

8153--A

2015-2016 Regular Sessions

I N A S S E M B L Y

June 10, 2015

Introduced by M. of A. PEOPLES-STOKES, TITONE, LUPINACCI, BENEDETTO, STECK, SEPULVEDA -- Multi-Sponsored by -- M. of A. ARROYO -- read once and referred to the Committee on Higher Education -- recommitted to the Committee on Higher Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the limited liability company law, the business corporation law, the partnership law, the education law and the public health law, in relation to authorizing certain licensed health services professionals to form limited liability companies

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

1 Section 1. Subdivision (a) of section 1203 of the limited liability
2 company law, as amended by chapter 554 of the laws of 2013, is amended
3 to read as follows:
4 (a) Notwithstanding the education law or any other provision of law,
5 one or more professionals each of whom is authorized by law to render a
6 professional service within the state, or one or more professionals, at
7 least one of whom is authorized by law to render a professional service
8 within the state, may form, or cause to be formed, a professional
9 service limited liability company for pecuniary profit under this arti-
10 cle for the purpose of rendering the professional service or services as
11 such professionals are authorized to practice. With respect to a profes-
12 sional service limited liability company formed to provide medical
13 services as such services are defined in article 131 of the education
14 law, each member of such limited liability company must be licensed
15 pursuant to article 131 of the education law to practice medicine in
16 this state. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, ANY
17 PERSON LICENSED PURSUANT TO ARTICLE 131 OF THE EDUCATION LAW TO PRACTICE
18 MEDICINE AND ANY PERSON LICENSED PURSUANT TO ARTICLES 132, 137, 140,
19 141, 143, 144, 153, 154, 155 OR 156 OR SUBDIVISION 3 OF SECTION 6902 OF

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

LBD11509-03-6

1 ARTICLE 139 OF THE EDUCATION LAW MAY FORM, OR CAUSE TO BE FORMED, A
2 PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY TO PROVIDE MULTIDISCIPLI-
3 NARY SERVICES WITH ONE OR MORE LICENSED PROFESSIONALS, SUBJECT TO THE
4 FOLLOWING CONDITIONS: (I) EACH MEMBER OF SUCH LIMITED LIABILITY COMPANY
5 MUST BE LICENSED PURSUANT TO TITLE EIGHT OF THE EDUCATION LAW TO PRAC-
6 TICE HIS OR HER PROFESSION IN THIS STATE; (II) EACH MEMBER SHALL ONLY
7 PRACTICE HIS OR HER PROFESSION AS SPECIFIED IN HIS OR HER RESPECTIVE
8 PROFESSIONAL ENABLING STATUTE UNDER TITLE EIGHT OF THE EDUCATION LAW;
9 AND (III) ANY CLINICAL INTEGRATION OF PROFESSIONAL PRACTICES UNDER THIS
10 SECTION SHALL NOT ALTER, EXPAND OR CURTAIL THE SCOPE OF PRACTICE OF ANY
11 OF THE MEMBERS; PROVIDED FURTHER THAT: (A) NO MEMBER SHALL, DIRECTLY OR
12 INDIRECTLY, INTERFERE WITH THE CLINICAL JUDGMENT OR LEGITIMATE CLINICAL
13 PRACTICE OF ANOTHER MEMBER; AND (B) NO MEMBER SHALL ORDER OR DIRECT
14 ANOTHER MEMBER TO PRACTICE BEYOND THE SCOPE OF HIS OR HER LICENSE. With
15 respect to a professional service limited liability company formed to
16 provide dental services as such services are defined in article 133 of
17 the education law, each member of such limited liability company must be
18 licensed pursuant to article 133 of the education law to practice
19 dentistry in this state. With respect to a professional service limited
20 liability company formed to provide veterinary services as such services
21 are defined in article 135 of the education law, each member of such
22 limited liability company must be licensed pursuant to article 135 of
23 the education law to practice veterinary medicine in this state. With
24 respect to a professional service limited liability company formed to
25 provide professional engineering, land surveying, architectural and/or
26 landscape architectural services as such services are defined in article
27 145, article 147 and article 148 of the education law, each member of
28 such limited liability company must be licensed pursuant to article 145,
29 article 147 and/or article 148 of the education law to practice one or
30 more of such professions in this state. [With respect to a professional
31 service limited liability company formed to provide licensed clinical
32 social work services as such services are defined in article 154 of the
33 education law, each member of such limited liability company shall be
34 licensed pursuant to article 154 of the education law to practice
35 licensed clinical social work in this state.] With respect to a profes-
36 sional service limited liability company formed to provide creative arts
37 therapy services as such services are defined in article 163 of the
38 education law, each member of such limited liability company must be
39 licensed pursuant to article 163 of the education law to practice crea-
40 tive arts therapy in this state. With respect to a professional service
41 limited liability company formed to provide marriage and family therapy
42 services as such services are defined in article 163 of the education
43 law, each member of such limited liability company must be licensed
44 pursuant to article 163 of the education law to practice marriage and
45 family therapy in this state. With respect to a professional service
46 limited liability company formed to provide mental health counseling
47 services as such services are defined in article 163 of the education
48 law, each member of such limited liability company must be licensed
49 pursuant to article 163 of the education law to practice mental health
50 counseling in this state. With respect to a professional service limited
51 liability company formed to provide psychoanalysis services as such
52 services are defined in article 163 of the education law, each member of
53 such limited liability company must be licensed pursuant to article 163
54 of the education law to practice psychoanalysis in this state. With
55 respect to a professional service limited liability company formed to
56 provide applied behavior analysis services as such services are defined

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

15 S 2. Subdivision (b) of section 1207 of the limited liability company
16 law, as amended by chapter 554 of the laws of 2013, is amended to read
17 as follows:

18 (b) With respect to a professional service limited liability company
19 formed to provide medical services as such services are defined in article
20 131 of the education law, each member of such limited liability
21 company must be licensed pursuant to article 131 of the education law to
22 practice medicine in this state. NOTWITHSTANDING ANY OTHER PROVISION OF
23 THIS SECTION, ANY PERSON LICENSED PURSUANT TO ARTICLE 131 OF THE EDUCATION
24 LAW TO PRACTICE MEDICINE AND ANY PERSON LICENSED PURSUANT TO ARTICLES
25 132, 137, 140, 141, 143, 144, 153, 154, 155 OR 156 OR SUBDIVISION 3
26 OF SECTION 6902 OF ARTICLE 139 OF THE EDUCATION LAW MAY FORM, OR CAUSE
27 TO BE FORMED, A PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY TO
28 PROVIDE MULTIDISCIPLINARY SERVICES WITH ONE OR MORE LICENSED PROFESSIONALS,
29 SUBJECT TO THE FOLLOWING CONDITIONS: (I) EACH MEMBER OF SUCH
30 LIMITED LIABILITY COMPANY MUST BE LICENSED PURSUANT TO TITLE EIGHT OF
31 THE EDUCATION LAW TO PRACTICE HIS OR HER PROFESSION IN THIS STATE; (II)
32 EACH MEMBER SHALL ONLY PRACTICE HIS OR HER PROFESSION AS SPECIFIED IN
33 HIS OR HER RESPECTIVE PROFESSIONAL ENABLING STATUTE UNDER TITLE EIGHT OF
34 THE EDUCATION LAW; AND (III) ANY CLINICAL INTEGRATION OF PROFESSIONAL
35 PRACTICES UNDER THIS SECTION SHALL NOT ALTER, EXPAND OR CURTAIL THE
36 SCOPE OF PRACTICE OF ANY OF THE MEMBERS; PROVIDED FURTHER THAT: (A) NO
37 MEMBER SHALL, DIRECTLY OR INDIRECTLY, INTERFERE WITH THE CLINICAL JUDGMENT
38 OR LEGITIMATE CLINICAL PRACTICE OF ANOTHER MEMBER; AND (B) NO
39 MEMBER SHALL ORDER OR DIRECT ANOTHER MEMBER TO PRACTICE BEYOND THE SCOPE
40 OF HIS OR HER LICENSE. With respect to a professional service limited
41 liability company formed to provide dental services as such services are
42 defined in article 133 of the education law, each member of such limited
43 liability company must be licensed pursuant to article 133 of the education
44 law to practice dentistry in this state. With respect to a professional
45 service limited liability company formed to provide veterinary
46 services as such services are defined in article 135 of the education
47 law, each member of such limited liability company must be licensed
48 pursuant to article 135 of the education law to practice veterinary
49 medicine in this state. With respect to a professional service limited
50 liability company formed to provide professional engineering, land
51 surveying, architectural and/or landscape architectural services as such
52 services are defined in article 145, article 147 and article 148 of the
53 education law, each member of such limited liability company must be
54 licensed pursuant to article 145, article 147 and/or article 148 of the
55 education law to practice one or more of such professions in this state.
56 [With respect to a professional service limited liability company formed

