

STATE OF NEW YORK

3381

2017-2018 Regular Sessions

IN SENATE

January 23, 2017

Introduced by Sen. GRIFFO -- 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 social services law, the limited liability company law and the partnership law, in relation to the licensing of vision impairment specialists; and providing for the repeal of certain provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The education law is amended by adding a new article 169 to read as follows:

ARTICLE 169

VISION IMPAIRMENT SPECIALISTS

Section 8900. Introduction.

8901. Definitions.

8902. Use of titles.

8903. State board for vision impairment specialists.

8904. Requirements for a license with a specialization as an orientation and mobility specialist.

8905. Requirements for a license with a specialization as a vision rehabilitation therapist.

8906. Limited permits.

8907. Exempt persons.

8908. Special provisions.

8909. Separability.

§ 8900. Introduction. This article applies to the profession of vision impairment specialists, and provides for the licensing of orientation and mobility specialists and vision rehabilitation therapists. The general provisions for all professions contained in article one hundred thirty of this title shall apply to this article.

§ 8901. Definitions. For purposes of this article, the following terms shall have the following meanings:

1. The practice of "vision impairment specialist" shall mean providing assessment and evaluation of, and training for, persons who are visually impaired when such assessment, evaluation and training incorporates the

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

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1 full range of specialized skills and tasks subsumed in the specializa-
2 tions of the profession defined in this section as: (a) orientation and
3 mobility training, and (b) vision rehabilitation therapy. Such services
4 shall be rendered on the prescription or referral which may be directive
5 as to treatment by a licensed physician, nurse practitioner, ophthalmol-
6 ogist or optometrist, provided however that no such treatment directive
7 and low vision examination shall be required when the person being
8 referred has been diagnosed within the previous twelve months as visual-
9 ly impaired, blind or legally blind as those terms are defined in subdi-
10 vision six of this section and such services are being rendered consist-
11 ent with that diagnosis, prescription or referral. Vision rehabilitation
12 therapists, and orientation and mobility specialists may not prescribe
13 optical low vision devices.

14 2. The practice of "vision impairment specialist" shall mean one who
15 specializes in orientation and mobility training and/or vision rehabili-
16 tation therapy.

17 3. The practice of "orientation and mobility training" shall mean:

18 (a) the assessment of individual needs of persons who are visually
19 impaired for skills training in methods of safe movement and in strate-
20 gies to gather required environmental and spatial information; (b) the
21 development of appropriate integrated service plans tailored to meet
22 such individual needs as identified in such assessment process; (c) the
23 provision of training in, and utilization of (i) equipment and adaptive
24 devices intended and designed for use by persons who are visually
25 impaired, and (ii) specialized techniques adapted for persons who are
26 visually impaired, including but not limited to orientation; sensory
27 development; systems of safe movement, including long cane techniques;
28 resource identification and, as appropriate, professional referrals;
29 and, in applied settings, reinforcing instruction for the use of optical
30 devices as prescribed by optometrists and ophthalmologists; and (d) the
31 evaluation of clients receiving such specialized training.

32 4. The practice of "vision rehabilitation therapy" shall mean: (a) the
33 assessment of individual needs of persons who are visually impaired for
34 skills training in independent living and communications; (b) the devel-
35 opment of appropriate integrated service plans tailored to meet such
36 individual needs as identified in such assessment process; (c) the
37 provision of training in, and utilization of (i) equipment and adaptive
38 devices intended and designed for use by persons who are visually
39 impaired, including, in applied settings, reinforcing instruction for
40 the use of optical devices as prescribed by optometrists or ophthalmolo-
41 gists, and (ii) specialized techniques adapted for persons who are visu-
42 ally impaired, including but not limited to Braille and other communi-
43 cation skills; adapted computer technology; personal management skills;
44 home management skills; problem solving skills; resource management and,
45 as appropriate, professional referrals; and (d) the evaluation of
46 persons receiving such specialized training.

47 5. "Applied settings" means those locations where persons who are
48 visually impaired engage in day-to-day activities utilizing the tools
49 supplied and techniques taught by the licensed practitioners defined in
50 this article.

51 6. "Visually impaired" means a person who is totally blind, legally
52 blind or partially sighted. A person who is totally blind is one who has
53 no useable vision. A person who is legally blind is one who satisfies
54 the definition set forth in subdivision b of section three of chapter
55 four hundred fifteen of the laws of nineteen hundred thirteen. A person
56 who is partially sighted is one who has functional vision impairment

1 that constitutes a significant limitation of visual capability resulting
2 from disease, trauma, or congenital condition, that cannot be fully
3 ameliorated by standard refractive correction, medication, or surgery,
4 and that is manifested by one or more of the following: insufficient
5 visual resolution, inadequate field of vision or reduced peak contrast
6 sensitivity.

