

4917

2015-2016 Regular Sessions

I N S E N A T E

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Introduced by Sens. LAVALLE, LARKIN, SEWARD -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

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

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

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

17 2. The legislature recognizes that naturopathic medicine, although
18 encompassing primary and secondary care services, including many of the
19 same diagnostic tools and assessment techniques as the medical profes-
20 sion, and having certain Hippocratic principles in common with the
21 medical profession, is not part of the profession of medicine as contem-

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

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1 plated by article 131 of the education law, and intends that naturopath-
2 ic medicine be a distinct profession with its own state board.

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

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

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

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

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

1 8. The legislature intends that the professional conduct of the natu-
2 ropathic doctor be informed by the naturopathic principles and the ther-
3 apeutic order, and so distinguish over professional conduct for the
4 practice of the profession of medicine.

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

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

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

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

42 ARTICLE 138

43 NATUROPATHIC MEDICINE

44 SECTION 6850. INTRODUCTION.

45 6851. DEFINITIONS.

46 6852. DEFINITION OF THE PRACTICE OF NATUROPATHIC MEDICINE.

47 6853. TITLE AND DESIGNATION.

48 6854. INJECTION THERAPY AND INJECTION THERAPY PRIVILEGE.

49 6855. BOUNDARIES OF PROFESSIONAL COMPETENCE.

50 6856. STATE BOARD FOR NATUROPATHIC MEDICINE.

51 6857. QUALIFICATIONS FOR LICENSURE.

52 6858. SPECIAL CONDITIONS.

53 6859. EXEMPT PERSONS AND EXEMPTIONS.

54 6860. LIMITED RESIDENCY PERMITS.

55 6861. LIMITED PERMITS.

56 6862. MANDATORY CONTINUING EDUCATION.

1 S 6850. INTRODUCTION. THIS ARTICLE APPLIES TO THE LICENSURE AND REGU-
2 LATION OF NATUROPATHIC DOCTORS TO PRACTICE NATUROPATHIC MEDICINE IN THIS
3 STATE. THE GENERAL PROVISIONS FOR ALL PROFESSIONS CONTAINED IN ARTICLE
4 ONE HUNDRED THIRTY, AS ADDED BY CHAPTER NINE HUNDRED EIGHTY-SEVEN OF THE
5 LAWS OF NINETEEN HUNDRED SEVENTY-ONE, OF THIS TITLE APPLY TO THIS ARTI-
6 CLE.

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

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

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

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

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

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

46 6. "CONTROLLED SUBSTANCE" MEANS CONTROLLED SUBSTANCES AS DEFINED IN
47 THE FEDERAL CONTROLLED SUBSTANCES ACT.

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

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

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

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

3 11. "FACILITATING OPTIMUM HEALTH AND WELLNESS" MEANS FACILITATING THE
4 ESTABLISHMENT AND MAINTENANCE OF A HEALTHY PATIENT LIFESTYLE AND NUTRI-
5 TIONAL FOUNDATION; EDUCATING THE PATIENT ABOUT THEIR CIRCUMSTANCES OF
6 HEALTH AND ILLNESS AND STEPS FOR ESTABLISHING AND MAINTAINING OPTIMUM
7 HEALTH AND WELLNESS; FACILITATING AND AUGMENTING SELF-HEALING PROCESSES;
8 SUPPORTING AND MODULATING PHYSIOLOGICAL PROCESSES; SUPPORTING AND
9 CORRECTING INTEGRITY OF ANATOMICAL STRUCTURES; IDENTIFYING AND REMOVING
10 UNDERLYING CAUSES OF ILLNESS; AND IDENTIFYING, PREVENTING, MITIGATING,
11 MONITORING, AND TREATING ILLNESS.

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

14 13. "ILLNESS" MEANS PAIN, INJURY, DEFORMITY, SYNDROME, DISEASE, OR
15 OTHER UNHEALTHY CONDITION.

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

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

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

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

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

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

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

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

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

51 D. "DOCTOR AS TEACHER," WHICH MEANS EDUCATE PATIENTS AS TO STEPS FOR
52 ACHIEVING AND MAINTAINING HEALTH, AND ENCOURAGE SELF-RESPONSIBILITY FOR
53 HEALTH;

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

1 F. "PREVENTION," WHICH MEANS ASSESS LIFE STYLE, DETERMINANTS OF
2 HEALTH, AND GENETIC AND ENVIRONMENTAL SUSCEPTIBILITY TO ILLNESS; RECOM-
3 MEND APPROPRIATE INTERVENTIONS TO REDUCE RISKS OF DISEASE OCCURRENCE;
4 AND FACILITATE THE ESTABLISHMENT AND MAINTENANCE OF POSITIVE EMOTION,
5 THOUGHT AND ACTION.

