

1 SHALL BE RENDERED ON THE PRESCRIPTION OR REFERRAL WHICH MAY BE DIRECTIVE
2 AS TO TREATMENT BY A LICENSED PHYSICIAN, NURSE PRACTITIONER, OPHTHALMOL-
3 OGIST OR OPTOMETRIST, PROVIDED HOWEVER THAT NO SUCH TREATMENT DIRECTIVE
4 AND LOW VISION EXAMINATION SHALL BE REQUIRED WHEN THE PERSON BEING
5 REFERRED HAS BEEN DIAGNOSED WITHIN THE PREVIOUS TWELVE MONTHS AS VISUAL-
6 LY IMPAIRED, BLIND OR LEGALLY BLIND AS THOSE TERMS ARE DEFINED IN SUBDI-
7 VISION SIX OF THIS SECTION AND SUCH SERVICES ARE BEING RENDERED CONSIST-
8 ENT WITH THAT DIAGNOSIS, PRESCRIPTION OR REFERRAL. VISION REHABILITATION
9 THERAPISTS, AND ORIENTATION AND MOBILITY SPECIALISTS MAY NOT PRESCRIBE
10 OPTICAL LOW VISION DEVICES.

11 2. THE PRACTICE OF "VISION IMPAIRMENT SPECIALIST" SHALL MEAN ONE WHO
12 SPECIALIZES IN ORIENTATION AND MOBILITY TRAINING AND/OR VISION REHABILI-
13 TATION THERAPY.

14 3. THE PRACTICE OF "ORIENTATION AND MOBILITY TRAINING" SHALL MEAN:

15 (A) THE ASSESSMENT OF INDIVIDUAL NEEDS OF PERSONS WHO ARE VISUALLY
16 IMPAIRED FOR SKILLS TRAINING IN METHODS OF SAFE MOVEMENT AND IN STRATE-
17 GIES TO GATHER REQUIRED ENVIRONMENTAL AND SPATIAL INFORMATION; (B) THE
18 DEVELOPMENT OF APPROPRIATE INTEGRATED SERVICE PLANS TAILORED TO MEET
19 SUCH INDIVIDUAL NEEDS AS IDENTIFIED IN SUCH ASSESSMENT PROCESS; (C) THE
20 PROVISION OF TRAINING IN, AND UTILIZATION OF (I) EQUIPMENT AND ADAPTIVE
21 DEVICES INTENDED AND DESIGNED FOR USE BY PERSONS WHO ARE VISUALLY
22 IMPAIRED, AND (II) SPECIALIZED TECHNIQUES ADAPTED FOR PERSONS WHO ARE
23 VISUALLY IMPAIRED, INCLUDING BUT NOT LIMITED TO ORIENTATION; SENSORY
24 DEVELOPMENT; SYSTEMS OF SAFE MOVEMENT, INCLUDING LONG CANE TECHNIQUES;
25 RESOURCE IDENTIFICATION AND, AS APPROPRIATE, PROFESSIONAL REFERRALS;
26 AND, IN APPLIED SETTINGS, REINFORCING INSTRUCTION FOR THE USE OF OPTICAL
27 DEVICES AS PRESCRIBED BY OPTOMETRISTS AND OPHTHALMOLOGISTS; AND (D) THE
28 EVALUATION OF CLIENTS RECEIVING SUCH SPECIALIZED TRAINING.

29 4. THE PRACTICE OF "VISION REHABILITATION THERAPY" SHALL MEAN: (A) THE
30 ASSESSMENT OF INDIVIDUAL NEEDS OF PERSONS WHO ARE VISUALLY IMPAIRED FOR
31 SKILLS TRAINING IN INDEPENDENT LIVING AND COMMUNICATIONS; (B) THE DEVEL-
32 OPMENT OF APPROPRIATE INTEGRATED SERVICE PLANS TAILORED TO MEET SUCH
33 INDIVIDUAL NEEDS AS IDENTIFIED IN SUCH ASSESSMENT PROCESS; (C) THE
34 PROVISION OF TRAINING IN, AND UTILIZATION OF (I) EQUIPMENT AND ADAPTIVE
35 DEVICES INTENDED AND DESIGNED FOR USE BY PERSONS WHO ARE VISUALLY
36 IMPAIRED, INCLUDING, IN APPLIED SETTINGS, REINFORCING INSTRUCTION FOR
37 THE USE OF OPTICAL DEVICES AS PRESCRIBED BY OPTOMETRISTS OR OPHTHALMOLO-
38 GISTS, AND (II) SPECIALIZED TECHNIQUES ADAPTED FOR PERSONS WHO ARE VISU-
39 ALLY IMPAIRED, INCLUDING BUT NOT LIMITED TO BRAILLE AND OTHER COMMUNI-
40 CATION SKILLS; ADAPTED COMPUTER TECHNOLOGY; PERSONAL MANAGEMENT SKILLS;
41 HOME MANAGEMENT SKILLS; PROBLEM SOLVING SKILLS; RESOURCE MANAGEMENT AND,
42 AS APPROPRIATE, PROFESSIONAL REFERRALS; AND (D) THE EVALUATION OF
43 PERSONS RECEIVING SUCH SPECIALIZED TRAINING.

44 5. "APPLIED SETTINGS" MEANS THOSE LOCATIONS WHERE PERSONS WHO ARE
45 VISUALLY IMPAIRED ENGAGE IN DAY-TO-DAY ACTIVITIES UTILIZING THE TOOLS
46 SUPPLIED AND TECHNIQUES TAUGHT BY THE LICENSED PRACTITIONERS DEFINED IN
47 THIS ARTICLE.