7 7. "Board" shall mean the state board for vision impairment special-
8 ists as provided for in section eighty-nine thousand three of this arti-
9 cle.

10 § 8902. Use of titles. Only a person licensed or otherwise authorized
11 under this article shall be authorized to practice as a vision impair-
12 ment specialist or use the title "licensed orientation and mobility
13 specialist" or "licensed vision rehabilitation therapist" in connection
14 with his or her name or with any trade name in the conduct of his or her
15 profession.

16 § 8903. State board for vision impairment specialists. A state board
17 for vision impairment specialists shall be appointed by the board of
18 regents upon the recommendation of the commissioner for the purpose of
19 assisting the board of regents and the department on matters of profes-
20 sional licensing and professional conduct in accordance with section
21 sixty-five hundred eight of this title. The board shall consist of not
22 less than nine individuals, two of whom shall be licensed orientation
23 and mobility specialists, two of whom shall be licensed vision rehabili-
24 tation therapists, one ophthalmologist, one optometrist, one public
25 representative as defined in paragraph b of subdivision one of section
26 sixty-five hundred eight of this title and two of whom shall be blind
27 representatives of the public at large whose names will be placed in
28 nomination for the board from organizations of the blind or visually
29 impaired. Members of the initial board need not be licensed or certified
30 prior to their appointment to the board, so long as they are certified
31 by a national certifying or accrediting board, acceptable to the depart-
32 ment. Of the members first appointed, two shall be appointed for a three
33 year term, three shall be appointed for a four year term, and three
34 shall be appointed for a five year term. Thereafter all members shall
35 serve for five year terms. In the event that more than eight members are
36 appointed, a majority of the additional members shall be licensed orien-
37 tation and mobility specialists and licensed vision rehabilitation ther-
38 apists. The members of the board shall select one of themselves as chair
39 to serve for a one year term. An executive secretary shall be appointed
40 by the board of regents upon the recommendation of the commissioner.

41 § 8904. Requirements for a license with a specialization as an orien-
42 tation and mobility specialist. To qualify for a license as an orien-
43 tation and mobility specialist, an applicant shall fulfill the following
44 requirements:

45 1. Application: file an application with the department;
46 2. Education: have satisfactorily completed an approved curriculum in
47 orientation and mobility services including visual disabilities, vision
48 education, vision impairment or other equivalent program in a baccalau-
49 reate or graduate level program or a foreign equivalent, satisfactory to
50 the department and in accordance with the commissioner's regulations;
51 and

52 3. Examination: pass an examination satisfactory to the department in
53 accordance with the commissioner's regulations;

54 4. Age: be at least twenty-one years of age;

55 5. Character: be of good moral character as determined by the depart-
56 ment; and

1 6. Registration: all licensed orientation and mobility specialists
2 shall register triennially with the department in accordance with the
3 commissioner's regulation.

4 7. Fee: a fee of two hundred dollars for an initial license and a fee
5 of one hundred fifty dollars for each triennial registration period.

6 § 8905. Requirements for a license with a specialization as a vision
7 rehabilitation therapist. To qualify for a license as a vision rehabili-
8 tation therapist an applicant shall fulfill the following requirements:

9 1. Application: file an application with the department;

10 2. Education: have satisfactorily completed an approved curriculum in
11 vision rehabilitation therapy including visual disabilities, vision
12 education, vision impairment or other equivalent program in a baccalau-
13 reate or graduate level program, or a foreign equivalent, satisfactory
14 to the department and in accordance with the commissioner's regulations;

15 3. Examination: pass an examination satisfactory to the department in
16 accordance with the commissioner's regulations;

17 4. Age: be at least twenty-one years of age;

18 5. Character: be of good moral character as determined by the depart-
19 ment; and

20 6. Registration: all licensed vision rehabilitation therapists shall
21 register triennially with the department in accordance with the commis-
22 sioner's regulations.

23 7. Fee: a fee of two hundred dollars for an initial license and a fee
24 of one hundred fifty dollars for each triennial registration period.