1 to provide licensed clinical social work services as such services are
2 defined in article 154 of the education law, each member of such limited
3 liability company shall be licensed pursuant to article 154 of the
4 education law to practice licensed clinical social work in this state.]
5 With respect to a professional service limited liability company formed
6 to provide creative arts therapy services as such services are defined
7 in article 163 of the education law, each member of such limited liabil-
8 ity company must be licensed pursuant to article 163 of the education
9 law to practice creative arts therapy in this state. With respect to a
10 professional service limited liability company formed to provide
11 marriage and family therapy services as such services are defined in
12 article 163 of the education law, each member of such limited liability
13 company must be licensed pursuant to article 163 of the education law to
14 practice marriage and family therapy in this state. With respect to a
15 professional service limited liability company formed to provide mental
16 health counseling services as such services are defined in article 163
17 of the education law, each member of such limited liability company must
18 be licensed pursuant to article 163 of the education law to practice
19 mental health counseling in this state. With respect to a professional
20 service limited liability company formed to provide psychoanalysis
21 services as such services are defined in article 163 of the education
22 law, each member of such limited liability company must be licensed
23 pursuant to article 163 of the education law to practice psychoanalysis
24 in this state. With respect to a professional service limited liability
25 company formed to provide applied behavior analysis services as such
26 services are defined in article 167 of the education law, each member of
27 such limited liability company must be licensed or certified pursuant to
28 article 167 of the education law to practice applied behavior analysis
29 in this state.

30 S 3. Subdivision (a) of section 1301 of the limited liability company
31 law, as amended by chapter 554 of the laws of 2013, is amended to read
32 as follows:

33 (a) "Foreign professional service limited liability company" means a
34 professional service limited liability company, whether or not denomi-
35 nated as such, organized under the laws of a jurisdiction other than
36 this state, (i) each of whose members and managers, if any, is a profes-
37 sional authorized by law to render a professional service within this
38 state and who is or has been engaged in the practice of such profession
39 in such professional service limited liability company or a predecessor
40 entity, or will engage in the practice of such profession in the profes-
41 sional service limited liability company within thirty days of the date
42 such professional becomes a member, or each of whose members and manag-
43 ers, if any, is a professional at least one of such members is author-
44 ized by law to render a professional service within this state and who
45 is or has been engaged in the practice of such profession in such
46 professional service limited liability company or a predecessor entity,
47 or will engage in the practice of such profession in the professional
48 service limited liability company within thirty days of the date such
49 professional becomes a member, or (ii) authorized by, or holding a
50 license, certificate, registration or permit issued by the licensing
51 authority pursuant to, the education law to render a professional
52 service within this state; except that all members and managers, if any,
53 of a foreign professional service limited liability company that
54 provides health services in this state shall be licensed in this state.
55 With respect to a foreign professional service limited liability company
56 which provides veterinary services as such services are defined in arti-

1 cle 135 of the education law, each member of such foreign professional
2 service limited liability company shall be licensed pursuant to article
3 135 of the education law to practice veterinary medicine. With respect
4 to a foreign professional service limited liability company which
5 provides medical services as such services are defined in article 131 of
6 the education law, each member of such foreign professional service
7 limited liability company must be licensed pursuant to article 131 of
8 the education law to practice medicine in this state. NOTWITHSTANDING
9 ANY OTHER PROVISION OF THIS SECTION, ANY PERSON LICENSED PURSUANT TO
10 ARTICLE 131 OF THE EDUCATION LAW TO PRACTICE MEDICINE AND ANY PERSON
11 LICENSED PURSUANT TO ARTICLES 132, 137, 140, 141, 143, 144, 153, 154,
12 155 OR 156 OR SUBDIVISION 3 OF SECTION 6902 OF ARTICLE 139 OF THE EDUCA-
13 TION LAW MAY FORM, OR CAUSE TO BE FORMED, A FOREIGN PROFESSIONAL SERVICE
14 LIMITED LIABILITY COMPANY TO PROVIDE MULTIDISCIPLINARY SERVICES WITH ONE
15 OR MORE LICENSED PROFESSIONALS, SUBJECT TO THE FOLLOWING CONDITIONS: (A)
16 EACH MEMBER OF SUCH LIMITED LIABILITY COMPANY MUST BE LICENSED PURSUANT
17 TO TITLE EIGHT OF THE EDUCATION LAW TO PRACTICE HIS OR HER PROFESSION IN
18 THIS STATE; (B) EACH MEMBER SHALL ONLY PRACTICE HIS OR HER PROFESSION AS
19 SPECIFIED IN HIS OR HER RESPECTIVE PROFESSIONAL ENABLING STATUTE UNDER
20 TITLE EIGHT OF THE EDUCATION LAW; AND (C) ANY CLINICAL INTEGRATION OF
21 PROFESSIONAL PRACTICES UNDER THIS SECTION SHALL NOT ALTER, EXPAND OR
22 CURTAIL THE SCOPE OF PRACTICE OF ANY OF THE MEMBERS; PROVIDED FURTHER
23 THAT: (1) NO MEMBER SHALL, DIRECTLY OR INDIRECTLY, INTERFERE WITH THE
24 CLINICAL JUDGMENT OR LEGITIMATE CLINICAL PRACTICE OF ANOTHER MEMBER; AND
25 (2) NO MEMBER SHALL ORDER OR DIRECT ANOTHER MEMBER TO PRACTICE BEYOND
26 THE SCOPE OF HIS OR HER LICENSE. With respect to a foreign professional
27 service limited liability company which provides dental services as such
28 services are defined in article 133 of the education law, each member of
29 such foreign professional service limited liability company must be
30 licensed pursuant to article 133 of the education law to practice
31 dentistry in this state. With respect to a foreign professional service
32 limited liability company which provides professional engineering, land
33 surveying, architectural and/or landscape architectural services as such
34 services are defined in article 145, article 147 and article 148 of the
35 education law, each member of such foreign professional service limited
36 liability company must be licensed pursuant to article 145, article 147
37 and/or article 148 of the education law to practice one or more of such
38 professions in this state. [With respect to a foreign professional
39 service limited liability company which provides licensed clinical
40 social work services as such services are defined in article 154 of the
41 education law, each member of such foreign professional service limited
42 liability company shall be licensed pursuant to article 154 of the
43 education law to practice clinical social work in this state.] With
44 respect to a foreign professional service limited liability company
45 which provides creative arts therapy services as such services are
46 defined in article 163 of the education law, each member of such foreign
47 professional service limited liability company must be licensed pursuant
48 to article 163 of the education law to practice creative arts therapy in
49 this state. With respect to a foreign professional service limited
50 liability company which provides marriage and family therapy services as
51 such services are defined in article 163 of the education law, each
52 member of such foreign professional service limited liability company
53 must be licensed pursuant to article 163 of the education law to prac-
54 tice marriage and family therapy in this state. With respect to a
55 foreign professional service limited liability company which provides
56 mental health counseling services as such services are defined in arti-