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

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

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

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

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

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

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

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

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

1 APEUTIC INTERVENTION OUTSIDE THE BOUNDARIES OF PROFESSIONAL COMPETENCE
2 IS INTENDED TO BE REFERRED:

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

5 B. STIMULATE THE SELF-HEALING PROCESSES;

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

11 D. CORRECT STRUCTURAL INTEGRITY;

12 E. ADDRESS PATHOLOGY USING SPECIFIC NATURAL SUBSTANCES, MODALITIES, OR
13 INTERVENTIONS;

14 F. ADDRESS PATHOLOGY USING SPECIFIC PHARMACOLOGIC OR SYNTHETIC
15 SUBSTANCES; AND

16 G. SUPPRESS OR SURGICALLY REMOVE PATHOLOGY.

17 29. "VERTEBRAL ADJUSTMENT" MEANS A HIGH VELOCITY, LOW AMPLITUDE THRUST
18 APPLIED TO A VERTEBRA AT THE END OF ITS RANGE OF MOTION UTILIZING PARTS
19 OF THE VERTEBRA AND CONTIGUOUS STRUCTURES AS LEVERS TO DIRECTIONALLY
20 CORRECT ARTICULATE MALPOSITION, AND EXCLUDES MOTION THAT MOVES THE
21 VERTEBRA TO THE END OF ITS RANGE OF MOTION.

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

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

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

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

43 S 6854. INJECTION THERAPY AND INJECTION THERAPY PRIVILEGE. 1. FOR
44 ISSUANCE OF INJECTION THERAPY PRIVILEGE, THE APPLICANT SHALL FULFILL THE
45 FOLLOWING REQUIREMENTS:

46 A. FILE AN APPLICATION WITH THE DEPARTMENT;

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

50 C. HAVE SUCCESSFULLY COMPLETED A CERTIFICATION COURSE IN INJECTION
51 THERAPY FROM A COURSE PROVIDER APPROVED BY THE DEPARTMENT OR AS PART OF
52 A PROGRAM OF NATUROPATHIC MEDICINE REGISTERED WITH THE DEPARTMENT OR THE
53 SUBSTANTIAL EQUIVALENT THEREOF;

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

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

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

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

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

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

53 (II) IT SHALL BE DEEMED PROFESSIONAL MISCONDUCT FOR A NATUROPATHIC
54 DOCTOR TO HOLD HERSELF OR HIMSELF OUT AS PROVIDING EMERGENCY CARE
55 SERVICES ON A CONTINUED SUSTAINED BASIS; OR TO TREAT AN ACUTE EMERGENT

1 CONDITION OF SIGNIFICANT THREAT TO LIFE OR LIMB WITHOUT ALSO SUMMONING
2 EMERGENCY MEDICAL RESPONSE.

3 B. (I) IT SHALL BE DEEMED PRACTICING OUTSIDE THE BOUNDARIES OF PROFES-
4 SIONAL COMPETENCE FOR A NATUROPATHIC DOCTOR TO ADMINISTER PHYSICAL NATU-
5 ROPATHY ON A PATIENT ON A CONTINUED SUSTAINED BASIS UNDER EITHER OF THE
6 FOLLOWING CIRCUMSTANCES: TO ASSIST THE PATIENT TO COMPENSATE FOR DEVEL-
7 OPMENTAL DEFICITS AFFECTING PHYSICAL MOVEMENT AND MOBILITY THAT CANNOT
8 BE REVERSED; AND TO RESTORE, FOR PURPOSES OF PATIENT REINTEGRATION BACK
9 INTO THE HOME, COMMUNITY, OR WORK, SOME OR ALL OF THE PATIENT'S PATHOME-
10 CHANICAL DEFICITS AFFECTING PHYSICAL MOVEMENT AND MOBILITY THAT WERE
11 LOST DUE TO INJURY OR DISEASE CAUSING ONGOING SEPARATION FROM HOME,
12 COMMUNITY OR WORK.