48 6. "VISUALLY IMPAIRED" MEANS A PERSON WHO IS TOTALLY BLIND, LEGALLY
49 BLIND OR PARTIALLY SIGHTED. A PERSON WHO IS TOTALLY BLIND IS ONE WHO HAS
50 NO USEABLE VISION. A PERSON WHO IS LEGALLY BLIND IS ONE WHO SATISFIES
51 THE DEFINITION SET FORTH IN SUBDIVISION B OF SECTION THREE OF CHAPTER
52 FOUR HUNDRED FIFTEEN OF THE LAWS OF NINETEEN HUNDRED THIRTEEN. A PERSON
53 WHO IS PARTIALLY SIGHTED IS ONE WHO HAS FUNCTIONAL VISION IMPAIRMENT
54 THAT CONSTITUTES A SIGNIFICANT LIMITATION OF VISUAL CAPABILITY RESULTING
55 FROM DISEASE, TRAUMA, OR CONGENITAL CONDITION, THAT CANNOT BE FULLY
56 AMELIORATED BY STANDARD REFRACTIVE CORRECTION, MEDICATION, OR SURGERY,

1 AND THAT IS MANIFESTED BY ONE OR MORE OF THE FOLLOWING: INSUFFICIENT
2 VISUAL RESOLUTION, INADEQUATE FIELD OF VISION OR REDUCED PEAK CONTRAST
3 SENSITIVITY.

4 7. "BOARD" SHALL MEAN THE STATE BOARD FOR VISION IMPAIRMENT SPECIAL-
5 ISTS AS PROVIDED FOR IN SECTION EIGHTY-NINE THOUSAND THREE OF THIS ARTI-
6 CLE.

7 S 8902. USE OF TITLES. ONLY A PERSON LICENSED OR OTHERWISE AUTHORIZED
8 UNDER THIS ARTICLE SHALL BE AUTHORIZED TO PRACTICE AS A VISION IMPAIR-
9 MENT SPECIALIST OR USE THE TITLE "LICENSED ORIENTATION AND MOBILITY
10 SPECIALIST" OR "LICENSED VISION REHABILITATION THERAPIST" IN CONNECTION
11 WITH HIS OR HER NAME OR WITH ANY TRADE NAME IN THE CONDUCT OF HIS OR HER
12 PROFESSION.

13 S 8903. STATE BOARD FOR VISION IMPAIRMENT SPECIALISTS. A STATE BOARD
14 FOR VISION IMPAIRMENT SPECIALISTS SHALL BE APPOINTED BY THE BOARD OF
15 REGENTS UPON THE RECOMMENDATION OF THE COMMISSIONER FOR THE PURPOSE OF
16 ASSISTING THE BOARD OF REGENTS AND THE DEPARTMENT ON MATTERS OF PROFES-
17 SIONAL LICENSING AND PROFESSIONAL CONDUCT IN ACCORDANCE WITH SECTION
18 SIXTY-FIVE HUNDRED EIGHT OF THIS TITLE. THE BOARD SHALL CONSIST OF NOT
19 LESS THAN NINE INDIVIDUALS, TWO OF WHOM SHALL BE LICENSED ORIENTATION
20 AND MOBILITY SPECIALISTS, TWO OF WHOM SHALL BE LICENSED VISION REHABILI-
21 TATION THERAPISTS, ONE OPHTHALMOLOGIST, ONE OPTOMETRIST, ONE PUBLIC
22 REPRESENTATIVE AS DEFINED IN PARAGRAPH B OF SUBDIVISION ONE OF SECTION
23 SIXTY-FIVE HUNDRED EIGHT OF THIS TITLE AND TWO OF WHOM SHALL BE BLIND
24 REPRESENTATIVES OF THE PUBLIC AT LARGE WHOSE NAMES WILL BE PLACED IN
25 NOMINATION FOR THE BOARD FROM ORGANIZATIONS OF THE BLIND OR VISUALLY
26 IMPAIRED. MEMBERS OF THE INITIAL BOARD NEED NOT BE LICENSED OR CERTIFIED
27 PRIOR TO THEIR APPOINTMENT TO THE BOARD, SO LONG AS THEY ARE CERTIFIED
28 BY A NATIONAL CERTIFYING OR ACCREDITING BOARD, ACCEPTABLE TO THE DEPART-
29 MENT. OF THE MEMBERS FIRST APPOINTED, TWO SHALL BE APPOINTED FOR A THREE
30 YEAR TERM, THREE SHALL BE APPOINTED FOR A FOUR YEAR TERM, AND THREE
31 SHALL BE APPOINTED FOR A FIVE YEAR TERM. THEREAFTER ALL MEMBERS SHALL
32 SERVE FOR FIVE YEAR TERMS. IN THE EVENT THAT MORE THAN EIGHT MEMBERS ARE
33 APPOINTED, A MAJORITY OF THE ADDITIONAL MEMBERS SHALL BE LICENSED ORIEN-
34 TATION AND MOBILITY SPECIALISTS AND LICENSED VISION REHABILITATION THER-
35 APISTS. THE MEMBERS OF THE BOARD SHALL SELECT ONE OF THEMSELVES AS CHAIR
36 TO SERVE FOR A ONE YEAR TERM. AN EXECUTIVE SECRETARY SHALL BE APPOINTED
37 BY THE BOARD OF REGENTS UPON THE RECOMMENDATION OF THE COMMISSIONER.