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

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

18 (a) Notwithstanding any other provision of law, (I) one or more indi-
19 viduals duly authorized by law to render the same professional service
20 within the state may organize, or cause to be organized, a professional
21 service corporation for pecuniary profit under this article for the
22 purpose of rendering the same professional service, except that one or
23 more individuals duly authorized by law to practice professional engi-
24 neering, architecture, landscape architecture or land surveying within
25 the state may organize, or cause to be organized, a professional service
26 corporation or a design professional service corporation for pecuniary
27 profit under this article for the purpose of rendering such professional
28 services as such individuals are authorized to practice, AND (II) ONE OR
29 MORE INDIVIDUALS LICENSED TO PRACTICE PURSUANT TO ARTICLE 131 AND ONE OR
30 MORE INDIVIDUALS LICENSED PURSUANT TO ARTICLE 132, 137, 140, 141, 143,
31 144, 153, 154, 155 OR 156 OR SUBDIVISION 3 OF SECTION 6902 OF ARTICLE
32 139 OF TITLE EIGHT OF THE EDUCATION LAW MAY ORGANIZE, OR CAUSE TO BE
33 ORGANIZED, FOR BUSINESS PURPOSES ONLY, A PROFESSIONAL SERVICE CORPO-
34 RATION FORMED FOR PECUNIARY PROFIT UNDER THIS ARTICLE FOR THE PURPOSE OF
35 RENDERING MULTIDISCIPLINARY SERVICES WITHIN SUCH A CORPORATION AS SUCH
36 INDIVIDUALS ARE AUTHORIZED TO PRACTICE INDIVIDUALLY IN HIS OR HER
37 RESPECTIVE PROFESSIONS, SUBJECT TO THE FOLLOWING CONDITIONS: (A) AN
38 INDIVIDUAL WHO ORGANIZES, OR CAUSES TO ORGANIZE, SUCH CORPORATION MUST
39 BE LICENSED PURSUANT TO TITLE EIGHT OF THE EDUCATION LAW TO PRACTICE HIS
40 OR HER PROFESSION IN THIS STATE; (B) EACH MEMBER SHALL ONLY PRACTICE HIS
41 OR HER PROFESSION AS SPECIFIED IN HIS OR HER RESPECTIVE PROFESSIONAL
42 ENABLING STATUTE UNDER TITLE EIGHT OF THE EDUCATION LAW; (C) ANY CLIN-
43 ICAL INTEGRATION OF PROFESSIONAL PRACTICES UNDER THIS SECTION SHALL NOT
44 ALTER, EXPAND OR CURTAIL THE SCOPE OF PRACTICE OF ANY OF THE MEMBERS;
45 (D) NO INDIVIDUAL SHALL, DIRECTLY OR INDIRECTLY, INTERFERE WITH THE
46 CLINICAL JUDGMENT OR LEGITIMATE CLINICAL PRACTICE OF ANOTHER INDIVIDUAL;
47 AND (E) NO INDIVIDUAL SHALL ORDER OR DIRECT ANOTHER INDIVIDUAL TO PRAC-
48 TICE BEYOND THE SCOPE OF HIS OR HER LICENSE.

49 S 5. Subdivision (q) of section 121-1500 of the partnership law, as
50 amended by chapter 554 of the laws of 2013, is amended to read as
51 follows:

52 (q) Each partner of a registered limited liability partnership formed
53 to provide medical services in this state must be licensed pursuant to
54 article 131 of the education law to practice medicine in this state [and
55 each]. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, ANY PERSON
56 LICENSED PURSUANT TO ARTICLE 131 OF THE EDUCATION LAW TO PRACTICE MEDI-

1 CINE AND ANY OTHER PERSON LICENSED PURSUANT TO ARTICLE 132, 137, 140,
2 141, 143, 144, 153, 154, 155 OR 156 OR SUBDIVISION 3 OF SECTION 6902 OF
3 ARTICLE 139 OF THE EDUCATION LAW MAY FORM, OR CAUSE TO BE FORMED, A
4 REGISTERED LIMITED LIABILITY PARTNERSHIP TO PROVIDE MULTIDISCIPLINARY
5 SERVICES WITH ONE OR MORE LICENSED PROFESSIONALS, SUBJECT TO THE FOLLOW-
6 ING CONDITIONS: (I) EACH PARTNER OF SUCH LIMITED LIABILITY PARTNERSHIP
7 MUST BE LICENSED PURSUANT TO TITLE EIGHT OF THE EDUCATION LAW TO PRAC-
8 TICE HIS OR HER PROFESSION IN THIS STATE; (II) EACH PARTNER SHALL ONLY
9 PRACTICE HIS OR HER PROFESSION AS SPECIFIED IN HIS OR HER RESPECTIVE
10 PROFESSIONAL ENABLING STATUTE UNDER TITLE EIGHT OF THE EDUCATION LAW;
11 AND (III) ANY CLINICAL INTEGRATION OF PROFESSIONAL PRACTICES UNDER THIS
12 SECTION SHALL NOT ALTER, EXPAND OR CURTAIL THE SCOPE OF PRACTICE OF ANY
13 OF THE PARTNERS; PROVIDED FURTHER THAT: (A) NO PARTNER SHALL, DIRECTLY
14 OR INDIRECTLY, INTERFERE WITH THE CLINICAL JUDGMENT OR LEGITIMATE CLIN-
15 ICAL PRACTICE OF ANOTHER PARTNER; AND (B) NO PARTNER SHALL ORDER OR
16 DIRECT ANOTHER PARTNER TO PRACTICE BEYOND THE SCOPE OF HIS OR HER
17 LICENSE. EACH partner of a registered limited liability partnership
18 formed to provide dental services in this state must be licensed pursu-
19 ant to article 133 of the education law to practice dentistry in this
20 state. Each partner of a registered limited liability partnership
21 formed to provide veterinary services in this state must be licensed
22 pursuant to article 135 of the education law to practice veterinary
23 medicine in this state. Each partner of a registered limited liability
24 partnership formed to provide professional engineering, land surveying,
25 architectural and/or landscape architectural services in this state must
26 be licensed pursuant to article 145, article 147 and/or article 148 of
27 the education law to practice one or more of such professions in this
28 state. [Each partner of a registered limited liability partnership
29 formed to provide licensed clinical social work services in this state
30 must be licensed pursuant to article 154 of the education law to prac-
31 tice clinical social work in this state.] Each partner of a registered
32 limited liability partnership formed to provide creative arts therapy
33 services in this state must be licensed pursuant to article 163 of the
34 education law to practice creative arts therapy in this state. Each
35 partner of a registered limited liability partnership formed to provide
36 marriage and family therapy services in this state must be licensed
37 pursuant to article 163 of the education law to practice marriage and
38 family therapy in this state. Each partner of a registered limited
39 liability partnership formed to provide mental health counseling
40 services in this state must be licensed pursuant to article 163 of the
41 education law to practice mental health counseling in this state. Each
42 partner of a registered limited liability partnership formed to provide
43 psychoanalysis services in this state must be licensed pursuant to arti-
44 cle 163 of the education law to practice psychoanalysis in this state.
45 Each partner of a registered limited liability partnership formed to
46 provide applied behavior analysis service in this state must be licensed
47 or certified pursuant to article 167 of the education law to practice
48 applied behavior analysis in this state.