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

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

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

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

1 S 6856. STATE BOARD FOR NATUROPATHIC MEDICINE. 1. A STATE BOARD FOR
2 NATUROPATHIC MEDICINE SHALL BE APPOINTED BY THE BOARD OF REGENTS ON THE
3 RECOMMENDATION OF THE COMMISSIONER FOR THE PURPOSE OF ASSISTING THE
4 BOARD OF REGENTS AND THE DEPARTMENT ON MATTERS OF PROFESSIONAL LICENSING
5 AND PROFESSIONAL CONDUCT IN ACCORDANCE WITH SECTION SIXTY-FIVE HUNDRED
6 EIGHT OF THIS TITLE. THE BOARD SHALL BE COMPOSED OF TWO PUBLIC REPRESENTATIVES WHO DO NOT HOLD INTERESTS IN THE ORGANIZATION, FINANCING OR
7 DELIVERY OF NATUROPATHIC SERVICES, ONE LICENSED PHYSICIAN WHO IS A
8 DOCTOR OF MEDICINE OR A DOCTOR OF OSTEOPATHY, AND NOT LESS THAN SIX
9 NATUROPATHIC DOCTORS. A NATUROPATHIC DOCTOR MEMBER OF THE BOARD SHALL
10 HAVE BEEN LICENSED UNDER THIS ARTICLE FOR AT LEAST TWO YEARS PRIOR TO
11 BEING APPOINTED, WHICH TWO YEAR LICENSE REQUIREMENT IS WAIVED FOR THE
12 INITIAL BOARD AND REPLACED WITH A REQUIREMENT THAT THE NATUROPATHIC
13 DOCTOR OBTAIN A LICENSE UNDER THIS ARTICLE WITHIN ONE YEAR OF APPOINTMENT OR ONE YEAR OF THE EFFECTIVE DATE OF THIS ARTICLE, WHICHEVER COMES
14 LATER. THE TERMS OF THE FIRST APPOINTED MEMBERS SHALL BE STAGGERED SO
15 THAT THREE ARE APPOINTED FOR THREE YEARS, THREE ARE APPOINTED FOR FOUR
16 YEARS, AND FOUR ARE APPOINTED FOR FIVE YEARS. AN EXECUTIVE SECRETARY OF
17 THE BOARD SHALL BE APPOINTED BY THE BOARD OF REGENTS ON THE RECOMMENDATION OF THE COMMISSIONER.

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

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

28 1. FILE AN APPLICATION WITH THE DEPARTMENT;

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

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

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

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

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

42 7. PAY A FEE OF THREE HUNDRED FIFTY DOLLARS TO THE DEPARTMENT FOR AN
43 INITIAL LICENSE AND A FEE OF FIVE HUNDRED DOLLARS FOR EACH TRIENNIAL
44 REGISTRATION PERIOD.

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

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

3. THE "PRACTICE OF NATUROPATHIC MEDICINE" AS USED IN THIS SECTION INCLUDES THE PRACTICE OF NATUROPATHY OR NATUROPATHIC MEDICINE IN A STATE OR TERRITORY OF THE UNITED STATES, INCLUDING NEW YORK STATE, OR A CANADIAN PROVINCE, WHILE MAINTAINING A PROFESSIONAL LICENSE IN NATUROPATHY OR NATUROPATHIC MEDICINE ISSUED BY THE SAME OR ANOTHER STATE OR TERRITORY OR A CANADIAN PROVINCE; AND INCLUDES PRACTICE PERFORMED BEFORE AND AFTER THE EFFECTIVE DATE OF THIS ARTICLE.

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

S 6859. EXEMPT PERSONS AND EXEMPTIONS. NOTHING CONTAINED IN THIS ARTICLE SHALL BE CONSTRUED TO AFFECT OR PREVENT THE FOLLOWING:

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

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

2. A STUDENT FROM ENGAGING IN CLINICAL PRACTICE UNDER SUPERVISION OF A LICENSED NATUROPATHIC DOCTOR AS PART OF A PROGRAM OF NATUROPATHIC MEDICINE REGISTERED BY THE DEPARTMENT OR THE SUBSTANTIAL EQUIVALENT THEREOF.

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

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

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

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

7. THE CONDUCT, ACTIVITIES, OR SERVICES OF INDIVIDUALS, CHURCHES, SCHOOLS, TEACHERS, ORGANIZATIONS, OR NOT-FOR-PROFIT BUSINESSES IN

1 PROVIDING INSTRUCTION, ADVICE, SUPPORT, ENCOURAGEMENT, OR INFORMATION TO
2 INDIVIDUALS, FAMILIES, AND RELATIONAL GROUPS.

