

8153

2015-2016 Regular Sessions

I N A S S E M B L Y

June 10, 2015

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

AN ACT to amend the limited liability company law, the business corpo-  
ration 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 ASSEM-  
BLY, 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  
20 ARTICLE 139 OF THE EDUCATION LAW MAY FORM, OR CAUSE TO BE FORMED, A  
21 PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY TO PROVIDE MULTIDISCIPLI-  
22 NARY SERVICES WITH ONE OR MORE LICENSED PROFESSIONALS, SUBJECT TO THE  
23 FOLLOWING CONDITIONS: (I) EACH MEMBER OF SUCH LIMITED LIABILITY COMPANY

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

LBD11509-01-5

1 MUST BE LICENSED PURSUANT TO TITLE EIGHT OF THE EDUCATION LAW TO PRAC-  
2 TICE HIS OR HER PROFESSION IN THIS STATE; (II) EACH MEMBER SHALL ONLY  
3 PRACTICE HIS OR HER PROFESSION AS SPECIFIED IN HIS OR HER RESPECTIVE  
4 PROFESSIONAL ENABLING STATUTE UNDER TITLE EIGHT OF THE EDUCATION LAW;  
5 AND (III) ANY CLINICAL INTEGRATION OF PROFESSIONAL PRACTICES UNDER THIS  
6 SECTION SHALL NOT ALTER, EXPAND OR CURTAIL THE SCOPE OF PRACTICE OF ANY  
7 OF THE MEMBERS; PROVIDED FURTHER THAT: (A) NO MEMBER SHALL, DIRECTLY OR  
8 INDIRECTLY, INTERFERE WITH THE CLINICAL JUDGMENT OR LEGITIMATE CLINICAL  
9 PRACTICE OF ANOTHER MEMBER; AND (B) NO MEMBER SHALL ORDER OR DIRECT  
10 ANOTHER MEMBER TO PRACTICE BEYOND THE SCOPE OF HIS OR HER LICENSE. With  
11 respect to a professional service limited liability company formed to  
12 provide dental services as such services are defined in article 133 of  
13 the education law, each member of such limited liability company must be  
14 licensed pursuant to article 133 of the education law to practice  
15 dentistry in this state. With respect to a professional service limited  
16 liability company formed to provide veterinary services as such services  
17 are defined in article 135 of the education law, each member of such  
18 limited liability company must be licensed pursuant to article 135 of  
19 the education law to practice veterinary medicine in this state. With  
20 respect to a professional service limited liability company formed to  
21 provide professional engineering, land surveying, architectural and/or  
22 landscape architectural services as such services are defined in article  
23 145, article 147 and article 148 of the education law, each member of  
24 such limited liability company must be licensed pursuant to article 145,  
25 article 147 and/or article 148 of the education law to practice one or  
26 more of such professions in this state. With respect to a professional  
27 service limited liability company formed to provide licensed clinical  
28 social work services as such services are defined in article 154 of the  
29 education law, each member of such limited liability company shall be  
30 licensed pursuant to article 154 of the education law to practice  
31 licensed clinical social work in this state. With respect to a profes-  
32 sional service limited liability company formed to provide creative arts  
33 therapy services as such services are defined in article 163 of the  
34 education law, each member of such limited liability company must be  
35 licensed pursuant to article 163 of the education law to practice crea-  
36 tive arts therapy in this state. With respect to a professional service  
37 limited liability company formed to provide marriage and family therapy  
38 services as such services are defined in article 163 of the education  
39 law, each member of such limited liability company must be licensed  
40 pursuant to article 163 of the education law to practice marriage and  
41 family therapy in this state. With respect to a professional service  
42 limited liability company formed to provide mental health counseling  
43 services as such services are defined in article 163 of the education  
44 law, each member of such limited liability company must be licensed  
45 pursuant to article 163 of the education law to practice mental health  
46 counseling in this state. With respect to a professional service limited  
47 liability company formed to provide psychoanalysis services as such  
48 services are defined in article 163 of the education law, each member of  
49 such limited liability company must be licensed pursuant to article 163  
50 of the education law to practice psychoanalysis in this state. With  
51 respect to a professional service limited liability company formed to  
52 provide applied behavior analysis services as such services are defined  
53 in article 167 of the education law, each member of such limited liabil-  
54 ity company must be licensed or certified pursuant to article 167 of the  
55 education law to practice applied behavior analysis in this state. In  
56 addition to engaging in such profession or professions, a professional