49 S 6. Subdivision (q) of section 121-1502 of the partnership law, as
50 amended by chapter 554 of the laws of 2013, is amended to read as
51 follows:

52 (q) Each partner of a foreign limited liability partnership which
53 provides medical services in this state must be licensed pursuant to
54 article 131 of the education law to practice medicine in the state [and
55 each]. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, ANY PERSON
56 LICENSED PURSUANT TO ARTICLE 131 OF THE EDUCATION LAW TO PRACTICE MEDI-

1 CINE AND ANY PERSON LICENSED PURSUANT TO ARTICLES 132, 137, 140, 141,
2 143, 144, 153, 154, 155 OR 156 OR SUBDIVISION 3 OF SECTION 6902 OF ARTI-
3 CLE 139 OF THE EDUCATION LAW MAY FORM, OR CAUSE TO BE FORMED, A FOREIGN
4 LIMITED LIABILITY PARTNERSHIP TO PROVIDE MULTIDISCIPLINARY SERVICES WITH
5 ONE OR MORE LICENSED PROFESSIONALS, SUBJECT TO THE FOLLOWING CONDITIONS:
6 (I) EACH PARTNER OF SUCH FOREIGN LIMITED LIABILITY PARTNERSHIP MUST BE
7 LICENSED PURSUANT TO TITLE EIGHT OF THE EDUCATION LAW TO PRACTICE HIS
8 OR HER PROFESSION IN THIS STATE; (II) EACH PARTNER SHALL ONLY PRACTICE
9 HIS OR HER PROFESSION AS SPECIFIED IN HIS OR HER RESPECTIVE PROFESSIONAL
10 ENABLING STATUE UNDER TITLE EIGHT OF THE EDUCATION LAW; AND (III) ANY
11 CLINICAL INTEGRATION OF PROFESSIONAL PRACTICES UNDER THIS SECTION SHALL
12 NOT ALTER, EXPAND OR CURTAIL THE SCOPE OF PRACTICE OF ANY OF THE PART-
13 NERS; PROVIDED FURTHER THAT: (A) NO PARTNER SHALL, DIRECTLY OR INDIRECT-
14 LY, INTERFERE WITH THE CLINICAL JUDGMENT OR LEGITIMATE CLINICAL PRACTICE
15 OF ANOTHER PARTNER; AND (B) NO PARTNER SHALL ORDER OR DIRECT ANOTHER
16 PARTNER TO PRACTICE BEYOND THE SCOPE OF HIS OR HER LICENSE. EACH partner
17 of a foreign limited liability partnership which provides dental
18 services in the state must be licensed pursuant to article 133 of the
19 education law to practice dentistry in this state. Each partner of a
20 foreign limited liability partnership which provides veterinary service
21 in the state shall be licensed pursuant to article 135 of the education
22 law to practice veterinary medicine in this state. Each partner of a
23 foreign limited liability partnership which provides professional engi-
24 neering, land surveying, architectural and/or landscape architectural
25 services in this state must be licensed pursuant to article 145, article
26 147 and/or article 148 of the education law to practice one or more of
27 such professions. [Each partner of a foreign limited liability partner-
28 ship which provides licensed clinical social work services in this state
29 must be licensed pursuant to article 154 of the education law to prac-
30 tice licensed clinical social work in this state.] Each partner of a
31 foreign limited liability partnership which provides creative arts ther-
32 apy services in this state must be licensed pursuant to article 163 of
33 the education law to practice creative arts therapy in this state. Each
34 partner of a foreign limited liability partnership which provides
35 marriage and family therapy services in this state must be licensed
36 pursuant to article 163 of the education law to practice marriage and
37 family therapy in this state. Each partner of a foreign limited liabil-
38 ity partnership which provides mental health counseling services in this
39 state must be licensed pursuant to article 163 of the education law to
40 practice mental health counseling in this state. Each partner of a
41 foreign limited liability partnership which provides psychoanalysis
42 services in this state must be licensed pursuant to article 163 of the
43 education law to practice psychoanalysis in this state. Each partner of
44 a foreign limited liability partnership which provides applied behavior
45 analysis services in this state must be licensed or certified pursuant
46 to article 167 of the education law to practice applied behavior analy-
47 sis in this state.

48 S 7. Subdivision (a) of section 1203 of the limited liability company
49 law, as amended by chapter 475 of the laws of 2014, is amended to read
50 as follows:

51 (a) Notwithstanding the education law or any other provision of law,
52 one or more professionals each of whom is authorized by law to render a
53 professional service within the state, or one or more professionals, at
54 least one of whom is authorized by law to render a professional service
55 within the state, may form, or cause to be formed, a professional
56 service limited liability company for pecuniary profit under this arti-

1 cle for the purpose of rendering the professional service or services as
2 such professionals are authorized to practice. With respect to a profes-
3 sional service limited liability company formed to provide medical
4 services as such services are defined in article 131 of the education
5 law, each member of such limited liability company must be licensed
6 pursuant to article 131 of the education law to practice medicine in
7 this state. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, ANY
8 PERSON LICENSED PURSUANT TO ARTICLE 131 OF THE EDUCATION LAW TO PRACTICE
9 MEDICINE AND ANY PERSON LICENSED PURSUANT TO ARTICLES 132, 137, 140,
10 141, 143, 144, 153, 154, 155 OR 156 OR SUBDIVISION 3 OF SECTION 6902 OF
11 ARTICLE 139 OF THE EDUCATION LAW MAY FORM, OR CAUSE TO BE FORMED, A
12 PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY TO PROVIDE MULTIDISCIPLI-
13 NARY SERVICES WITH ONE OR MORE LICENSED PROFESSIONALS, SUBJECT TO THE
14 FOLLOWING CONDITIONS: (I) EACH MEMBER OF SUCH LIMITED LIABILITY COMPANY
15 MUST BE LICENSED PURSUANT TO TITLE EIGHT OF THE EDUCATION LAW TO PRAC-
16 TICE HIS OR HER PROFESSION IN THIS STATE; (II) EACH MEMBER SHALL ONLY
17 PRACTICE HIS OR HER PROFESSION AS SPECIFIED IN HIS OR HER RESPECTIVE
18 PROFESSIONAL ENABLING STATUE UNDER TITLE EIGHT OF THE EDUCATION LAW; AND
19 (III) ANY CLINICAL INTEGRATION OF PROFESSIONAL PRACTICES UNDER THIS
20 SECTION SHALL NOT ALTER, EXPAND OR CURTAIL THE SCOPE OF PRACTICE OF ANY
21 OF THE MEMBERS; PROVIDED FURTHER THAT: (A) NO MEMBER SHALL, DIRECTLY OR
22 INDIRECTLY, INTERFERE WITH THE CLINICAL JUDGMENT OR LEGITIMATE CLINICAL
23 PRACTICE OF ANOTHER MEMBER; AND (B) NO MEMBER SHALL ORDER OR DIRECT
24 ANOTHER MEMBER TO PRACTICE BEYOND THE SCOPE OF HIS OR HER LICENSE. With
25 respect to a professional service limited liability company formed to
26 provide dental services as such services are defined in article 133 of
27 the education law, each member of such limited liability company must be
28 licensed pursuant to article 133 of the education law to practice
29 dentistry in this state. With respect to a professional service limited
30 liability company formed to provide veterinary services as such services
31 are defined in article 135 of the education law, each member of such
32 limited liability company must be licensed pursuant to article 135 of
33 the education law to practice veterinary medicine in this state. With
34 respect to a professional service limited liability company formed to
35 provide professional engineering, land surveying, architectural, land-
36 scape architectural and/or geological services as such services are
37 defined in article 145, article 147 and article 148 of the education
38 law, each member of such limited liability company must be licensed
39 pursuant to article 145, article 147 and/or article 148 of the education
40 law to practice one or more of such professions in this state. [With
41 respect to a professional service limited liability company formed to
42 provide licensed clinical social work services as such services are
43 defined in article 154 of the education law, each member of such limited
44 liability company shall be licensed pursuant to article 154 of the
45 education law to practice licensed clinical social work in this state.]
46 With respect to a professional service limited liability company formed
47 to provide creative arts therapy services as such services are defined
48 in article 163 of the education law, each member of such limited liabil-
49 ity company must be licensed pursuant to article 163 of the education
50 law to practice creative arts therapy in this state. With respect to a
51 professional service limited liability company formed to provide
52 marriage and family therapy services as such services are defined in
53 article 163 of the education law, each member of such limited liability
54 company must be licensed pursuant to article 163 of the education law to
55 practice marriage and family therapy in this state. With respect to a
56 professional service limited liability company formed to provide mental

1 health counseling services as such services are defined in article 163
2 of the education law, each member of such limited liability company must
3 be licensed pursuant to article 163 of the education law to practice
4 mental health counseling in this state. With respect to a professional
5 service limited liability company formed to provide psychoanalysis
6 services as such services are defined in article 163 of the education
7 law, each member of such limited liability company must be licensed
8 pursuant to article 163 of the education law to practice psychoanalysis
9 in this state. With respect to a professional service limited liability
10 company formed to provide applied behavior analysis services as such
11 services are defined in article 167 of the education law, each member of
12 such limited liability company must be licensed or certified pursuant to
13 article 167 of the education law to practice applied behavior analysis
14 in this state. In addition to engaging in such profession or
15 professions, a professional service limited liability company may engage
16 in any other business or activities as to which a limited liability
17 company may be formed under section two hundred one of this chapter.
18 Notwithstanding any other provision of this section, a professional
19 service limited liability company (i) authorized to practice law may
20 only engage in another profession or business or activities or (ii)
21 which is engaged in a profession or other business or activities other
22 than law may only engage in the practice of law, to the extent not
23 prohibited by any other law of this state or any rule adopted by the
24 appropriate appellate division of the supreme court or the court of
25 appeals.