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

5 A. FILE AN APPLICATION WITH THE DEPARTMENT;

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

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

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

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

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

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

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

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

44 A. FILE AN APPLICATION WITH THE DEPARTMENT;

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

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

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

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

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

55 2. SUCH LIMITED PERMIT SHALL AUTHORIZE THE PRACTICE OF NATUROPATHIC
56 MEDICINE ONLY UNDER THE SUPERVISION OF A LICENSED NATUROPATHIC DOCTOR.

1 SUPERVISION OF THE LIMITED PERMIT HOLDER'S PRACTICE ACTIVITIES SHALL BE
2 ON-SITE SUPERVISION BY A LICENSED NATUROPATHIC DOCTOR.

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

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

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

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

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

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

51 3. THE DEPARTMENT, IN ITS DISCRETION, MAY ISSUE A CONDITIONAL REGIS-
52 TRATION TO A LICENSEE WHO FAILS TO MEET THE CONTINUING EDUCATION
53 REQUIREMENTS ESTABLISHED IN SUBDIVISION TWO OF THIS SECTION BUT WHO
54 AGREES TO MAKE UP ANY DEFICIENCIES AND TAKE ANY ADDITIONAL EDUCATION
55 WHICH THE DEPARTMENT MAY REQUIRE. THE FEE FOR SUCH A CONDITIONAL REGIS-
56 TRATION SHALL BE THE SAME AS, AND IN ADDITION TO, THE FEE FOR THE TRIEN-

1 NIAL REGISTRATION. THE DURATION OF SUCH CONDITIONAL REGISTRATION SHALL
2 BE DETERMINED BY THE DEPARTMENT BUT SHALL NOT EXCEED ONE YEAR. ANY
3 LICENSEE WHO IS NOTIFIED OF THE DENIAL OF REGISTRATION FOR FAILURE TO
4 COMPLETE THE REQUIRED CONTINUED EDUCATION AND WHO CONTINUES TO PRACTICE
5 NATUROPATHIC MEDICINE WITHOUT SUCH REGISTRATION, SHALL BE SUBJECT TO
6 DISCIPLINARY PROCEEDINGS PURSUANT TO SECTION SIXTY-FIVE HUNDRED TEN OF
7 THIS TITLE.

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

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

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

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

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

1 professional service limited liability company formed to provide dental
2 services as such services are defined in article 133 of the education
3 law, each member of such limited liability company must be licensed
4 pursuant to article 133 of the education law to practice dentistry in
5 this state. With respect to a professional service limited liability
6 company formed to provide veterinary services as such services are
7 defined in article 135 of the education law, each member of such limited
8 liability company must be licensed pursuant to article 135 of the educa-
9 tion law to practice veterinary medicine in this state. With respect to
10 a professional service limited liability company formed to provide
11 professional engineering, land surveying, architectural and/or landscape
12 architectural services as such services are defined in article 145,
13 article 147 and article 148 of the education law, each member of such
14 limited liability company must be licensed pursuant to article 145,
15 article 147 and/or article 148 of the education law to practice one or
16 more of such professions in this state. With respect to a professional
17 service limited liability company formed to provide licensed clinical
18 social work services as such services are defined in article 154 of the
19 education law, each member of such limited liability company shall be
20 licensed pursuant to article 154 of the education law to practice
21 licensed clinical social work in this state. With respect to a profes-
22 sional service limited liability company formed to provide creative arts
23 therapy services as such services are defined in article 163 of the
24 education law, each member of such limited liability company must be
25 licensed pursuant to article 163 of the education law to practice crea-
26 tive arts therapy in this state. With respect to a professional service
27 limited liability company formed to provide marriage and family therapy
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 marriage and
31 family therapy in this state. With respect to a professional service
32 limited liability company formed to provide mental health counseling
33 services as such services are defined in article 163 of the education
34 law, each member of such limited liability company must be licensed
35 pursuant to article 163 of the education law to practice mental health
36 counseling in this state. With respect to a professional service limited
37 liability company formed to provide psychoanalysis services as such
38 services are defined in article 163 of the education law, each member of
39 such limited liability company must be licensed pursuant to article 163
40 of the education law to practice psychoanalysis in this state. With
41 respect to a professional service limited liability company formed to
42 provide applied behavior analysis services as such services are defined
43 in article 167 of the education law, each member of such limited liabil-
44 ity company must be licensed or certified pursuant to article 167 of the
45 education law to practice applied behavior analysis in this state. In
46 addition to engaging in such profession or professions, a professional
47 service limited liability company may engage in any other business or
48 activities as to which a limited liability company may be formed under
49 section two hundred one of this chapter. Notwithstanding any other
50 provision of this section, a professional service limited liability
51 company (i) authorized to practice law may only engage in another
52 profession or business or activities or (ii) which is engaged in a
53 profession or other business or activities other than law may only
54 engage in the practice of law, to the extent not prohibited by any other
55 law of this state or any rule adopted by the appropriate appellate divi-
56 sion of the supreme court or the court of appeals.