38 S 8904. REQUIREMENTS FOR A LICENSE WITH A SPECIALIZATION AS AN ORIEN-
39 TATION AND MOBILITY SPECIALIST. TO QUALIFY FOR A LICENSE AS AN ORIEN-
40 TATION AND MOBILITY SPECIALIST, AN APPLICANT SHALL FULFILL THE FOLLOWING
41 REQUIREMENTS:

42 1. APPLICATION: FILE AN APPLICATION WITH THE DEPARTMENT;

43 2. EDUCATION: HAVE SATISFACTORILY COMPLETED AN APPROVED CURRICULUM IN
44 ORIENTATION AND MOBILITY SERVICES INCLUDING VISUAL DISABILITIES, VISION
45 EDUCATION, VISION IMPAIRMENT OR OTHER EQUIVALENT PROGRAM IN A BACCALAU-
46 REATE OR GRADUATE LEVEL PROGRAM OR A FOREIGN EQUIVALENT, SATISFACTORY TO
47 THE DEPARTMENT AND IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;
48 AND

49 3. EXAMINATION: PASS AN EXAMINATION SATISFACTORY TO THE DEPARTMENT IN
50 ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;

51 4. AGE: BE AT LEAST TWENTY-ONE YEARS OF AGE;

52 5. CHARACTER: BE OF GOOD MORAL CHARACTER AS DETERMINED BY THE DEPART-
53 MENT; AND

54 6. REGISTRATION: ALL LICENSED ORIENTATION AND MOBILITY SPECIALISTS
55 SHALL REGISTER TRIENNIALLY WITH THE DEPARTMENT IN ACCORDANCE WITH THE
56 COMMISSIONER'S REGULATION.

1 7. FEE: A FEE OF TWO HUNDRED DOLLARS FOR AN INITIAL LICENSE AND A FEE
2 OF ONE HUNDRED FIFTY DOLLARS FOR EACH TRIENNIAL REGISTRATION PERIOD.

3 S 8905. REQUIREMENTS FOR A LICENSE WITH A SPECIALIZATION AS A VISION
4 REHABILITATION THERAPIST. TO QUALIFY FOR A LICENSE AS A VISION REHABILI-
5 TATION THERAPIST AN APPLICANT SHALL FULFILL THE FOLLOWING REQUIREMENTS:

6 1. APPLICATION: FILE AN APPLICATION WITH THE DEPARTMENT;

7 2. EDUCATION: HAVE SATISFACTORILY COMPLETED AN APPROVED CURRICULUM IN
8 VISION REHABILITATION THERAPY INCLUDING VISUAL DISABILITIES, VISION
9 EDUCATION, VISION IMPAIRMENT OR OTHER EQUIVALENT PROGRAM IN A BACCALAU-
10 REATE OR GRADUATE LEVEL PROGRAM, OR A FOREIGN EQUIVALENT, SATISFACTORY
11 TO THE DEPARTMENT AND IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;

12 3. EXAMINATION: PASS AN EXAMINATION SATISFACTORY TO THE DEPARTMENT IN
13 ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;

14 4. AGE: BE AT LEAST TWENTY-ONE YEARS OF AGE;

15 5. CHARACTER: BE OF GOOD MORAL CHARACTER AS DETERMINED BY THE DEPART-
16 MENT; AND

17 6. REGISTRATION: ALL LICENSED VISION REHABILITATION THERAPISTS SHALL
18 REGISTER TRIENNIALLY WITH THE DEPARTMENT IN ACCORDANCE WITH THE COMMIS-
19 SIONER'S REGULATIONS.

20 7. FEE: A FEE OF TWO HUNDRED DOLLARS FOR AN INITIAL LICENSE AND A FEE
21 OF ONE HUNDRED FIFTY DOLLARS FOR EACH TRIENNIAL REGISTRATION PERIOD.

22 S 8906. LIMITED PERMITS. THE FOLLOWING REQUIREMENTS FOR A LIMITED
23 PERMIT SHALL APPLY TO ALL PROFESSIONS LICENSED OR CERTIFIED PURSUANT TO
24 THIS ARTICLE:

25 1. ON THE RECOMMENDATION OF THE BOARD, THE DEPARTMENT MAY ISSUE A
26 LIMITED PERMIT TO AN APPLICANT WHO MEETS THE EDUCATION REQUIREMENTS FOR
27 LICENSURE, EXCEPT THE EXAMINATION AND/OR EXPERIENCE REQUIREMENTS, IN
28 ACCORDANCE WITH REGULATIONS PROMULGATED THEREFOR.

29 2. LIMITED PERMITS SHALL BE FOR ONE YEAR AND MAY BE RENEWED, AT THE
30 DISCRETION OF THE DEPARTMENT, FOR ONE ADDITIONAL YEAR.

31 3. THE FEE FOR EACH LIMITED PERMIT AND FOR EACH RENEWAL SHALL BE
32 SEVENTY DOLLARS.

33 4. A LIMITED PERMIT HOLDER SHALL PRACTICE ONLY UNDER SUPERVISION AS
34 DETERMINED IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS.

35 S 8907. EXEMPT PERSONS. THIS ARTICLE SHALL NOT BE CONSTRUED TO AFFECT
36 OR PREVENT THE FOLLOWING, PROVIDED THAT NO TITLE, SIGN, CARD OR DEVICE
37 SHALL BE USED IN SUCH MANNER AS TO TEND TO CONVEY THE IMPRESSION THAT
38 THE PERSON RENDERING SUCH SERVICE IS A LICENSED VISION IMPAIRMENT
39 SPECIALIST:

40 1. THE PRACTICE OF LICENSED VISION IMPAIRMENT SPECIALIST AS AN INTE-
41 GRAL PART OF A PROGRAM OF STUDY BY STUDENTS ENROLLED IN APPROVED EDUCA-
42 TIONAL OR TRAINING PROGRAMS IN (A) ORIENTATION AND MOBILITY TRAINING OR
43 (B) VISION REHABILITATION THERAPY.

