE PUBLIC, REQUIRE THE COMPLETION OF CONTINUING
20 EDUCATION ACTIVITIES IN SPECIFIC SUBJECTS TO FULFILL THIS MANDATORY
21 CONTINUING EDUCATION REQUIREMENT.

22 5. LICENSED NATUROPATHIC DOCTORS SHALL MAINTAIN ADEQUATE DOCUMENTATION
23 OF COMPLETION OF ACCEPTABLE FORMAL CONTINUING EDUCATION AND SHALL
24 PROVIDE SUCH DOCUMENTATION TO THE DEPARTMENT UPON REQUEST. FAILURE TO
25 PROVIDE SUCH DOCUMENTATION UPON REQUEST OF THE DEPARTMENT SHALL BE AN
26 ACT OF MISCONDUCT SUBJECT TO DISCIPLINARY PROCEEDINGS PURSUANT TO
27 SECTION SIXTY-FIVE HUNDRED TEN OF THIS TITLE.

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

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

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

1 company formed to provide veterinary services as such services are
2 defined in article 135 of the education law, each member of such limited
3 liability company must be licensed pursuant to article 135 of the educa-
4 tion law to practice veterinary medicine in this state. With respect to
5 a professional service limited liability company formed to provide
6 professional engineering, land surveying, architectural and/or landscape
7 architectural services as such services are defined in article 145,
8 article 147 and article 148 of the education law, each member of such
9 limited liability company must be licensed pursuant to article 145,
10 article 147 and/or article 148 of the education law to practice one or
11 more of such professions in this state. With respect to a professional
12 service limited liability company formed to provide licensed clinical
13 social work services as such services are defined in article 154 of the
14 education law, each member of such limited liability company shall be
15 licensed pursuant to article 154 of the education law to practice
16 licensed clinical social work in this state. With respect to a profes-
17 sional service limited liability company formed to provide creative arts
18 therapy services as such services are defined in article 163 of the
19 education law, each member of such limited liability company must be
20 licensed pursuant to article 163 of the education law to practice crea-
21 tive arts therapy in this state. With respect to a professional service
22 limited liability company formed to provide marriage and family therapy
23 services as such services are defined in article 163 of the education
24 law, each member of such limited liability company must be licensed
25 pursuant to article 163 of the education law to practice marriage and
26 family therapy in this state. With respect to a professional service
27 limited liability company formed to provide mental health counseling
28 services as such services are defined in article 163 of the education
29 law, each member of such limited liability company must be licensed
30 pursuant to article 163 of the education law to practice mental health
31 counseling in this state. With respect to a professional service limited
32 liability company formed to provide psychoanalysis services as such
33 services are defined in article 163 of the education law, each member of
34 such limited liability company must be licensed pursuant to article 163
35 of the education law to practice psychoanalysis in this state. With
36 respect to a professional service limited liability company formed to
37 provide applied behavior analysis services as such services are defined
38 in article 167 of the education law, each member of such limited liabil-
39 ity company must be licensed or certified pursuant to article 167 of the
40 education law to practice applied behavior analysis in this state. In
41 addition to engaging in such profession or professions, a professional
42 service limited liability company may engage in any other business or
43 activities as to which a limited liability company may be formed under
44 section two hundred one of this chapter. Notwithstanding any other
45 provision of this section, a professional service limited liability
46 company (i) authorized to practice law may only engage in another
47 profession or business or activities or (ii) which is engaged in a
48 profession or other business or activities other than law may only
49 engage in the practice of law, to the extent not prohibited by any other
50 law of this state or any rule adopted by the appropriate appellate divi-
51 sion of the supreme court or the court of appeals.

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

55 (a) Notwithstanding the education law or any other provision of law,
56 one or more professionals each of whom is authorized by law to render a

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

1 formed to provide applied behavior analysis services as such services
2 are defined in article 167 of the education law, each member of such
3 limited liability company must be licensed or certified pursuant to
4 article 167 of the education law to practice applied behavior analysis
5 in this state. In addition to engaging in such profession or
6 professions, a professional service limited liability company may engage
7 in any other business or activities as to which a limited liability
8 company may be formed under section two hundred one of this chapter.
9 Notwithstanding any other provision of this section, a professional
10 service limited liability company (i) authorized to practice law may
11 only engage in another profession or business or activities or (ii)
12 which is engaged in a profession or other business or activities other
13 than law may only engage in the practice of law, to the extent not
14 prohibited by any other law of this state or any rule adopted by the
15 appropriate appellate division of the supreme court or the court of
16 appeals.