1 S 3-a. Subdivision (a) of section 1203 of the limited liability compa-
2 ny law, as amended by chapter 475 of the laws of 2014, is amended to
3 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
12 professional 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. WITH RESPECT TO A PROFESSIONAL SERVICE LIMITED LIABILITY
17 COMPANY FORMED TO PROVIDE NATUROPATHIC SERVICES AS SUCH SERVICES ARE
18 DEFINED IN ARTICLE 138 OF THE EDUCATION LAW, EACH MEMBER OF SUCH LIMITED
19 LIABILITY COMPANY MUST BE LICENSED PURSUANT TO ARTICLE 138 OF THE EDUCA-
20 TION LAW TO PRACTICE NATUROPATHY IN THIS STATE. With respect to a
21 professional service limited liability company formed to provide dental
22 services as such services are defined in article 133 of the education
23 law, each member of such limited liability company must be licensed
24 pursuant to article 133 of the education law to practice dentistry in
25 this state. With respect to a professional service limited liability
26 company formed to provide veterinary services as such services are
27 defined in article 135 of the education law, each member of such limited
28 liability company must be licensed pursuant to article 135 of the educa-
29 tion law to practice veterinary medicine in this state. With respect to
30 a professional service limited liability company formed to provide
31 professional engineering, land surveying, architectural, landscape
32 architectural and/or geological services as such services are defined in
33 article 145, article 147 and article 148 of the education law, each
34 member of such limited liability company must be licensed pursuant to
35 article 145, article 147 and/or article 148 of the education law to
36 practice one or more of such professions in this state. With respect to
37 a professional service limited liability company formed to provide
38 licensed clinical social work services as such services are defined in
39 article 154 of the education law, each member of such limited liability
40 company shall be licensed pursuant to article 154 of the education law
41 to practice licensed clinical social work in this state. With respect to
42 a professional service limited liability company formed to provide crea-
43 tive arts therapy services as such services are defined in article 163
44 of the education law, each member of such limited liability company must
45 be licensed pursuant to article 163 of the education law to practice
46 creative arts therapy in this state. With respect to a professional
47 service limited liability company formed to provide marriage and family
48 therapy services as such services are defined in article 163 of the
49 education law, each member of such limited liability company must be
50 licensed pursuant to article 163 of the education law to practice
51 marriage and family therapy in this state. With respect to a profes-
52 sional service limited liability company formed to provide mental health
53 counseling services as such services are defined in article 163 of the
54 education law, each member of such limited liability company must be
55 licensed pursuant to article 163 of the education law to practice mental
56 health counseling in this state. With respect to a professional service

1 limited liability company formed to provide psychoanalysis services as
2 such services are defined in article 163 of the education law, each
3 member of such limited liability company must be licensed pursuant to
4 article 163 of the education law to practice psychoanalysis in this
5 state. With respect to a professional service limited liability company
6 formed to provide applied behavior analysis services as such services
7 are defined in article 167 of the education law, each member of such
8 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 4. Subdivision (b) of section 1207 of the limited liability company
23 law, as amended by chapter 554 of the laws of 2013, 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. WITH RESPECT TO A PROFESSIONAL SERVICE
30 LIMITED LIABILITY COMPANY FORMED TO PROVIDE NATUROPATHIC SERVICES AS
31 SUCH SERVICES ARE DEFINED IN ARTICLE 138 OF THE EDUCATION LAW, EACH
32 MEMBER OF SUCH LIMITED LIABILITY COMPANY MUST BE LICENSED PURSUANT TO
33 ARTICLE 138 OF THE EDUCATION LAW TO PRACTICE NATUROPATHY IN THIS STATE.
34 With respect to a professional service limited liability company formed
35 to provide dental services as such services are defined in article 133
36 of the education law, each member of such limited liability company must
37 be licensed pursuant to article 133 of the education law to practice
38 dentistry in this state. With respect to a professional service limited
39 liability company formed to provide veterinary services as such services
40 are defined in article 135 of the education law, each member of such
41 limited liability company must be licensed pursuant to article 135 of
42 the education law to practice veterinary medicine in this state. With
43 respect to a professional service limited liability company formed to
44 provide professional engineering, land surveying, architectural and/or
45 landscape architectural services as such services are defined in article
46 145, article 147 and article 148 of the education law, each member of
47 such limited liability company must be licensed pursuant to article 145,
48 article 147 and/or article 148 of the education law to practice one or
49 more of such professions in this state. With respect to a professional
50 service limited liability company formed to provide licensed clinical
51 social work services as such services are defined in article 154 of the
52 education law, each member of such limited liability company shall be
53 licensed pursuant to article 154 of the education law to practice
54 licensed clinical social work in this state. With respect to a profes-
55 sional service limited liability company formed to provide creative arts
56 therapy services as such services are defined in article 163 of the