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

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

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

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

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

29 (a) "Foreign professional service limited liability company" means a  
30 professional service limited liability company, whether or not denomi-  
31 nated as such, organized under the laws of a jurisdiction other than  
32 this state, (i) each of whose members and managers, if any, is a profes-  
33 sional authorized by law to render a professional service within this  
34 state and who is or has been engaged in the practice of such profession  
35 in such professional service limited liability company or a predecessor  
36 entity, or will engage in the practice of such profession in the profes-  
37 sional service limited liability company within thirty days of the date  
38 such professional becomes a member, or each of whose members and manag-  
39 ers, if any, is a professional at least one of such members is author-  
40 ized by law to render a professional service within this state and who  
41 is or has been engaged in the practice of such profession in such  
42 professional service limited liability company or a predecessor entity,  
43 or will engage in the practice of such profession in the professional  
44 service limited liability company within thirty days of the date such  
45 professional becomes a member, or (ii) authorized by, or holding a  
46 license, certificate, registration or permit issued by the licensing  
47 authority pursuant to, the education law to render a professional  
48 service within this state; except that all members and managers, if any,  
49 of a foreign professional service limited liability company that  
50 provides health services in this state shall be licensed in this state.  
51 With respect to a foreign professional service limited liability company  
52 which provides veterinary services as such services are defined in arti-  
53 cle 135 of the education law, each member of such foreign professional  
54 service limited liability company shall be licensed pursuant to article  
55 135 of the education law to practice veterinary medicine. With respect  
56 to a foreign professional service limited liability company which

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

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

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

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

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

48 (q) Each partner of a registered limited liability partnership formed  
49 to provide medical services in this state must be licensed pursuant to  
50 article 131 of the education law to practice medicine in this state [and  
51 each]. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, ANY PERSON  
52 LICENSED PURSUANT TO ARTICLE 131 OF THE EDUCATION LAW TO PRACTICE MEDI-  
53 CINE AND ANY OTHER PERSON LICENSED PURSUANT TO ARTICLE 132, 137, 140,  
54 141, 143, 144, 153, 154, 155 OR 156 OR SUBDIVISION 3 OF SECTION 6902 OF  
55 ARTICLE 139 OF THE EDUCATION LAW MAY FORM, OR CAUSE TO BE FORMED, A  
56 REGISTERED LIMITED LIABILITY PARTNERSHIP TO PROVIDE MULTIDISCIPLINARY

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

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

48 (q) Each partner of a foreign limited liability partnership which  
49 provides medical services in this state must be licensed pursuant to  
50 article 131 of the education law to practice medicine in the state [and  
51 each]. NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS SECTION, ANY PERSON  
52 LICENSED PURSUANT TO ARTICLE 131 OF THE EDUCATION LAW TO PRACTICE MEDI-  
53 CINE AND ANY PERSON LICENSED PURSUANT TO ARTICLES 132, 137, 140, 141,  
54 143, 144, 153, 154, 155 OR 156 OR SUBDIVISION 3 OF SECTION 6902 OF ARTI-  
55 CLE 139 OF THE EDUCATION LAW MAY FORM, OR CAUSE TO BE FORMED, A FOREIGN  
56 LIMITED LIABILITY PARTNERSHIP TO PROVIDE MULTIDISCIPLINARY SERVICES WITH

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

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

47 (a) Notwithstanding the education law or any other provision of law,  
48 one or more professionals each of whom is authorized by law to render a  
49 professional service within the state, or one or more professionals, at  
50 least one of whom is authorized by law to render a professional service  
51 within the state, may form, or cause to be formed, a professional  
52 service limited liability company for pecuniary profit under this arti-  
53 cle for the purpose of rendering the professional service or services as  
54 such professionals are authorized to practice. With respect to a profes-  
55 sional service limited liability company formed to provide medical  
56 services as such services are defined in article 131 of the education



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

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

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

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

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

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

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

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

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

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

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

1 DIRECT ANOTHER INDIVIDUAL TO PRACTICE BEYOND THE SCOPE OF HIS OR HER  
2 LICENSE.

3 S 11. Subdivision (q) of section 121-1500 of the partnership law, as  
4 amended by chapter 475 of the laws of 2014, is amended to read as  
5 follows:

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

1 article 167 of the education law to practice applied behavior analysis  
2 in this state.

3 S 12. Subdivision (q) of section 121-1502 of the partnership law, as  
4 amended by chapter 475 of the laws of 2014, is amended to read as  
5 follows:

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

1 certified pursuant to article 167 of the education law to practice  
2 applied behavior analysis in this state.

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

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

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



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

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

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

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

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

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

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

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

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

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

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