25 § 8906. Limited permits. The following requirements for a limited
26 permit shall apply to all professions licensed or certified pursuant to
27 this article:

28 1. On the recommendation of the board, the department may issue a
29 limited permit to an applicant who meets the education requirements for
30 licensure, except the examination and/or experience requirements, in
31 accordance with regulations promulgated therefor.

32 2. Limited permits shall be for one year and may be renewed, at the
33 discretion of the department, for one additional year.

34 3. The fee for each limited permit and for each renewal shall be
35 seventy dollars.

36 4. A limited permit holder shall practice only under supervision as
37 determined in accordance with the commissioner's regulations.

38 § 8907. Exempt persons. This article shall not be construed to affect
39 or prevent the following, provided that no title, sign, card or device
40 shall be used in such manner as to tend to convey the impression that
41 the person rendering such service is a licensed vision impairment
42 specialist:

43 1. The practice of licensed vision impairment specialist as an inte-
44 gral part of a program of study by students enrolled in approved educa-
45 tional or training programs in (a) orientation and mobility training or
46 (b) vision rehabilitation therapy.

47 2. Nothing contained in this article shall be construed to limit the
48 scopes of practice of any other profession licensed under this title;
49 provided, however, that such practitioners may not hold themselves out
50 under the titles "licensed vision impairment specialist", and/or
51 "licensed vision impairment specialist with a specialization in orien-
52 tation and mobility", and/or "licensed vision impairment specialist with
53 a specialization in vision rehabilitation therapy".

54 3. Nothing in this article shall be construed as prohibiting a person
55 from performing the duties of a licensed vision impairment specialist,
56 in the course of such employment, if such person is employed by a feder-

1 al, state, county, town, city or village agency or other political
2 subdivision except that this exception from licensure shall not apply to
3 persons employed by institutions regulated primarily by the education
4 department.

5 4. This article shall not be construed to prohibit care delivered by
6 any family member, household member or friend, or person employed prima-
7 rily in a domestic capacity who does not hold himself or herself out, or
8 accept employment, as a person licensed to practice as a vision impair-
9 ment specialist under the provisions of this article; provided, however,
10 that if such person is remunerated, the person does not hold himself or
11 herself out as one who accepts employment for performing such care.

12 5. The instruction in the use of a dog guide.

13 6. Nothing in this article shall be construed as prohibiting a
14 licensed teacher of the visually impaired from performing any of the
15 duties, tasks or responsibilities within that scope of practice.

16 7. The instruction in the use of Braille.

17 § 8908. Special provisions. An individual who meets the requirements
18 for a license as a licensed vision impairment specialist with a special-
19 ization in orientation and mobility and/or vision rehabilitation, except
20 for examination, experience and education, and who is certified or
21 registered by a national certifying body having certification or regis-
22 tration standards acceptable to the commissioner, or an individual who
23 has worked as a vision impairment specialist focused on vision rehabili-
24 tation therapy and/or orientation and mobility in a workplace setting
25 which is primarily devoted to the treatment of individuals with vision
26 loss and blindness for at least three years, may be licensed, without
27 meeting additional requirements as to examination, experience and educa-
28 tion, provided that such individual submits an application to the
29 department within three years of the effective date of this section.

30 § 8909. Separability. If any section of this article, or part thereof,
31 shall be adjudged by any court of competent jurisdiction to be invalid,
32 such judgment shall not affect, impair or invalidate the remainder of
33 any other section or part thereof.

34 § 2. Subparagraph (i) of paragraph a of subdivision 1 of section
35 6503-a of the education law, as amended by chapter 554 of the laws of
36 2013, is amended to read as follows:

37 (i) services provided under article one hundred fifty-four, one
38 hundred sixty-three ~~or~~, one hundred sixty-seven or article one hundred
39 sixty-nine of this title for which licensure would be required, or

40 § 3. Paragraph a of subdivision 3 of section 6507 of the education
41 law, as amended by chapter 554 of the laws of 2013, is amended to read
42 as follows:

43 a. Establish standards for preprofessional and professional education,
44 experience and licensing examinations as required to implement the arti-
45 cle for each profession. Notwithstanding any other provision of law, the
46 commissioner shall establish standards requiring that all persons apply-
47 ing, on or after January first, nineteen hundred ninety-one, initially,
48 or for the renewal of, a license, registration or limited permit to be a
49 physician, chiropractor, dentist, registered nurse, podiatrist, optome-
50 trist, psychiatrist, psychologist, licensed master social worker,
51 licensed clinical social worker, licensed creative arts therapist,
52 licensed marriage and family therapist, licensed mental health counse-
53 lor, licensed psychoanalyst, dental hygienist, licensed behavior
54 analyst, ~~or~~ certified behavior analyst assistant or licensed vision
55 impairment specialist shall, in addition to all the other licensure,
56 certification or permit requirements, have completed two hours of