26 S 8. Subdivision (b) of section 1207 of the limited liability company
27 law, as amended by chapter 475 of the laws of 2014, is amended to read
28 as follows:

29 (b) With respect to a professional service limited liability company
30 formed to provide medical services as such services are defined in arti-
31 cle 131 of the education law, each member of such limited liability
32 company must be licensed pursuant to article 131 of the education law to
33 practice medicine in this state. NOTWITHSTANDING ANY OTHER PROVISION OF
34 THIS SECTION, ANY PERSON LICENSED PURSUANT TO ARTICLE 131 OF THE EDUCA-
35 TION LAW TO PRACTICE MEDICINE AND ANY PERSON LICENSED PURSUANT TO ARTI-
36 CLES 132, 137, 140, 141, 143, 144, 153, 154, 155 OR 156 OR SUBDIVISION 3
37 OF SECTION 6902 OF ARTICLE 139 OF THE EDUCATION LAW MAY FORM, OR CAUSE
38 TO BE FORMED, A PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY TO
39 PROVIDE MULTIDISCIPLINARY SERVICES WITH ONE OR MORE LICENSED PROFES-
40 SIONALS, SUBJECT TO THE FOLLOWING CONDITIONS: (I) EACH MEMBER OF SUCH
41 LIMITED LIABILITY COMPANY MUST BE LICENSED PURSUANT TO TITLE EIGHT OF
42 THE EDUCATION LAW TO PRACTICE HIS OR HER PROFESSION IN THIS STATE; (II)
43 EACH MEMBER SHALL ONLY PRACTICE HIS OR HER PROFESSION AS SPECIFIED IN
44 HIS OR HER RESPECTIVE PROFESSIONAL ENABLING STATUTE UNDER TITLE EIGHT OR
45 THE EDUCATION LAW; AND (III) ANY CLINICAL INTEGRATION OF PROFESSIONAL
46 PRACTICES UNDER THIS SECTION SHALL NOT ALTER, EXPAND OR CURTAIL THE
47 SCOPE OF PRACTICE OF ANY OF THE MEMBERS; PROVIDED FURTHER THAT: (A) NO
48 MEMBER SHALL, DIRECTLY OR INDIRECTLY, INTERFERE WITH THE CLINICAL JUDGE-
49 MENT OR LEGITIMATE CLINICAL PRACTICE OF ANOTHER MEMBER; AND (B) NO
50 MEMBER SHALL ORDER OR DIRECT ANOTHER MEMBER TO PRACTICE BEYOND THE SCOPE
51 OF HIS OR HER LICENSE. With respect to a professional service limited
52 liability company formed to provide dental services as such services are
53 defined in article 133 of the education law, each member of such limited
54 liability company must be licensed pursuant to article 133 of the educa-
55 tion law to practice dentistry in this state. With respect to a profes-
56 sional service limited liability company formed to provide veterinary

1 services as such services are defined in article 135 of the education
2 law, each member of such limited liability company must be licensed
3 pursuant to article 135 of the education law to practice veterinary
4 medicine in this state. With respect to a professional service limited
5 liability company formed to provide professional engineering, land
6 surveying, architectural, landscape architectural and/or geological
7 services as such services are defined in article 145, article 147 and
8 article 148 of the education law, each member of such limited liability
9 company must be licensed pursuant to article 145, article 147 and/or
10 article 148 of the education law to practice one or more of such
11 professions in this state. [With respect to a professional service
12 limited liability company formed to provide licensed clinical social
13 work services as such services are defined in article 154 of the educa-
14 tion 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.

41 S 9. Subdivision (a) of section 1301 of the limited liability company
42 law, as amended by chapter 475 of the laws of 2014, is amended to read
43 as follows:

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

1 professional service limited liability company or a predecessor entity,
2 or will engage in the practice of such profession in the professional
3 service limited liability company within thirty days of the date such
4 professional becomes a member, or (ii) authorized by, or holding a
5 license, certificate, registration or permit issued by the licensing
6 authority pursuant to, the education law to render a professional
7 service within this state; except that all members and managers, if any,
8 of a foreign professional service limited liability company that
9 provides health services in this state shall be licensed in this state.
10 With respect to a foreign professional service limited liability company
11 which provides veterinary services as such services are defined in arti-
12 cle 135 of the education law, each member of such foreign professional
13 service limited liability company shall be licensed pursuant to article
14 135 of the education law to practice veterinary medicine. With respect
15 to a foreign professional service limited liability company which
16 provides medical services as such services are defined in article 131 of
17 the education law, each member of such foreign professional service
18 limited liability company must be licensed pursuant to article 131 of
19 the education law to practice medicine in this state. NOTWITHSTANDING
20 ANY OTHER PROVISION OF THIS SECTION, ANY PERSON LICENSED PURSUANT TO
21 ARTICLE 131 OF THE EDUCATION LAW TO PRACTICE MEDICINE AND ANY PERSON
22 LICENSED PURSUANT TO ARTICLES 132, 137, 140, 141, 143, 144, 153, 154,
23 155 OR 156 OR SUBDIVISION 3 OF SECTION 6902 OF ARTICLE 139 OF THE EDUCA-
24 TION LAW MAY FORM, OR CAUSE TO BE FORMED, A FOREIGN PROFESSIONAL SERVICE
25 LIMITED LIABILITY COMPANY TO PROVIDE MULTIDISCIPLINARY SERVICES WITH ONE
26 OR MORE LICENSED PROFESSIONALS, SUBJECT TO THE FOLLOWING CONDITIONS: (I)
27 EACH MEMBER OF SUCH LIMITED LIABILITY COMPANY MUST BE LICENSED PURSUANT
28 TO TITLE EIGHT OF THE EDUCATION LAW TO PRACTICE HIS OR HER PROFESSION IN
29 THIS STATE; (II) EACH MEMBER SHALL ONLY PRACTICE HIS OR HER PROFESSION
30 AS SPECIFIED IN HIS OR HER RESPECTIVE PROFESSIONAL ENABLING STATUTE
31 UNDER TITLE EIGHT OF THE EDUCATION LAW; AND (III) ANY CLINICAL INTE-
32 GRATION OF PROFESSIONAL PRACTICES UNDER THIS SECTION SHALL NOT ALTER,
33 EXPAND OR CURTAIL THE SCOPE OF PRACTICE OF ANY OF THE MEMBERS; PROVIDED
34 FURTHER THAT: (A) NO MEMBER SHALL, DIRECTLY OR INDIRECTLY, INTERFERE
35 WITH THE CLINICAL JUDGMENT OR LEGITIMATE CLINICAL PRACTICE OF ANOTHER
36 MEMBER; AND (B) NO MEMBER SHALL ORDER OR DIRECT ANOTHER MEMBER TO PRAC-
37 TICE BEYOND THE SCOPE OF HIS OR HER LICENSE. With respect to a foreign
38 professional service limited liability company which provides dental
39 services as such services are defined in article 133 of the education
40 law, each member of such foreign professional service limited liability
41 company must be licensed pursuant to article 133 of the education law to
42 practice dentistry in this state. With respect to a foreign professional
43 service limited liability company which provides professional engineer-
44 ing, land surveying, geologic, architectural and/or landscape architec-
45 tural services as such services are defined in article 145, article 147
46 and article 148 of the education law, each member of such foreign
47 professional service limited liability company must be licensed pursuant
48 to article 145, article 147 and/or article 148 of the education law to
49 practice one or more of such professions in this state. [With respect to
50 a foreign professional service limited liability company which provides
51 licensed clinical social work services as such services are defined in
52 article 154 of the education law, each member of such foreign profes-
53 sional service limited liability company shall be licensed pursuant to
54 article 154 of the education law to practice clinical social work in
55 this state.] With respect to a foreign professional service limited
56 liability company which provides creative arts therapy services as such