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

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

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

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

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

1 marriage and family therapy services as such services are defined in
2 article 163 of the education law, each member of such limited liability
3 company must be licensed pursuant to article 163 of the education law to
4 practice marriage and family therapy in this state. With respect to a
5 professional service limited liability company formed to provide mental
6 health counseling services as such services are defined in article 163
7 of the education law, each member of such limited liability company must
8 be licensed pursuant to article 163 of the education law to practice
9 mental health counseling in this state. With respect to a professional
10 service limited liability company formed to provide psychoanalysis
11 services as such services are defined in article 163 of the education
12 law, each member of such limited liability company must be licensed
13 pursuant to article 163 of the education law to practice psychoanalysis
14 in this state. With respect to a professional service limited liability
15 company formed to provide applied behavior analysis services as such
16 services are defined in article 167 of the education law, each member of
17 such limited liability company must be licensed or certified pursuant to
18 article 167 of the education law to practice applied behavior analysis
19 in this state.

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

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

1 such foreign professional service limited liability company must be
2 licensed pursuant to article 131 of the education law to practice medi-
3 cine in this state. With respect to a foreign professional service
4 limited liability company which provides dental services as such
5 services are defined in article 133 of the education law, each member of
6 such foreign professional service limited liability company must be
7 licensed pursuant to article 133 of the education law to practice
8 dentistry in this state. With respect to a foreign professional service
9 limited liability company which provides professional engineering, land
10 surveying, architectural and/or landscape architectural services as such
11 services are defined in article 145, article 147 and article 148 of the
12 education law, each member of such foreign professional service limited
13 liability company must be licensed pursuant to article 145, article 147
14 and/or article 148 of the education law to practice one or more of such
15 professions in this state. With respect to a foreign professional
16 service limited liability company which provides licensed clinical
17 social work services as such services are defined in article 154 of the
18 education law, each member of such foreign professional service limited
19 liability company shall be licensed pursuant to article 154 of the
20 education law to practice clinical social work in this state. With
21 respect to a foreign professional service limited liability company
22 which provides creative arts therapy services as such services are
23 defined in article 163 of the education law, each member of such foreign
24 professional service limited liability company must be licensed pursuant
25 to article 163 of the education law to practice creative arts therapy in
26 this state. With respect to a foreign professional service limited
27 liability company which provides marriage and family therapy services as
28 such services are defined in article 163 of the education law, each
29 member of such foreign professional service limited liability company
30 must be licensed pursuant to article 163 of the education law to prac-
31 tice marriage and family therapy in this state. With respect to a
32 foreign professional service limited liability company which provides
33 mental health counseling services as such services are defined in arti-
34 cle 163 of the education law, each member of such foreign professional
35 service limited liability company must be licensed pursuant to article
36 163 of the education law to practice mental health counseling in this
37 state. With respect to a foreign professional service limited liability
38 company which provides psychoanalysis services as such services are
39 defined in article 163 of the education law, each member of such foreign
40 professional service limited liability company must be licensed pursuant
41 to article 163 of the education law to practice psychoanalysis in this
42 state. With respect to a foreign professional service limited liability
43 company which provides applied behavior analysis services as such
44 services are defined in article 167 of the education law, each member of
45 such foreign professional service limited liability company must be
46 licensed or certified pursuant to article 167 of the education law to
47 practice applied behavior analysis in this state.

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

51 (a) "Foreign professional service limited liability company" means a
52 professional service limited liability company, whether or not denomi-
53 nated as such, organized under the laws of a jurisdiction other than
54 this state, (i) each of whose members and managers, if any, is a profes-
55 sional authorized by law to render a professional service within this
56 state and who is or has been engaged in the practice of such profession

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

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

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

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

1 psychoanalysis in this state. Each partner of a registered limited
2 liability partnership formed to provide applied behavior analysis
3 service in this state must be licensed or certified pursuant to article
4 167 of the education law to practice applied behavior analysis in this
5 state.

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

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

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

50 (q) Each partner of a foreign limited liability partnership which
51 provides medical services in this state must be licensed pursuant to
52 article 131 of the education law to practice medicine in the state and
53 each partner of a foreign limited liability partnership which provides
54 dental services in the state must be licensed pursuant to article 133 of
55 the education law to practice dentistry in this state. EACH PARTNER OF
56 A FOREIGN LIMITED LIABILITY PARTNERSHIP WHICH PROVIDES NATUROPATHIC

1 SERVICES IN THIS STATE MUST BE LICENSED PURSUANT TO ARTICLE 138 OF THE
2 EDUCATION LAW TO PRACTICE NATUROPATHY IN THIS STATE. Each partner of a
3 foreign limited liability partnership which provides veterinary service
4 in the state shall be licensed pursuant to article 135 of the education
5 law to practice veterinary medicine in this state. Each partner of a
6 foreign limited liability partnership which provides professional engi-
7 neering, land surveying, architectural and/or landscape architectural
8 services in this state must be licensed pursuant to article 145, article
9 147 and/or article 148 of the education law to practice one or more of
10 such professions. Each partner of a foreign limited liability partner-
11 ship which provides licensed clinical social work services in this state
12 must be licensed pursuant to article 154 of the education law to prac-
13 tice licensed clinical social work in this state. Each partner of a
14 foreign limited liability partnership which provides creative arts ther-
15 apy services in this state must be licensed pursuant to article 163 of
16 the education law to practice creative arts therapy in this state. Each
17 partner of a foreign limited liability partnership which provides
18 marriage and family therapy services in this state must be licensed
19 pursuant to article 163 of the education law to practice marriage and
20 family therapy in this state. Each partner of a foreign limited liabil-
21 ity partnership which provides mental health counseling services in this
22 state must be licensed pursuant to article 163 of the education law to
23 practice mental health counseling in this state. Each partner of a
24 foreign limited liability partnership which provides psychoanalysis
25 services in this state must be licensed pursuant to article 163 of the
26 education law to practice psychoanalysis in this state. Each partner of
27 a foreign limited liability partnership which provides applied behavior
28 analysis services in this state must be licensed or certified pursuant
29 to article 167 of the education law to practice applied behavior analy-
30 sis in this state.