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

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

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

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

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

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

1 member of such foreign professional service limited liability company
2 shall be licensed pursuant to article 135 of the education law to prac-
3 tice veterinary medicine. With respect to a foreign professional service
4 limited liability company which provides medical services as such
5 services are defined in article 131 of the education law, each member of
6 such foreign professional service limited liability company must be
7 licensed pursuant to article 131 of the education law to practice medi-
8 cine in this state. With respect to a foreign professional service
9 limited liability company which provides dental services as such
10 services are defined in article 133 of the education law, each member of
11 such foreign professional service limited liability company must be
12 licensed pursuant to article 133 of the education law to practice
13 dentistry in this state. With respect to a foreign professional service
14 limited liability company which provides professional engineering, land
15 surveying, architectural and/or landscape architectural services as such
16 services are defined in article 145, article 147 and article 148 of the
17 education law, each member of such foreign professional service limited
18 liability company must be licensed pursuant to article 145, article 147
19 and/or article 148 of the education law to practice one or more of such
20 professions in this state. With respect to a foreign professional
21 service limited liability company which provides licensed clinical
22 social work services as such services are defined in article 154 of the
23 education law, each member of such foreign professional service limited
24 liability company shall be licensed pursuant to article 154 of the
25 education law to practice clinical social work in this state. With
26 respect to a foreign professional service limited liability company
27 which provides creative arts therapy services as such services are
28 defined in article 163 of the education law, each member of such foreign
29 professional service limited liability company must be licensed pursuant
30 to article 163 of the education law to practice creative arts therapy in
31 this state. With respect to a foreign professional service limited
32 liability company which provides marriage and family therapy services as
33 such services are defined in article 163 of the education law, each
34 member of such foreign professional service limited liability company
35 must be licensed pursuant to article 163 of the education law to prac-
36 tice marriage and family therapy in this state. With respect to a
37 foreign professional service limited liability company which provides
38 mental health counseling services as such services are defined in arti-
39 cle 163 of the education law, each member of such foreign professional
40 service limited liability company must be licensed pursuant to article
41 163 of the education law to practice mental health counseling in this
42 state. With respect to a foreign professional service limited liability
43 company which provides psychoanalysis services as such services are
44 defined in article 163 of the education law, each member of such foreign
45 professional service limited liability company must be licensed pursuant
46 to article 163 of the education law to practice psychoanalysis in this
47 state. With respect to a foreign professional service limited liability
48 company which provides applied behavior analysis services as such
49 services are defined in article 167 of the education law, each member of
50 such foreign professional service limited liability company must be
51 licensed or certified pursuant to article 167 of the education law to
52 practice applied behavior analysis in this state.