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

27 S 10. Paragraph (a) of section 1503 of the business corporation law,
28 as amended by chapter 475 of the laws of 2014, is amended to read as
29 follows:

30 (a) Notwithstanding any other provision of law, (I) one or more indi-
31 viduals duly authorized by law to render the same professional service
32 within the state may organize, or cause to be organized, a professional
33 service corporation for pecuniary profit under this article for the
34 purpose of rendering the same professional service, except that one or
35 more individuals duly authorized by law to practice professional engi-
36 neering, architecture, landscape architecture, land surveying or geology
37 within the state may organize, or cause to be organized, a professional
38 service corporation or a design professional service corporation for
39 pecuniary profit under this article for the purpose of rendering such
40 professional services as such individuals are authorized to practice,
41 AND (II) ONE OR MORE INDIVIDUALS LICENSED TO PRACTICE PURSUANT TO ARTI-
42 CLE 131 AND ONE OR MORE INDIVIDUALS LICENSED PURSUANT TO ARTICLES 132,
43 137, 140, 141, 143, 144, 153, 154, 155 OR 156 OR SUBDIVISION 3 OF
44 SECTION 6902 OF ARTICLE 139 OF TITLE EIGHT OF THE EDUCATION LAW MAY
45 ORGANIZE, OR CAUSE TO BE ORGANIZED, FOR BUSINESS PURPOSES ONLY, A
46 PROFESSIONAL SERVICE CORPORATION FORMED FOR PECUNIARY PROFIT UNDER THIS
47 ARTICLE FOR THE PURPOSE OF RENDERING MULTIDISCIPLINARY SERVICES WITHIN
48 SUCH A CORPORATION AS SUCH INDIVIDUALS ARE AUTHORIZED TO PRACTICE INDI-
49 VIDUALLY IN HIS OR HER RESPECTIVE PROFESSIONS, SUBJECT TO THE FOLLOWING
50 CONDITIONS: (A) INDIVIDUAL WHO ORGANIZES, OR CAUSES TO ORGANIZE, SUCH
51 CORPORATION MUST BE LICENSED PURSUANT TO TITLE EIGHT OF THE EDUCATION
52 LAW TO PRACTICE HIS OR HER PROFESSION IN THIS STATE; (B) EACH MEMBER
53 SHALL ONLY PRACTICE HIS OR HER PROFESSION AS SPECIFIED IN HIS OR HER
54 RESPECTIVE PROFESSIONAL ENABLING STATUTE UNDER TITLE EIGHT OF THE EDUCA-
55 TION LAW; AND (C) ANY CLINICAL INTEGRATION OF PROFESSIONAL PRACTICES
56 UNDER THIS SECTION SHALL NOT ALTER, EXPAND OR CURTAIL THE SCOPE OF PRAC-

1 TICE OF ANY OF THE MEMBERS; (D) NO INDIVIDUAL SHALL, DIRECTLY OR INDI-
2 RECTLY, INTERFERE WITH THE CLINICAL JUDGMENT OR LEGITIMATE CLINICAL
3 PRACTICE OF ANOTHER INDIVIDUAL; AND (E) NO INDIVIDUAL SHALL ORDER OR
4 DIRECT ANOTHER INDIVIDUAL TO PRACTICE BEYOND THE SCOPE OF HIS OR HER
5 LICENSE.

6 S 11. 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]. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, ANY PERSON
13 LICENSED PURSUANT TO ARTICLE 131 OF THE EDUCATION LAW TO PRACTICE MEDI-
14 CINE AND ANY PERSON LICENSED PURSUANT TO ARTICLES 132, 137, 140, 141,
15 143, 144, 153, 154, 155 OR 156 SUBDIVISION 3 OF SECTION 6902 OF ARTICLE
16 139 OF THE EDUCATION LAW MAY FORM, OR CAUSE TO BE FORMED, A REGISTERED
17 LIMITED LIABILITY PARTNERSHIP TO PROVIDE MULTIDISCIPLINARY SERVICES WITH
18 ONE OR MORE LICENSED PROFESSIONALS, SUBJECT TO THE FOLLOWING CONDITIONS:

19 (I) EACH PARTNER OF SUCH LIMITED LIABILITY PARTNERSHIP MUST BE LICENSED
20 PURSUANT TO TITLE EIGHT OF THE EDUCATION LAW TO PRACTICE HIS OR HER
21 PROFESSION IN THIS STATE; (II) EACH PARTNER SHALL ONLY PRACTICE HIS OR
22 HER PROFESSION AS SPECIFIED IN HIS OR HER RESPECTIVE PROFESSIONAL ENABL-
23 ING STATUTE UNDER TITLE EIGHT OF THE EDUCATION LAW; AND (III) ANY CLIN-
24 ICAL INTEGRATION OF THE PROFESSIONAL PRACTICES UNDER THIS SECTION SHALL
25 NOT ALTER, EXPAND OR CURTAIL THE SCOPE OF PRACTICE OF ANY OF THE PART-
26 NERS; PROVIDED FURTHER THAT: (A) NO PARTNER SHALL, DIRECTLY OR INDIRECT-
27 LY, INTERFERE WITH THE CLINICAL JUDGMENT OR LEGITIMATE CLINICAL PRACTICE
28 OF ANOTHER PARTNER; AND (B) NO PARTNER SHALL ORDER OR DIRECT ANOTHER
29 PARTNER TO PRACTICE BEYOND THE SCOPE OF HIS OR HER LICENSE. EACH part-
30 ner of a registered limited liability partnership formed to provide
31 dental services in this state must be licensed pursuant to article 133
32 of the education law to practice dentistry in this state. Each partner
33 of a registered limited liability partnership formed to provide veteri-
34 nary services in this state must be licensed pursuant to article 135 of
35 the education law to practice veterinary medicine in this state. Each
36 partner of a registered limited liability partnership formed to provide
37 professional engineering, land surveying, geological services, architec-
38 tural and/or landscape architectural services in this state must be
39 licensed pursuant to article 145, article 147 and/or article 148 of the
40 education law to practice one or more of such professions in this state.
41 [Each partner of a registered limited liability partnership formed to
42 provide licensed clinical social work services in this state must be
43 licensed pursuant to article 154 of the education law to practice clin-
44 ical social work in this state.] Each partner of a registered limited
45 liability partnership formed to provide creative arts therapy services
46 in this state must be licensed pursuant to article 163 of the education
47 law to practice creative arts therapy in this state. Each partner of a
48 registered limited liability partnership formed to provide marriage and
49 family therapy services in this state must be licensed pursuant to arti-
50 cle 163 of the education law to practice marriage and family therapy in
51 this state. Each partner of a registered limited liability partnership
52 formed to provide mental health counseling services in this state must
53 be licensed pursuant to article 163 of the education law to practice
54 mental health counseling in this state. Each partner of a registered
55 limited liability partnership formed to provide psychoanalysis services
56 in this state must be licensed pursuant to article 163 of the education