44 2. NOTHING CONTAINED IN THIS ARTICLE SHALL BE CONSTRUED TO LIMIT THE
45 SCOPES OF PRACTICE OF ANY OTHER PROFESSION LICENSED UNDER THIS TITLE;
46 PROVIDED, HOWEVER, THAT SUCH PRACTITIONERS MAY NOT HOLD THEMSELVES OUT
47 UNDER THE TITLES "LICENSED VISION IMPAIRMENT SPECIALIST", AND/OR
48 "LICENSED VISION IMPAIRMENT SPECIALIST WITH A SPECIALIZATION IN ORIE-
49 NTATION AND MOBILITY", AND/OR "LICENSED VISION IMPAIRMENT SPECIALIST WITH
50 A SPECIALIZATION IN VISION REHABILITATION THERAPY".

51 3. NOTHING IN THIS ARTICLE SHALL BE CONSTRUED AS PROHIBITING A PERSON
52 FROM PERFORMING THE DUTIES OF A LICENSED VISION IMPAIRMENT SPECIALIST,
53 IN THE COURSE OF SUCH EMPLOYMENT, IF SUCH PERSON IS EMPLOYED BY A FEDER-
54 AL, STATE, COUNTY OR MUNICIPAL AGENCY, OR OTHER POLITICAL INSTITUTION.

55 4. THIS ARTICLE SHALL NOT BE CONSTRUED TO PROHIBIT CARE DELIVERED BY
56 ANY FAMILY MEMBER, HOUSEHOLD MEMBER OR FRIEND, OR PERSON EMPLOYED PRIMA-

1 RILY IN A DOMESTIC CAPACITY WHO DOES NOT HOLD HIMSELF OR HERSELF OUT, OR
2 ACCEPT EMPLOYMENT, AS A PERSON LICENSED TO PRACTICE AS A VISION IMPAIR-
3 MENT SPECIALIST UNDER THE PROVISIONS OF THIS ARTICLE; PROVIDED, HOWEVER,
4 THAT IF SUCH PERSON IS REMUNERATED, THE PERSON DOES NOT HOLD HIMSELF OR
5 HERSELF OUT AS ONE WHO ACCEPTS EMPLOYMENT FOR PERFORMING SUCH CARE.

6 5. THE INSTRUCTION IN THE USE OF A DOG GUIDE.

7 6. NOTHING IN THIS ARTICLE SHALL BE CONSTRUED AS PROHIBITING A
8 LICENSED TEACHER OF THE VISUALLY IMPAIRED FROM PERFORMING ANY OF THE
9 DUTIES, TASKS OR RESPONSIBILITIES WITHIN THAT SCOPE OF PRACTICE.

10 7. THE INSTRUCTION IN THE USE OF BRAILLE.

11 S 8908. SPECIAL PROVISIONS. AN INDIVIDUAL WHO MEETS THE REQUIREMENTS
12 FOR A LICENSE AS A LICENSED VISION IMPAIRMENT SPECIALIST WITH A SPECIAL-
13 IZATION IN ORIENTATION AND MOBILITY AND/OR VISION REHABILITATION, EXCEPT
14 FOR EXAMINATION, EXPERIENCE AND EDUCATION, AND WHO IS CERTIFIED OR
15 REGISTERED BY A NATIONAL CERTIFYING BODY HAVING CERTIFICATION OR REGIS-
16 TRATION STANDARDS ACCEPTABLE TO THE COMMISSIONER, OR AN INDIVIDUAL WHO
17 HAS WORKED AS A VISION IMPAIRMENT SPECIALIST FOCUSED ON VISION REHABILI-
18 TATION THERAPY AND/OR ORIENTATION AND MOBILITY IN A WORKPLACE SETTING
19 WHICH IS PRIMARILY DEVOTED TO THE TREATMENT OF INDIVIDUALS WITH VISION
20 LOSS AND BLINDNESS FOR AT LEAST THREE YEARS, MAY BE LICENSED, WITHOUT
21 MEETING ADDITIONAL REQUIREMENTS AS TO EXAMINATION, EXPERIENCE AND EDUCA-
22 TION, PROVIDED THAT SUCH INDIVIDUAL SUBMITS AN APPLICATION TO THE
23 DEPARTMENT WITHIN THREE YEARS OF THE EFFECTIVE DATE OF THIS SECTION.

24 S 8909. SEPARABILITY. IF ANY SECTION OF THIS ARTICLE, OR PART THEREOF,
25 SHALL BE ADJUDGED BY ANY COURT OF COMPETENT JURISDICTION TO BE INVALID,
26 SUCH JUDGMENT SHALL NOT AFFECT, IMPAIR OR INVALIDATE THE REMAINDER OF
27 ANY OTHER SECTION OR PART THEREOF.

28 S 2. Subparagraph (i) of paragraph a of subdivision 1 of section
29 6503-a of the education law, as amended by chapter 554 of the laws of
30 2013, is amended to read as follows:

31 (i) services provided under article one hundred fifty-four, one
32 hundred sixty-three [or], one hundred sixty-seven OR ARTICLE ONE HUNDRED
33 SIXTY-EIGHT of this title for which licensure would be required, or

34 S 3. Paragraph a of subdivision 3 of section 6507 of the education
35 law, as amended by chapter 554 of the laws of 2013, is amended to read
36 as follows:

37 a. Establish standards for preprofessional and professional education,
38 experience and licensing examinations as required to implement the arti-
39 cle for each profession. Notwithstanding any other provision of law, the
40 commissioner shall establish standards requiring that all persons apply-
41 ing, on or after January first, nineteen hundred ninety-one, initially,
42 or for the renewal of, a license, registration or limited permit to be a
43 physician, chiropractor, dentist, registered nurse, podiatrist, optome-
44 trist, psychiatrist, psychologist, licensed master social worker,
45 licensed clinical social worker, licensed creative arts therapist,
46 licensed marriage and family therapist, licensed mental health counse-
47 lor, licensed psychoanalyst, dental hygienist, licensed behavior
48 analyst, [or] certified behavior analyst assistant OR LICENSED VISION
49 IMPAIRMENT SPECIALIST shall, in addition to all the other licensure,
50 certification or permit requirements, have completed two hours of
51 coursework or training regarding the identification and reporting of
52 child abuse and maltreatment. The coursework or training shall be
53 obtained from an institution or provider which has been approved by the
54 department to provide such coursework or training. The coursework or
55 training shall include information regarding the physical and behavioral
56 indicators of child abuse and maltreatment and the statutory reporting