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

23 § 4. Paragraph (a) of subdivision 1 of section 413 of the social
24 services law, as separately amended by chapters 126 and 205 of the laws
25 of 2014, is amended to read as follows:

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

1 worker; mental health professional; substance abuse counselor; alcohol-
2 ism counselor; all persons credentialed by the office of alcoholism and
3 substance abuse services; peace officer; police officer; district attor-
4 ney or assistant district attorney; investigator employed in the office
5 of a district attorney; or other law enforcement official.

6 § 5. Section 6505-b of the education law, as amended by chapter 477 of
7 the laws of 2008, is amended to read as follows:

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

38 § 6. Subdivision (a) of section 1203 of the limited liability company
39 law, as amended by chapter 475 of the laws of 2014, is amended to read
40 as follows:

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

1 law to practice dentistry in this state. With respect to a professional
2 service limited liability company formed to provide veterinary services
3 as such services are defined in article 135 of the education law, each
4 member of such limited liability company must be licensed pursuant to
5 article 135 of the education law to practice veterinary medicine in this
6 state. With respect to a professional service limited liability company
7 formed to provide professional engineering, land surveying, architec-
8 tural, landscape architectural and/or geological services as such
9 services are defined in article 145, article 147 and article 148 of the
10 education law, each member of such limited liability company must be
11 licensed pursuant to article 145, article 147 and/or article 148 of the
12 education law to practice one or more of such professions in this state.
13 With respect to a professional service limited liability company formed
14 to provide licensed clinical social work services as such services are
15 defined in article 154 of the education law, each member of such limited
16 liability company shall be licensed pursuant to article 154 of the
17 education law to practice licensed clinical social work in this state.
18 With respect to a professional service limited liability company formed
19 to provide creative arts therapy services as such services are defined
20 in article 163 of the education law, each member of such limited liabil-
21 ity company must be licensed pursuant to article 163 of the education
22 law to practice creative arts therapy in this state. With respect to a
23 professional service limited liability company formed to provide
24 marriage and family therapy services as such services are defined in
25 article 163 of the education law, each member of such limited liability
26 company must be licensed pursuant to article 163 of the education law to
27 practice marriage and family therapy in this state. With respect to a
28 professional service limited liability company formed to provide mental
29 health counseling services as such services are defined in article 163
30 of the education law, each member of such limited liability company must
31 be licensed pursuant to article 163 of the education law to practice
32 mental health counseling in this state. With respect to a professional
33 service limited liability company formed to provide psychoanalysis
34 services as such services are defined in article 163 of the education
35 law, each member of such limited liability company must be licensed
36 pursuant to article 163 of the education law to practice psychoanalysis
37 in this state. With respect to a professional service limited liability
38 company formed to provide applied behavior analysis services as such
39 services are defined in article 167 of the education law, each member of
40 such limited liability company must be licensed or certified pursuant to
41 article 167 of the education law to practice applied behavior analysis
42 in this state. With respect to a professional service limited liability
43 company formed to provide vision impairment specialist services as such
44 services are defined in article 169 of the education law, each member of
45 such limited liability company must be licensed pursuant to article 169
46 of the education law to practice as a vision impairment specialist in
47 this state. In addition to engaging in such profession or professions, a
48 professional service limited liability company may engage in any other
49 business or activities as to which a limited liability company may be
50 formed under section two hundred one of this chapter. Notwithstanding
51 any other provision of this section, a professional service limited
52 liability company (i) authorized to practice law may only engage in
53 another profession or business or activities or (ii) which is engaged in
54 a profession or other business or activities other than law may only
55 engage in the practice of law, to the extent not prohibited by any other

1 law of this state or any rule adopted by the appropriate appellate divi-
2 sion of the supreme court or the court of appeals.