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

1 (a) "Foreign professional service limited liability company" means a
2 professional service limited liability company, whether or not denomi-
3 nated as such, organized under the laws of a jurisdiction other than
4 this state, (i) each of whose members and managers, if any, is a profes-
5 sional authorized by law to render a professional service within this
6 state and who is or has been engaged in the practice of such profession
7 in such professional service limited liability company or a predecessor
8 entity, or will engage in the practice of such profession in the profes-
9 sional service limited liability company within thirty days of the date
10 such professional becomes a member, or each of whose members and manag-
11 ers, if any, is a professional at least one of such members is author-
12 ized by law to render a professional service within this state and who
13 is or has been engaged in the practice of such profession in such
14 professional service limited liability company or a predecessor entity,
15 or will engage in the practice of such profession in the professional
16 service limited liability company within thirty days of the date such
17 professional becomes a member, or (ii) authorized by, or holding a
18 license, certificate, registration or permit issued by the licensing
19 authority pursuant to, the education law to render a professional
20 service within this state; except that all members and managers, if any,
21 of a foreign professional service limited liability company that
22 provides health services in this state shall be licensed in this state.
23 WITH RESPECT TO A PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY FORMED
24 TO PROVIDE NATUROPATHIC SERVICES AS SUCH SERVICES ARE DEFINED IN ARTICLE
25 138 OF THE EDUCATION LAW, EACH MEMBER OF SUCH LIMITED LIABILITY COMPANY
26 MUST BE LICENSED PURSUANT TO ARTICLE 138 OF THE EDUCATION LAW TO PRAC-
27 TICE NATUROPATHY IN THIS STATE. With respect to a foreign professional
28 service limited liability company which provides veterinary services as
29 such services are defined in article 135 of the education law, each
30 member of such foreign professional service limited liability company
31 shall be licensed pursuant to article 135 of the education law to prac-
32 tice veterinary medicine. With respect to a foreign professional service
33 limited liability company which provides medical services as such
34 services are defined in article 131 of the education law, each member of
35 such foreign professional service limited liability company must be
36 licensed pursuant to article 131 of the education law to practice medi-
37 cine in this state. With respect to a foreign professional service
38 limited liability company which provides dental services as such
39 services are defined in article 133 of the education law, each member of
40 such foreign professional service limited liability company must be
41 licensed pursuant to article 133 of the education law to practice
42 dentistry in this state. With respect to a foreign professional service
43 limited liability company which provides professional engineering, land
44 surveying, geologic, architectural and/or landscape architectural
45 services as such services are defined in article 145, article 147 and
46 article 148 of the education law, each member of such foreign profes-
47 sional service limited liability company must be licensed pursuant to
48 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 6. Subdivision (q) of section 121-1500 of the partnership law, as
28 amended by chapter 554 of the laws of 2013, is amended to read as
29 follows:

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

1 Each partner of a registered limited liability partnership formed to
2 provide mental health counseling services in this state must be licensed
3 pursuant to article 163 of the education law to practice mental health
4 counseling in this state. Each partner of a registered limited liability
5 partnership formed to provide psychoanalysis services in this state must
6 be licensed pursuant to article 163 of the education law to practice
7 psychoanalysis in this state. Each partner of a registered limited
8 liability partnership formed to provide applied behavior analysis
9 service in this state must be licensed or certified pursuant to article
10 167 of the education law to practice applied behavior analysis in this
11 state.

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

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

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

1 (q) Each partner of a foreign limited liability partnership which
2 provides medical services in this state must be licensed pursuant to
3 article 131 of the education law to practice medicine in the state and
4 each partner of a foreign limited liability partnership which provides
5 dental services in the state must be licensed pursuant to article 133 of
6 the education law to practice dentistry in this state. EACH PARTNER OF
7 A FOREIGN LIMITED LIABILITY PARTNERSHIP WHICH PROVIDES NATUROPATHIC
8 SERVICES IN THIS STATE MUST BE LICENSED PURSUANT TO ARTICLE 138 OF THE
9 EDUCATION LAW TO PRACTICE NATUROPATHY IN THIS STATE. Each partner of a
10 foreign limited liability partnership which provides veterinary service
11 in the state shall be licensed pursuant to article 135 of the education
12 law to practice veterinary medicine in this state. Each partner of a
13 foreign limited liability partnership which provides professional engi-
14 neering, land surveying, architectural and/or landscape architectural
15 services in this state must be licensed pursuant to article 145, article
16 147 and/or article 148 of the education law to practice one or more of
17 such professions. Each partner of a foreign limited liability partner-
18 ship which provides licensed clinical social work services in this state
19 must be licensed pursuant to article 154 of the education law to prac-
20 tice licensed clinical social work in this state. Each partner of a
21 foreign limited liability partnership which provides creative arts ther-
22 apy services in this state must be licensed pursuant to article 163 of
23 the education law to practice creative arts therapy in this state. Each
24 partner of a foreign limited liability partnership which provides
25 marriage and family therapy services in this state must be licensed
26 pursuant to article 163 of the education law to practice marriage and
27 family therapy in this state. Each partner of a foreign limited liabil-
28 ity partnership which provides mental health counseling services in this
29 state must be licensed pursuant to article 163 of the education law to
30 practice mental health counseling in this state. Each partner of a
31 foreign limited liability partnership which provides psychoanalysis
32 services in this state must be licensed pursuant to article 163 of the
33 education law to practice psychoanalysis in this state. Each partner of
34 a foreign limited liability partnership which provides applied behavior
35 analysis services in this state must be licensed or certified pursuant
36 to article 167 of the education law to practice applied behavior analy-
37 sis in this state.