1 requirements set out in sections four hundred thirteen through four
2 hundred twenty of the social services law, including but not limited to,
3 when and how a report must be made, what other actions the reporter is
4 mandated or authorized to take, the legal protections afforded repor-
5 ters, and the consequences for failing to report. Such coursework or
6 training may also include information regarding the physical and behav-
7 ioral indicators of the abuse of individuals with mental retardation and
8 other developmental disabilities and voluntary reporting of abused or
9 neglected adults to the office of mental retardation and developmental
10 disabilities or the local adult protective services unit. Each applicant
11 shall provide the department with documentation showing that he or she
12 has completed the required training. The department shall provide an
13 exemption from the child abuse and maltreatment training requirements to
14 any applicant who requests such an exemption and who shows, to the
15 department's satisfaction, that there would be no need because of the
16 nature of his or her practice for him or her to complete such training;
17 S 4. Paragraph (a) of subdivision 1 of section 413 of the social
18 services law, as separately amended by chapters 126 and 205 of the laws
19 of 2014, is amended to read as follows:

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

1 S 5. Section 6505-b of the education law, as amended by chapter 477 of
2 the laws of 2008, is amended to read as follows:

3 S 6505-b. Course work or training in infection control practices.
4 Every dentist, registered nurse, licensed practical nurse, VISION
5 IMPAIRMENT SPECIALIST, podiatrist, optometrist and dental hygienist
6 practicing in the state shall, on or before July first, nineteen hundred
7 ninety-four and every four years thereafter, complete course work or
8 training appropriate to the professional's practice approved by the
9 department regarding infection control and barrier precautions, includ-
10 ing engineering and work practice controls, in accordance with regulato-
11 ry standards promulgated by the department, in consultation with the
12 department of health, which shall be consistent, as far as appropriate,
13 with such standards adopted by the department of health pursuant to
14 section two hundred thirty-nine of the public health law to prevent the
15 transmission of HIV, HBV or HCV in the course of professional practice.
16 Each such professional shall document to the department at the time of
17 registration commencing with the first registration after July first,
18 nineteen hundred ninety-four that the professional has completed course
19 work or training in accordance with this section, provided, however that
20 a professional subject to the provisions of paragraph (f) of subdivision
21 one of section twenty-eight hundred five-k of the public health law
22 shall not be required to so document. The department shall provide an
23 exemption from this requirement to anyone who requests such an exemption
24 and who (i) clearly demonstrates to the department's satisfaction that
25 there would be no need for him or her to complete such course work or
26 training because of the nature of his or her practice or (ii) that he or
27 she has completed course work or training deemed by the department to be
28 equivalent to the course work or training approved by the department
29 pursuant to this section. The department shall consult with organiza-
30 tions representative of professions, institutions and those with exper-
31 tise in infection control and HIV, HBV and HCV with respect to the regu-
32 latory standards promulgated pursuant to this section.

33 S 6. Subdivision (a) of section 1203 of the limited liability company
34 law, as amended by chapter 475 of the laws of 2014, is amended to read
35 as follows:

36 (a) Notwithstanding the education law or any other provision of law,
37 one or more professionals each of whom is authorized by law to render a
38 professional service within the state, or one or more professionals, at
39 least one of whom is authorized by law to render a professional service
40 within the state, may form, or cause to be formed, a professional
41 service limited liability company for pecuniary profit under this arti-
42 cle for the purpose of rendering the professional service or services as
43 such professionals are authorized to practice. With respect to a profes-
44 sional service limited liability company formed to provide medical
45 services as such services are defined in article 131 of the education
46 law, each member of such limited liability company must be licensed
47 pursuant to article 131 of the education law to practice medicine in
48 this state. With respect to a professional service limited liability
49 company formed to provide dental services as such services are defined
50 in article 133 of the education law, each member of such limited liabil-
51 ity company must be licensed pursuant to article 133 of the education
52 law to practice dentistry in this state. With respect to a professional
53 service limited liability company formed to provide veterinary services
54 as such services are defined in article 135 of the education law, each
55 member of such limited liability company must be licensed pursuant to
56 article 135 of the education law to practice veterinary medicine in this