3 § 7. Subdivision (b) of section 1207 of the limited liability company
4 law, as amended by chapter 475 of the laws of 2014, is amended to read
5 as follows:

6 (b) With respect to a professional service limited liability company
7 formed to provide medical services as such services are defined in arti-
8 cle 131 of the education law, each member of such limited liability
9 company must be licensed pursuant to article 131 of the education law to
10 practice medicine in this state. With respect to a professional service
11 limited liability company formed to provide dental services as such
12 services are defined in article 133 of the education law, each member of
13 such limited liability company must be licensed pursuant to article 133
14 of the education law to practice dentistry in this state. With respect
15 to a professional service limited liability company formed to provide
16 veterinary services as such services are defined in article 135 of the
17 education law, each member of such limited liability company must be
18 licensed pursuant to article 135 of the education law to practice veter-
19 inary medicine in this state. With respect to a professional service
20 limited liability company formed to provide professional engineering,
21 land surveying, architectural, landscape architectural and/or geological
22 services as such services are defined in article 145, article 147 and
23 article 148 of the education law, each member of such limited liability
24 company must be licensed pursuant to article 145, article 147 and/or
25 article 148 of the education law to practice one or more of such
26 professions in this state. With respect to a professional service limit-
27 ed liability company formed to provide licensed clinical social work
28 services as such services are defined in article 154 of the education
29 law, each member of such limited liability company shall be licensed
30 pursuant to article 154 of the education law to practice licensed clin-
31 ical social work in this state. With respect to a professional service
32 limited liability company formed to provide creative arts therapy
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 creative arts
36 therapy in this state. With respect to a professional service limited
37 liability company formed to provide marriage and family therapy services
38 as such services are defined in article 163 of the education law, each
39 member of such limited liability company must be licensed pursuant to
40 article 163 of the education law to practice marriage and family therapy
41 in this state. With respect to a professional service limited liability
42 company formed to provide mental health counseling services as such
43 services are defined in article 163 of the education law, each member of
44 such limited liability company must be licensed pursuant to article 163
45 of the education law to practice mental health counseling in this state.
46 With respect to a professional service limited liability company formed
47 to provide psychoanalysis services as such services are defined in arti-
48 cle 163 of the education law, each member of such limited liability
49 company must be licensed pursuant to article 163 of the education law to
50 practice psychoanalysis in this state. With respect to a professional
51 service limited liability company formed to provide applied behavior
52 analysis services as such services are defined in article 167 of the
53 education law, each member of such limited liability company must be
54 licensed or certified pursuant to article 167 of the education law to
55 practice applied behavior analysis in this state. With respect to a
56 professional service limited liability company formed to provide vision

impairment specialist services as such services are defined in article 169 of the education law, each member of such limited liability company must be licensed pursuant to article 169 of the education law to practice as a vision impairment specialist in this state.

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

(a) "Foreign professional service limited liability company" means a professional service limited liability company, whether or not denominated as such, organized under the laws of a jurisdiction other than this state, (i) each of whose members and managers, if any, is a professional authorized by law to render a professional service within this state and who is or has been engaged in the practice of such profession in such professional service limited liability company or a predecessor entity, or will engage in the practice of such profession in the professional service limited liability company within thirty days of the date such professional becomes a member, or each of whose members and managers, if any, is a professional at least one of such members is authorized by law to render a professional service within this state and who is or has been engaged in the practice of such profession in such professional service limited liability company or a predecessor entity, or will engage in the practice of such profession in the professional service limited liability company within thirty days of the date such professional becomes a member, or (ii) authorized by, or holding a license, certificate, registration or permit issued by the licensing authority pursuant to, the education law to render a professional service within this state; except that all members and managers, if any, of a foreign professional service limited liability company that provides health services in this state shall be licensed in this state. With respect to a foreign professional service limited liability company which provides veterinary services as such services are defined in article 135 of the education law, each member of such foreign professional service limited liability company shall be licensed pursuant to article 135 of the education law to practice veterinary medicine. With respect to a foreign professional service limited liability company which provides medical services as such services are defined in article 131 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 131 of the education law to practice medicine in this state. With respect to a foreign professional service limited liability company which provides dental services as such services are defined in article 133 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 133 of the education law to practice dentistry in this state. With respect to a foreign professional service limited liability company which provides professional engineering, land surveying, geologic, architectural and/or landscape architectural services as such services are defined in article 145, article 147 and article 148 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions in this state. With respect to a foreign professional service limited liability company which provides licensed clinical social work services as such services are defined in article 154 of the education law, each member of such foreign professional service limited liability company shall be licensed pursuant to article 154 of the education law to practice clinical social