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

6 S 12. Subdivision (q) of section 121-1502 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 foreign limited liability partnership which
10 provides medical services in this state must be licensed pursuant to
11 article 131 of the education law to practice medicine in the state [and
12 each]. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, ANY PERSON
13 LICENSED PURSUANT TO ARTICLE 131 OF THE EDUCATION LAW TO PRACTICE MEDI-
14 CINE AND ANY PERSON LICENSED PURSUANT TO ARTICLES 132, 137, 140, 141,
15 143, 144, 153, 154, 155 OR 156 OR SUBDIVISION 3 OF SECTION 6902 OF ARTI-
16 CLE 139 OF THE EDUCATION LAW MAY FORM, OR CAUSE TO BE FORMED, A FOREIGN
17 LIMITED LIABILITY PARTNERSHIP TO PROVIDE MULTIDISCIPLINARY SERVICES WITH
18 ONE OR MORE LICENSED PROFESSIONALS, SUBJECT TO THE FOLLOWING CONDITIONS:
19 (I) EACH PARTNER OF SUCH FOREIGN LIMITED LIABILITY PARTNERSHIP MUST BE
20 LICENSED PURSUANT TO TITLE EIGHT OF THE EDUCATION LAW TO PRACTICE HIS OR
21 HER PROFESSION IN THIS STATE; (II) EACH PARTNER SHALL ONLY PRACTICE HIS
22 OR HER PROFESSION AS SPECIFIED IN HIS OR HER RESPECTIVE PROFESSIONAL
23 ENABLING STATUTE UNDER TITLE EIGHT OF THE EDUCATION LAW; AND (III) ANY
24 CLINICAL INTEGRATION OF PROFESSIONAL PRACTICES UNDER THIS SECTION SHALL
25 NOT ALTER, EXPAND OR CURTAIL THE SCOPE OF PRACTICE OF ANY OF THE PART-
26 NERS; PROVIDED FURTHER THAT: (A) NO PARTNER SHALL, DIRECTLY OR INDIRECT-
27 LY, INTERFERE WITH THE CLINICAL JUDGMENT OR LEGITIMATE CLINICAL PRACTICE
28 OF ANOTHER PARTNER; AND (B) NO PARTNER SHALL ORDER OR DIRECT ANOTHER
29 PARTNER TO PRACTICE BEYOND THE SCOPE OF HIS OR HER LICENSE. Each partner
30 of a foreign limited liability partnership which provides dental
31 services in the state must be licensed pursuant to article 133 of the
32 education law to practice dentistry in this state. Each partner of a
33 foreign limited liability partnership which provides veterinary service
34 in the state shall be licensed pursuant to article 135 of the education
35 law to practice veterinary medicine in this state. Each partner of a
36 foreign limited liability partnership which provides professional engi-
37 neering, land surveying, geological services, architectural and/or land-
38 scape architectural services in this state must be licensed pursuant to
39 article 145, article 147 and/or article 148 of the education law to
40 practice one or more of such professions. [Each partner of a foreign
41 limited liability partnership which provides licensed clinical social
42 work services in this state must be licensed pursuant to article 154 of
43 the education law to practice licensed clinical social work in this
44 state.] Each partner of a foreign limited liability partnership which
45 provides creative arts therapy services in this state must be licensed
46 pursuant to article 163 of the education law to practice creative arts
47 therapy in this state. Each partner of a foreign limited liability part-
48 nership which provides marriage and family therapy services in this
49 state must be licensed pursuant to article 163 of the education law to
50 practice marriage and family therapy in this state. Each partner of a
51 foreign limited liability partnership which provides mental health coun-
52 seling services in this state must be licensed pursuant to article 163
53 of the education law to practice mental health counseling in this state.
54 Each partner of a foreign limited liability partnership which provides
55 psychoanalysis services in this state must be licensed pursuant to arti-
56 cle 163 of the education law to practice psychoanalysis in this state.

1 Each partner of a foreign limited liability partnership which provides
2 applied behavior analysis services in this state must be licensed or
3 certified pursuant to article 167 of the education law to practice
4 applied behavior analysis in this state.

5 S 13. Section 6509-a of the education law, as amended by chapter 555
6 of the laws of 1993, is amended to read as follows:

7 S 6509-a. Additional definition of professional misconduct; limited
8 application. Notwithstanding any inconsistent provision of this article
9 or of any other provision of law to the contrary, the license or regis-
10 tration of a person subject to the provisions of articles one hundred
11 thirty-two, one hundred thirty-three, one hundred thirty-six, one
12 hundred thirty-seven, one hundred thirty-nine, one hundred forty-one,
13 one hundred forty-three, one hundred forty-four, one hundred fifty-six,
14 one hundred fifty-nine and one hundred sixty-four of this chapter may be
15 revoked, suspended or annulled or such person may be subject to any
16 other penalty provided in section sixty-five hundred eleven of this
17 article in accordance with the provisions and procedure of this article
18 for the following:

19 That any person subject to the above enumerated articles, has directly
20 or indirectly requested, received or participated in the division,
21 transference, assignment, rebate, splitting or refunding of a fee for,
22 or has directly requested, received or profited by means of a credit or
23 other valuable consideration as a commission, discount or gratuity in
24 connection with the furnishing of professional care, or service, includ-
25 ing x-ray examination and treatment, or for or in connection with the
26 sale, rental, supplying or furnishing of clinical laboratory services or
27 supplies, x-ray laboratory services or supplies, inhalation therapy
28 service or equipment, ambulance service, hospital or medical supplies,
29 physiotherapy or other therapeutic service or equipment, artificial
30 limbs, teeth or eyes, orthopedic or surgical appliances or supplies,
31 optical appliances, supplies or equipment, devices for aid of hearing,
32 drugs, medication or medical supplies or any other goods, services or
33 supplies prescribed for medical diagnosis, care or treatment under this
34 chapter, except payment, not to exceed thirty-three and one-third per
35 centum of any fee received for x-ray examination, diagnosis or treat-
36 ment, to any hospital furnishing facilities for such examination, diag-
37 nosis or treatment. Nothing contained in this section shall prohibit
38 such persons from practicing as partners, in groups or as a professional
39 corporation or as a university faculty practice corporation nor from
40 pooling fees and moneys received, either by the partnerships, profes-
41 sional corporations, university faculty practice corporations or groups
42 by the individual members thereof, for professional services furnished
43 by any individual professional member, or employee of such partnership,
44 corporation or group, nor shall the professionals constituting the part-
45 nerships, corporations or groups be prohibited from sharing, dividing or
46 apportioning the fees and moneys received by them or by the partnership,
47 corporation or group in accordance with a partnership or other agree-
48 ment; provided that no such practice as partners, corporations or in
49 groups or pooling of fees or moneys received or shared, division or
50 apportionment of fees shall be permitted with respect to care and treat-
51 ment under the workers' compensation law except as expressly authorized
52 by the workers' compensation law. NOTHING CONTAINED IN THIS SECTION
53 SHALL PROHIBIT A MULTIDISCIPLINARY SERVICES PRACTICE FORMED PURSUANT TO
54 SUBDIVISION (A) OF SECTION TWELVE HUNDRED THREE OF THE LIMITED LIABILITY
55 COMPANY LAW, SUBDIVISION (B) OF SECTION TWELVE HUNDRED SEVEN OF THE
56 LIMITED LIABILITY COMPANY LAW, SUBDIVISION (A) OF SECTION THIRTEEN

1 HUNDRED ONE OF THE LIMITED LIABILITY COMPANY LAW, PARAGRAPH (A) OF
2 SECTION FIFTEEN HUNDRED THREE OF THE BUSINESS CORPORATION LAW, SUBDIVI-
3 SION (Q) OF SECTION 121-1500 OF THE PARTNERSHIP LAW, OR SUBDIVISION (Q)
4 OF SECTION 121-1502 OF THE PARTNERSHIP LAW FROM POOLING FEES OR MONIES
5 RECEIVED. Nothing contained in this chapter shall prohibit a medical or
6 dental expense indemnity corporation pursuant to its contract with the
7 subscriber from prorationing a medical or dental expense indemnity
8 allowance among two or more professionals in proportion to the services
9 rendered by each such professional at the request of the subscriber,
10 provided that prior to payment thereof such professionals shall submit
11 both to the medical or dental expense indemnity corporation and to the
12 subscriber statements itemizing the services rendered by each such
13 professional and the charges therefor.