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

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

1 practice one or more of such professions. Each partner of a foreign
2 limited liability partnership which provides licensed clinical social
3 work services in this state must be licensed pursuant to article 154 of
4 the education law to practice licensed clinical social work in this
5 state. Each partner of a foreign limited liability partnership which
6 provides creative arts therapy services in this state must be licensed
7 pursuant to article 163 of the education law to practice creative arts
8 therapy in this state. Each partner of a foreign limited liability part-
9 nership which provides marriage and family therapy services in this
10 state must be licensed pursuant to article 163 of the education law to
11 practice marriage and family therapy in this state. Each partner of a
12 foreign limited liability partnership which provides mental health coun-
13 seling services in this state must be licensed pursuant to article 163
14 of the education law to practice mental health counseling in this state.
15 Each partner of a foreign limited liability partnership which provides
16 psychoanalysis services in this state must be licensed pursuant to arti-
17 cle 163 of the education law to practice psychoanalysis in this state.
18 Each partner of a foreign limited liability partnership which provides
19 applied behavior analysis services in this state must be licensed or
20 certified pursuant to article 167 of the education law to practice
21 applied behavior analysis in this state.

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

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

ney or assistant district attorney; investigator employed in the office of a district attorney; or other law enforcement official.

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

(a) The following persons and officials are required to report or cause a report to be made in accordance with this title when they have reasonable cause to suspect that a child coming before them in their professional or official capacity is an abused or maltreated child, or when they have reasonable cause to suspect that a child is an abused or maltreated child where the parent, guardian, custodian or other person legally responsible for such child comes before them in their professional or official capacity and states from personal knowledge facts, conditions or circumstances which, if correct, would render the child an abused or maltreated child: any physician; registered physician assistant; surgeon; medical examiner; coroner; dentist; dental hygienist; osteopath; optometrist; chiropractor; podiatrist; NATUROPATHIC DOCTOR; resident; intern; psychologist; registered nurse; social worker; emergency medical technician; licensed creative arts therapist; licensed marriage and family therapist; licensed mental health counselor; licensed psychoanalyst; licensed behavior analyst; certified behavior analyst assistant; hospital personnel engaged in the admission, examination, care or treatment of persons; a Christian Science practitioner; school official, which includes but is not limited to school teacher, school guidance counselor, school psychologist, school social worker, school nurse, school administrator or other school personnel required to hold a teaching or administrative license or certificate; full or part-time compensated school employee required to hold a temporary coaching license or professional coaching certificate; social services worker; director of a children's overnight camp, summer day camp or traveling summer day camp, as such camps are defined in section thirteen hundred ninety-two of the public health law; day care center worker; school-age child care worker; provider of family or group family day care; employee or volunteer in a residential care facility for children that is licensed, certified or operated by the office of children and family services; or any other child care or foster care worker; mental health professional; substance abuse counselor; alcoholism counselor; all persons credentialed by the office of alcoholism and substance abuse services; peace officer; police officer; district attorney or assistant district attorney; investigator employed in the office of a district attorney; or other law enforcement official.

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

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

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

1. "Health services purveyor" means any person, firm, partnership, group, association, corporation or professional corporation, or any agent, employee, fiduciary, employer or representative thereof, including but not limited to a physician, dentist, podiatrist, NATUROPATHIC DOCTOR or chiropractor, either in individual practice, group practice or

1 employed in a facility owned by any person, group, association, firm,
2 partnership or corporation hiring any of the aforementioned practition-
3 ers, who provide health or health related services.

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

6 a. section eight of this act shall take effect immediately; provided
7 however that;

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

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

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

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

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

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

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

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

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

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

43 l. effective immediately, the addition, amendment and/or repeal of any
44 rule or regulation necessary for the implementation of this act on its
45 effective date is authorized and directed to be made and completed by
46 the commissioner of education and the board of regents on or before such
47 effective date.