1 state. With respect to a professional service limited liability company
2 formed to provide professional engineering, land surveying, architec-
3 tural, landscape architectural and/or geological services as such
4 services are defined in article 145, article 147 and article 148 of the
5 education law, each member of such limited liability company must be
6 licensed pursuant to article 145, article 147 and/or article 148 of the
7 education law to practice one or more of such professions in this state.
8 With respect to a professional service limited liability company formed
9 to provide licensed clinical social work services as such services are
10 defined in article 154 of the education law, each member of such limited
11 liability company shall be licensed pursuant to article 154 of the
12 education law to practice licensed clinical social work in this state.
13 With respect to a professional service limited liability company formed
14 to provide creative arts therapy services as such services are defined
15 in article 163 of the education law, each member of such limited liabil-
16 ity company must be licensed pursuant to article 163 of the education
17 law to practice creative arts therapy in this state. With respect to a
18 professional service limited liability company formed to provide
19 marriage and family therapy services as such services are defined in
20 article 163 of the education law, each member of such limited liability
21 company must be licensed pursuant to article 163 of the education law to
22 practice marriage and family therapy in this state. With respect to a
23 professional service limited liability company formed to provide mental
24 health counseling services as such services are defined in article 163
25 of the education law, each member of such limited liability company must
26 be licensed pursuant to article 163 of the education law to practice
27 mental health counseling in this state. With respect to a professional
28 service limited liability company formed to provide psychoanalysis
29 services as such services are defined in article 163 of the education
30 law, each member of such limited liability company must be licensed
31 pursuant to article 163 of the education law to practice psychoanalysis
32 in this state. With respect to a professional service limited liability
33 company formed to provide applied behavior analysis services as such
34 services are defined in article 167 of the education law, each member of
35 such limited liability company must be licensed or certified pursuant to
36 article 167 of the education law to practice applied behavior analysis
37 in this state. WITH RESPECT TO A PROFESSIONAL SERVICE LIMITED LIABILITY
38 COMPANY FORMED TO PROVIDE VISION IMPAIRMENT SPECIALIST SERVICES AS SUCH
39 SERVICES ARE DEFINED IN ARTICLE 168 OF THE EDUCATION LAW, EACH MEMBER OF
40 SUCH LIMITED LIABILITY COMPANY MUST BE LICENSED PURSUANT TO ARTICLE 168
41 OF THE EDUCATION LAW TO PRACTICE AS A VISION IMPAIRMENT SPECIALIST IN
42 THIS STATE. In addition to engaging in such profession or professions, a
43 professional service limited liability company may engage in any other
44 business or activities as to which a limited liability company may be
45 formed under section two hundred one of this chapter. Notwithstanding
46 any other provision of this section, a professional service limited
47 liability company (i) authorized to practice law may only engage in
48 another profession or business or activities or (ii) which is engaged in
49 a profession or other business or activities other than law may only
50 engage in the practice of law, to the extent not prohibited by any other
51 law of this state or any rule adopted by the appropriate appellate divi-
52 sion of the supreme court or the court of appeals.

53 S 7. Subdivision (b) of section 1207 of the limited liability company
54 law, as amended by chapter 475 of the laws of 2014, is amended to read
55 as follows:

1 (b) With respect to a professional service limited liability company
2 formed to provide medical services as such services are defined in arti-
3 cle 131 of the education law, each member of such limited liability
4 company must be licensed pursuant to article 131 of the education law to
5 practice medicine in this state. With respect to a professional service
6 limited liability company formed to provide dental services as such
7 services are defined in article 133 of the education law, each member of
8 such limited liability company must be licensed pursuant to article 133
9 of the education law to practice dentistry in this state. With respect
10 to a professional service limited liability company formed to provide
11 veterinary services as such services are defined in article 135 of the
12 education law, each member of such limited liability company must be
13 licensed pursuant to article 135 of the education law to practice veter-
14 inary medicine in this state. With respect to a professional service
15 limited liability company formed to provide professional engineering,
16 land surveying, architectural, landscape architectural and/or geological
17 services as such services are defined in article 145, article 147 and
18 article 148 of the education law, each member of such limited liability
19 company must be licensed pursuant to article 145, article 147 and/or
20 article 148 of the education law to practice one or more of such
21 professions in this state. With respect to a professional service limit-
22 ed liability company formed to provide licensed clinical social work
23 services as such services are defined in article 154 of the education
24 law, each member of such limited liability company shall be licensed
25 pursuant to article 154 of the education law to practice licensed clin-
26 ical social work in this state. With respect to a professional service
27 limited liability company formed to provide creative arts 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 creative arts
31 therapy in this state. With respect to a professional service limited
32 liability company formed to provide marriage and family therapy services
33 as such services are defined in article 163 of the education law, each
34 member of such limited liability company must be licensed pursuant to
35 article 163 of the education law to practice marriage and family therapy
36 in this state. With respect to a professional service limited liability
37 company formed to provide mental health counseling 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 mental health counseling in this state.
41 With respect to a professional service limited liability company formed
42 to provide psychoanalysis services as such services are defined in arti-
43 cle 163 of the education law, each member of such limited liability
44 company must be licensed pursuant to article 163 of the education law to
45 practice psychoanalysis in this state. With respect to a professional
46 service limited liability company formed to provide applied behavior
47 analysis services as such services are defined in article 167 of the
48 education law, each member of such limited liability company must be
49 licensed or certified pursuant to article 167 of the education law to
50 practice applied behavior analysis in this state. WITH RESPECT TO A
51 PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY FORMED TO PROVIDE VISION
52 IMPAIRMENT SPECIALIST SERVICES AS SUCH SERVICES ARE DEFINED IN ARTICLE
53 168 OF THE EDUCATION LAW, EACH MEMBER OF SUCH LIMITED LIABILITY COMPANY
54 MUST BE LICENSED PURSUANT TO ARTICLE 168 OF THE EDUCATION LAW TO PRAC-
55 TICE AS A VISION IMPAIRMENT SPECIALIST IN THIS STATE.

1 S 8. Subdivision (a) of section 1301 of the limited liability company
2 law, as amended by chapter 475 of the laws of 2014, is amended to read
3 as follows:

4 (a) "Foreign professional service limited liability company" means a
5 professional service limited liability company, whether or not denomi-
6 nated as such, organized under the laws of a jurisdiction other than
7 this state, (i) each of whose members and managers, if any, is a profes-
8 sional authorized by law to render a professional service within this
9 state and who is or has been engaged in the practice of such profession
10 in such professional service limited liability company or a predecessor
11 entity, or will engage in the practice of such profession in the profes-
12 sional service limited liability company within thirty days of the date
13 such professional becomes a member, or each of whose members and manag-
14 ers, if any, is a professional at least one of such members is author-
15 ized by law to render a professional service within this state and who
16 is or has been engaged in the practice of such profession in such
17 professional service limited liability company or a predecessor entity,
18 or will engage in the practice of such profession in the professional
19 service limited liability company within thirty days of the date such
20 professional becomes a member, or (ii) authorized by, or holding a
21 license, certificate, registration or permit issued by the licensing
22 authority pursuant to, the education law to render a professional
23 service within this state; except that all members and managers, if any,
24 of a foreign professional service limited liability company that
25 provides health services in this state shall be licensed in this state.
26 With respect to a foreign professional service limited liability company
27 which provides veterinary services as such services are defined in arti-
28 cle 135 of the education law, each member of such foreign professional
29 service limited liability company shall be licensed pursuant to article
30 135 of the education law to practice veterinary medicine. With respect
31 to a foreign professional service limited liability company which
32 provides medical services as such services are defined in article 131 of
33 the education law, each member of such foreign professional service
34 limited liability company must be licensed pursuant to article 131 of
35 the education law to practice medicine in this state. With respect to a
36 foreign professional service limited liability company which provides
37 dental services as such services are defined in article 133 of the
38 education law, each member of such foreign professional service limited
39 liability company must be licensed pursuant to article 133 of the educa-
40 tion law to practice dentistry in this state. With respect to a foreign
41 professional service limited liability company which provides profes-
42 sional engineering, land surveying, geologic, architectural and/or land-
43 scape architectural services as such services are defined in article
44 145, article 147 and article 148 of the education law, each member of
45 such foreign professional service limited liability company must be
46 licensed pursuant to article 145, article 147 and/or article 148 of the
47 education law to practice one or more of such professions in this state.
48 With respect to a foreign professional service limited liability company
49 which provides licensed clinical social work services as such services
50 are defined in article 154 of the education law, each member of such
51 foreign professional service limited liability company shall be licensed
52 pursuant to article 154 of the education law to practice clinical social
53 work in this state. With respect to a foreign professional service
54 limited liability company which provides creative arts therapy services
55 as such services are defined in article 163 of the education law, each
56 member of such foreign professional service limited liability company

1 must be licensed pursuant to article 163 of the education law to prac-
2 tice creative arts therapy in this state. With respect to a foreign
3 professional service limited liability company which provides marriage
4 and family therapy services as such services are defined in article 163
5 of the education law, each member of such foreign professional service
6 limited liability company must be licensed pursuant to article 163 of
7 the education law to practice marriage and family therapy in this state.
8 With respect to a foreign professional service limited liability company
9 which provides mental health counseling services as such services are
10 defined in article 163 of the education law, each member of such foreign
11 professional service limited liability company must be licensed pursuant
12 to article 163 of the education law to practice mental health counseling
13 in this state. With respect to a foreign professional service limited
14 liability company which provides psychoanalysis services as such
15 services are defined in article 163 of the education law, each member of
16 such foreign professional service limited liability company must be
17 licensed pursuant to article 163 of the education law to practice
18 psychoanalysis in this state. With respect to a foreign professional
19 service limited liability company which provides applied behavior analy-
20 sis services as such services are defined in article 167 of the educa-
21 tion law, each member of such foreign professional service limited
22 liability company must be licensed or certified pursuant to article 167
23 of the education law to practice applied behavior analysis in this
24 state. WITH RESPECT TO A FOREIGN PROFESSIONAL SERVICE LIMITED LIABILITY
25 COMPANY WHICH PROVIDES VISION IMPAIRMENT SPECIALIST SERVICES AS SUCH
26 SERVICES ARE DEFINED IN ARTICLE 168 OF THE EDUCATION LAW, EACH MEMBER OF
27 SUCH FOREIGN PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY MUST BE
28 LICENSED PURSUANT TO ARTICLE 168 OF THE EDUCATION LAW TO PRACTICE AS A
29 VISION IMPAIRMENT SPECIALIST IN THIS STATE.

30 S 9. Subdivision (q) of section 121-1500 of the partnership law, as
31 amended by chapter 475 of the laws of 2014, is amended to read as
32 follows:

33 (q) Each partner of a registered limited liability partnership formed
34 to provide medical services in this state must be licensed pursuant to
35 article 131 of the education law to practice medicine in this state and
36 each partner of a registered limited liability partnership formed to
37 provide dental services in this state must be licensed pursuant to arti-
38 cle 133 of the education law to practice dentistry 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, geological services,
44 architectural and/or landscape architectural services in this state must
45 be licensed pursuant to article 145, article 147 and/or article 148 of
46 the education law to practice one or more of such professions in this
47 state. Each partner of a registered limited liability partnership formed
48 to provide licensed clinical social work services in this state must be
49 licensed pursuant to article 154 of the education law to practice clin-
50 ical social work in this state. Each partner of a registered limited
51 liability partnership formed to provide creative arts therapy services
52 in this state must be licensed pursuant to article 163 of the education
53 law to practice creative arts therapy in this state. Each partner of a
54 registered limited liability partnership formed to provide marriage and
55 family therapy services in this state must be licensed pursuant to arti-
56 cle 163 of the education law to practice marriage and family therapy in

1 this state. Each partner of a registered limited liability partnership
2 formed to provide mental health counseling services in this state must
3 be licensed pursuant to article 163 of the education law to practice
4 mental health counseling in this state. Each partner of a registered
5 limited liability partnership formed to provide psychoanalysis services
6 in this state must be licensed pursuant to article 163 of the education
7 law to practice psychoanalysis in this state. Each partner of a regis-
8 tered limited liability partnership formed to provide applied behavior
9 analysis service in this state must be licensed or certified pursuant to
10 article 167 of the education law to practice applied behavior analysis
11 in this state. EACH PARTNER OF A REGISTERED LIMITED LIABILITY PARTNER-
12 SHIP FORMED TO PROVIDE VISION IMPAIRMENT SPECIALIST SERVICES IN THIS
13 STATE MUST BE LICENSED OR CERTIFIED PURSUANT TO ARTICLE 167 OF THE
14 EDUCATION LAW TO PRACTICE AS A VISION IMPAIRMENT SPECIALIST IN THIS
15 STATE.