14 S 14. Subdivision 19 of section 6530 of the education law, as added by
15 chapter 606 of the laws of 1991, is amended to read as follows:

16 19. Permitting any person to share in the fees for professional
17 services, other than: a partner, employee, associate in a professional
18 firm or corporation, professional subcontractor or consultant authorized
19 to practice medicine, [or] a legally authorized trainee practicing under
20 the supervision of a licensee, OR AN AUTHORIZED PROFESSIONAL LICENSED
21 PURSUANT TO ARTICLE ONE HUNDRED THIRTY-ONE, ONE HUNDRED THIRTY-TWO, ONE
22 HUNDRED THIRTY-SEVEN, ONE HUNDRED FORTY, ONE HUNDRED FORTY-ONE, ONE
23 HUNDRED FORTY-THREE, ONE HUNDRED FORTY-FOUR, ONE HUNDRED FIFTY-THREE,
24 ONE HUNDRED FIFTY-FOUR, ONE HUNDRED FIFTY-FIVE, ONE HUNDRED FIFTY-SIX OR
25 ONE HUNDRED FIFTY-NINE OR SUBDIVISION THREE OF SECTION SIXTY NINE
26 HUNDRED TWO OF ARTICLE ONE HUNDRED THIRTY-NINE OF THIS CHAPTER PROVIDING
27 PROFESSIONAL SERVICES IN THE SAME PRACTICE. This prohibition shall
28 include any arrangement or agreement whereby the amount received in
29 payment for furnishing space, facilities, equipment or personnel
30 services used by a licensee constitutes a percentage of, or is otherwise
31 dependent upon, the income or receipts of the licensee from such prac-
32 tice, except as otherwise provided by law with respect to a facility
33 licensed pursuant to article twenty-eight of the public health law or
34 article thirteen of the mental hygiene law;

35 S 15. Section 6531 of the education law, as amended by chapter 555 of
36 the laws of 1993, is amended to read as follows:

37 S 6531. Additional definition of professional misconduct, limited
38 application. Notwithstanding any inconsistent provision of this article
39 or any other provisions of law to the contrary, the license or registra-
40 tion of a person subject to the provisions of this article and article
41 one hundred thirty-one-B of this chapter may be revoked, suspended, or
42 annulled or such person may be subject to any other penalty provided in
43 section two hundred thirty-a of the public health law in accordance with
44 the provisions and procedures of this article for the following:

45 That any person subject to the above-enumerated articles has directly
46 or indirectly requested, received or participated in the division,
47 transference, assignment, rebate, splitting, or refunding of a fee for,
48 or has directly requested, received or profited by means of a credit or
49 other valuable consideration as a commission, discount or gratuity, in
50 connection with the furnishing of professional care or service, includ-
51 ing x-ray examination and treatment, or for or in connection with the
52 sale, rental, supplying, or furnishing of clinical laboratory services
53 or supplies, x-ray laboratory services or supplies, inhalation therapy
54 service or equipment, ambulance service, hospital or medical supplies,
55 physiotherapy or other therapeutic service or equipment, artificial
56 limbs, teeth or eyes, orthopedic or surgical appliances or supplies,

1 optical appliances, supplies, or equipment, devices for aid of hearing,
2 drugs, medication, or medical supplies, or any other goods, services, or
3 supplies prescribed for medical diagnosis, care, or treatment under this
4 chapter, except payment, not to exceed thirty-three and one-third
5 percent of any fee received for x-ray examination, diagnosis, or treat-
6 ment, to any hospital furnishing facilities for such examination, diag-
7 nosis, or treatment. Nothing contained in this section shall prohibit
8 such persons from practicing as partners, in groups or as a professional
9 corporation or as a university faculty practice corporation, nor from
10 pooling fees and moneys received, either by the partnerships, profes-
11 sional corporations, or university faculty practice corporations or
12 groups by the individual members thereof, for professional services
13 furnished by an individual professional member, or employee of such
14 partnership, corporation, or group, nor shall the professionals consti-
15 tuting the partnerships, corporations or groups be prohibited from shar-
16 ing, dividing, or apportioning the fees and moneys received by them or
17 by the partnership, corporation, or group in accordance with a partner-
18 ship or other agreement; provided that no such practice as partners,
19 corporations, or groups, or pooling of fees or moneys received or
20 shared, division or apportionment of fees shall be permitted with
21 respect to and treatment under the workers' compensation law. NOTHING
22 CONTAINED IN THIS SECTION SHALL PROHIBIT A MULTIDISCIPLINARY SERVICES
23 PRACTICE FORMED PURSUANT TO SUBDIVISION (A) OF SECTION TWELVE HUNDRED
24 THREE OF THE LIMITED LIABILITY COMPANY LAW, SUBDIVISION (B) OF SECTION
25 TWELVE HUNDRED SEVEN OF THE LIMITED LIABILITY COMPANY LAW, SUBDIVISION
26 (A) OF SECTION THIRTEEN HUNDRED ONE OF THE LIMITED LIABILITY COMPANY
27 LAW, PARAGRAPH (A) OF SECTION FIFTEEN HUNDRED THREE OF THE BUSINESS
28 CORPORATION LAW, SUBDIVISION (Q) OF SECTION 121-1500 OF THE PARTNERSHIP
29 LAW, OR SUBDIVISION (Q) OF SECTION 121-1502 OF THE PARTNERSHIP LAW FROM
30 POOLING FEES OR MONIES RECEIVED. Nothing contained in this chapter shall
31 prohibit a corporation licensed pursuant to article forty-three of the
32 insurance law pursuant to its contract with the subscriber from prora-
33 tioning a medical or dental expenses indemnity allowance among two or
34 more professionals in proportion to the services rendered by each such
35 professional at the request of the subscriber, provided that prior to
36 payment thereof such professionals shall submit both to the corporation
37 licensed pursuant to article forty-three of the insurance law and to the
38 subscriber statements itemizing the services rendered by each such
39 professional and the charges therefor.

40 S 16. Subdivision 1 of section 2801 of the public health law, as sepa-
41 rately amended by chapters 297 and 416 of the laws of 1983, is amended
42 to read as follows:

43 1. "Hospital" means a facility or institution engaged principally in
44 providing services by or under the supervision of a physician or, in the
45 case of a dental clinic or dental dispensary, of a dentist, for the
46 prevention, diagnosis or treatment of human disease, pain, injury,
47 deformity or physical condition, including, but not limited to, a gener-
48 al hospital, public health center, diagnostic center, treatment center,
49 dental clinic, dental dispensary, rehabilitation center other than a
50 facility used solely for vocational rehabilitation, nursing home, tuber-
51 culosis hospital, chronic disease hospital, maternity hospital, lying-
52 in-asylum, out-patient department, out-patient lodge, dispensary and a
53 laboratory or central service facility serving one or more such insti-
54 tutions, but the term hospital shall not include an institution, sani-
55 tarium or other facility engaged principally in providing services for
56 the prevention, diagnosis or treatment of mental disability and which is

1 subject to the powers of visitation, examination, inspection and inves-
2 tigation of the department of mental hygiene except for those distinct
3 parts of such a facility which provide hospital service. The provisions
4 of this article shall not apply to a facility or institution engaged
5 principally in providing services by or under the supervision of the
6 bona fide members and adherents of a recognized religious organization
7 whose teachings include reliance on spiritual means through prayer alone
8 for healing in the practice of the religion of such organization and
9 where services are provided in accordance with those teachings OR TO A
10 MULTIDISCIPLINARY SERVICES PRACTICE FORMED PURSUANT TO SUBDIVISION (A)
11 OF SECTION TWELVE HUNDRED THREE OF THE LIMITED LIABILITY COMPANY LAW,
12 SUBDIVISION (B) OF SECTION TWELVE HUNDRED SEVEN OF THE LIMITED LIABILITY
13 COMPANY LAW, SUBDIVISION (A) OF SECTION THIRTEEN HUNDRED ONE OF THE
14 LIMITED LIABILITY COMPANY LAW, PARAGRAPH (A) OF SECTION FIFTEEN HUNDRED
15 THREE OF THE BUSINESS CORPORATION LAW, SUBDIVISION (Q) OF SECTION
16 121-1500 OF THE PARTNERSHIP LAW, OR SUBDIVISION (Q) OF SECTION 121-1502
17 OF THE PARTNERSHIP LAW.

18 S 17. This act shall take effect on the thirtieth day after it shall
19 have become a law; provided, however that sections seven, eight, nine,
20 ten, eleven and twelve of this act shall take effect on the same date
21 and in the same manner as chapter 475 of the laws of 2014, takes effect.