31 S 7-a. Subdivision (q) of section 121-1500 of the partnership law, as
32 amended by chapter 475 of the laws of 2014, is amended to read as
33 follows:

34 (q) Each partner of a foreign limited liability partnership which
35 provides medical services in this state must be licensed pursuant to
36 article 131 of the education law to practice medicine in the state and
37 each partner of a foreign limited liability partnership which provides
38 dental services in the state must be licensed pursuant to article 133 of
39 the education law to practice dentistry in this state. EACH PARTNER OF A
40 FOREIGN LIMITED LIABILITY PARTNERSHIP WHICH PROVIDES NATUROPATHIC
41 SERVICES IN THIS STATE MUST BE LICENSED PURSUANT TO ARTICLE 138 OF THE
42 EDUCATION LAW TO PRACTICE NATUROPATHY IN THIS STATE. Each partner of a
43 foreign limited liability partnership which provides veterinary service
44 in the state shall be licensed pursuant to article 135 of the education
45 law to practice veterinary medicine in this state. Each partner of a
46 foreign limited liability partnership which provides professional engi-
47 neering, land surveying, geological services, architectural and/or land-
48 scape architectural services in this state must be licensed pursuant to
49 article 145, article 147 and/or article 148 of the education law to
50 practice one or more of such professions. Each partner of a foreign
51 limited liability partnership which provides licensed clinical social
52 work services in this state must be licensed pursuant to article 154 of
53 the education law to practice licensed clinical social work in this
54 state. Each partner of a foreign limited liability partnership which
55 provides creative arts therapy services in this state must be licensed
56 pursuant to article 163 of the education law to practice creative arts

1 therapy in this state. Each partner of a foreign limited liability part-
2 nership which provides marriage and family therapy services in this
3 state must be licensed pursuant to article 163 of the education law to
4 practice marriage and family therapy in this state. Each partner of a
5 foreign limited liability partnership which provides mental health coun-
6 seling services in this state must be licensed pursuant to article 163
7 of the education law to practice mental health counseling in this state.
8 Each partner of a foreign limited liability partnership which provides
9 psychoanalysis services in this state must be licensed pursuant to arti-
10 cle 163 of the education law to practice psychoanalysis in this state.
11 Each partner of a foreign limited liability partnership which provides
12 applied behavior analysis services in this state must be licensed or
13 certified pursuant to article 167 of the education law to practice
14 applied behavior analysis in this state.

15 S 8. Paragraph (a) of subdivision 1 of section 413 of the social
16 services law, as amended by chapter 126 of the laws of 2014, is amended
17 to read as follows:

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

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

55 (a) The following persons and officials are required to report or
56 cause a report to be made in accordance with this title when they have

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

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

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

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

45 1. "Health services purveyor" means any person, firm, partnership,
46 group, association, corporation or professional corporation, or any
47 agent, employee, fiduciary, employer or representative thereof, includ-
48 ing but not limited to a physician, dentist, podiatrist, NATUROPATHIC
49 DOCTOR or chiropractor, either in individual practice, group practice or
50 employed in a facility owned by any person, group, association, firm,
51 partnership or corporation hiring any of the aforementioned practition-
52 ers, who provide health or health related services.

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

55 a. section eight of this act shall take effect immediately; provided
56 however that;

1 b. section eight-a of this act shall take effect on the same date and
2 in the same manner as section 1 of chapter 205 of the laws of 2014,
3 takes effect;

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

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

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

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

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

24 h. the provisions of section 6854 of the education law, as added by
25 section two of this act, shall take effect two years after the effective
26 date of this act;

27 i. the provisions of section 6856 of the education law, as added by
28 section two of this act, shall expire and be deemed repealed ten years
29 after the effective date of this act;

30 j. the provisions of sections 6858 and 6861 of the education law, as
31 added by section two of this act, shall expire and be deemed repealed
32 twenty years after the effective date of this act;

33 k. the provisions of section 6862 of the education law, as added by
34 section two of this act, shall take effect three years after the effec-
35 tive date of this act; and

36 l. effective immediately, the addition, amendment and/or repeal of any
37 rule or regulation necessary for the implementation of this act on its
38 effective date is authorized and directed to be made and completed by
39 the commissioner of education and the board of regents on or before such
40 effective date.