16 S 10. Subdivision (q) of section 121-1502 of the partnership law, as
17 amended by chapter 475 of the laws of 2014, is amended to read as
18 follows:

19 (q) Each partner of a foreign limited liability partnership which
20 provides medical services in this state must be licensed pursuant to
21 article 131 of the education law to practice medicine in the state and
22 each partner of a foreign limited liability partnership which provides
23 dental services in the state must be licensed pursuant to article 133 of
24 the education law to practice dentistry in this state. Each partner of a
25 foreign limited liability partnership which provides veterinary service
26 in the state shall be licensed pursuant to article 135 of the education
27 law to practice veterinary medicine in this state. Each partner of a
28 foreign limited liability partnership which provides professional engi-
29 neering, land surveying, geological services, architectural and/or land-
30 scape architectural services in this state must be licensed pursuant to
31 article 145, article 147 and/or article 148 of the education law to
32 practice one or more of such professions. Each partner of a foreign
33 limited liability partnership which provides licensed clinical social
34 work services in this state must be licensed pursuant to article 154 of
35 the education law to practice licensed clinical social work in this
36 state. Each partner of a foreign limited liability partnership which
37 provides creative arts therapy services in this state must be licensed
38 pursuant to article 163 of the education law to practice creative arts
39 therapy in this state. Each partner of a foreign limited liability part-
40 nership which provides marriage and family therapy services in this
41 state must be licensed pursuant to article 163 of the education law to
42 practice marriage and family therapy in this state. Each partner of a
43 foreign limited liability partnership which provides mental health coun-
44 seling services in this state must be licensed pursuant to article 163
45 of the education law to practice mental health counseling in this state.
46 Each partner of a foreign limited liability partnership which provides
47 psychoanalysis services in this state must be licensed pursuant to arti-
48 cle 163 of the education law to practice psychoanalysis in this state.
49 Each partner of a foreign limited liability partnership which provides
50 applied behavior analysis services in this state must be licensed or
51 certified pursuant to article 167 of the education law to practice
52 applied behavior analysis in this state. EACH PARTNER OF A FOREIGN
53 LIMITED LIABILITY PARTNERSHIP WHICH PROVIDES VISION IMPAIRMENT SPECIAL-
54 IST SERVICES IN THIS STATE MUST BE LICENSED PURSUANT TO ARTICLE 168 OF
55 THE EDUCATION LAW TO PRACTICE AS A VISION IMPAIRMENT SPECIALIST IN THIS
56 STATE.

1 S 11. a. Nothing in this act shall be construed as prohibiting a
2 person from performing the duties of a licensed vision impairment
3 specialist, in the course of such employment, if such person is employed
4 by programs licensed, certified, operated, or funded and regulated by
5 the office of children and family services including the commission for
6 the blind and visually impaired, the state education department or the
7 department of health; provided, however, that this section shall not
8 authorize the use of any title authorized pursuant to article 168 of the
9 education law.

10 b. On or before September 1, 2017, each office identified in subdivi-
11 sion a of this section that licenses, certifies, operates or funds and
12 regulates programs that employ individuals to provide services that
13 would otherwise be restricted to individuals licensed or authorized
14 under article 168 of the education law, shall submit to the commissioner
15 of education, in such form and detail as requested by such commissioner,
16 data in relation to: the number of individuals employed in exempt
17 programs licensed, certified, operated, or funded and regulated by each
18 office identified in subdivision a of this section on September 1, 2016
19 who are providing services that would otherwise be restricted to those
20 licensed or authorized under article 168 of the education law; and the
21 occupational title of individuals who on July 1, 2017 are not licensed
22 or otherwise authorized under title 8 of the education law, and who are
23 engaged in the practice of vision impairment specialist for the purpose
24 of providing vision impairment specialist services to persons who are
25 blind or visually impaired.

26 c. The commissioner of education, after receipt of this data and in
27 consultation with the offices identified in subdivision a of this
28 section, in consultation with not-for-profit providers, professional
29 associations, consumers and other key stakeholders, shall prepare a
30 report that recommends changes in any laws, rules or regulations neces-
31 sary to ensure appropriate licensure or other authorization of individ-
32 uals providing services that are within the restricted practice of
33 professions licensed or otherwise authorized under article 168 of the
34 education law. Such report shall include an estimate of the fiscal
35 impact of any such recommended changes and, to the extent practicable,
36 how such recommendations will result in improved outcomes. The commis-
37 sioner of education shall submit the report to the governor, the speaker
38 of the assembly, the temporary president of the senate, and the chairs
39 of the senate and assembly higher education committees by January 1,
40 2018. The commissioners of the agencies identified in subdivision a of
41 this section shall be provided an opportunity to include statements or
42 alternative recommendations in such report.

43 S 12. This act shall take effect eighteen months after it shall have
44 become a law; provided, however, that if chapter 475 of the laws of 2014
45 shall not have taken effect on or before such date then sections six,
46 seven, eight, nine and ten of this act shall take effect on the same
47 date and in the same manner as such chapter of the laws of 2014 takes
48 effect; provided, further that the provisions of subdivision a of
49 section eleven of this act shall expire July 1, 2018 when upon such date
50 the provisions of such subdivision shall be deemed repealed. The
51 commissioner of education and the board of regents are authorized to
52 promulgate such rules and regulations and take any other measures as may
53 be necessary for the timely implementation of this act on or before its
54 effective date, including but not limited to the appointment of the
55 state board for vision rehabilitation services, the acceptance and proc-
56 essing of applications for licensure, and the issuance of licenses.