work in this state. With respect to a foreign professional service limited liability company which provides creative arts therapy services as such services are defined in article 163 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 163 of the education law to practice creative arts therapy in this state. With respect to a foreign professional service limited liability company which provides marriage and family therapy services as such services are defined in article 163 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 163 of the education law to practice marriage and family therapy in this state. With respect to a foreign professional service limited liability company which provides mental health counseling services as such services are defined in article 163 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 163 of the education law to practice mental health counseling in this state. With respect to a foreign professional service limited liability company which provides psychoanalysis services as such services are defined in article 163 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 163 of the education law to practice psychoanalysis in this state. With respect to a foreign professional service limited liability company which provides applied behavior analysis services as such services are defined in article 167 of the education law, each member of such foreign professional service limited liability company must be licensed or certified pursuant to article 167 of the education law to practice applied behavior analysis in this state. With respect to a foreign professional service limited liability company which provides vision impairment specialist services as such services are defined in article 169 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 169 of the education law to practice as a vision impairment specialist in this state.

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

(q) Each partner of a registered limited liability partnership formed to provide medical services in this state must be licensed pursuant to article 131 of the education law to practice medicine in this state and each partner of a registered limited liability partnership formed to provide dental services in this state must be licensed pursuant to article 133 of the education law to practice dentistry in this state. Each partner of a registered limited liability partnership formed to provide veterinary services in this state must be licensed pursuant to article 135 of the education law to practice veterinary medicine in this state. Each partner of a registered limited liability partnership formed to provide professional engineering, land surveying, geological services, architectural and/or landscape architectural services in this state must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions in this state. Each partner of a registered limited liability partnership formed to provide licensed clinical social work services in this state must be licensed pursuant to article 154 of the education law to practice clinical social work in this state. Each partner of a registered limited liability partnership formed to provide creative arts therapy services in this state must be licensed pursuant to article 163 of the education

1 law to practice creative arts therapy in this state. Each partner of a
2 registered limited liability partnership formed to provide marriage and
3 family therapy services in this state must be licensed pursuant to arti-
4 cle 163 of the education law to practice marriage and family therapy in
5 this state. Each partner of a registered limited liability partnership
6 formed to provide mental health counseling services in this state must
7 be licensed pursuant to article 163 of the education law to practice
8 mental health counseling in this state. Each partner of a registered
9 limited liability partnership formed to provide psychoanalysis services
10 in this state must be licensed pursuant to article 163 of the education
11 law to practice psychoanalysis in this state. Each partner of a regis-
12 tered limited liability partnership formed to provide applied behavior
13 analysis service in this state must be licensed or certified pursuant to
14 article 167 of the education law to practice applied behavior analysis
15 in this state. Each partner of a registered limited liability partner-
16 ship formed to provide vision impairment specialist services in this
17 state must be licensed or certified pursuant to article 169 of the
18 education law to practice as a vision impairment specialist in this
19 state.

20 § 10. Subdivision (q) of section 121-1502 of the partnership law, as
21 amended by chapter 475 of the laws of 2014, is amended to read as
22 follows:

23 (q) Each partner of a foreign limited liability partnership which
24 provides medical services in this state must be licensed pursuant to
25 article 131 of the education law to practice medicine in the state and
26 each partner of a foreign limited liability partnership which provides
27 dental services in the state must be licensed pursuant to article 133 of
28 the education law to practice dentistry in this state. Each partner of a
29 foreign limited liability partnership which provides veterinary service
30 in the state shall be licensed pursuant to article 135 of the education
31 law to practice veterinary medicine in this state. Each partner of a
32 foreign limited liability partnership which provides professional engi-
33 neering, land surveying, geological services, architectural and/or land-
34 scape architectural services in this state 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. Each partner of a foreign
37 limited liability partnership which provides licensed clinical social
38 work services in this state must be licensed pursuant to article 154 of
39 the education law to practice licensed clinical social work in this
40 state. Each partner of a foreign limited liability partnership which
41 provides creative arts therapy services in this state must be licensed
42 pursuant to article 163 of the education law to practice creative arts
43 therapy in this state. Each partner of a foreign limited liability part-
44 nership which provides marriage and family therapy services in this
45 state must be licensed pursuant to article 163 of the education law to
46 practice marriage and family therapy in this state. Each partner of a
47 foreign limited liability partnership which provides mental health coun-
48 seling services in this state must be licensed pursuant to article 163
49 of the education law to practice mental health counseling in this state.
50 Each partner of a foreign limited liability partnership which provides
51 psychoanalysis services in this state must be licensed pursuant to arti-
52 cle 163 of the education law to practice psychoanalysis in this state.
53 Each partner of a foreign limited liability partnership which provides
54 applied behavior analysis services in this state must be licensed or
55 certified pursuant to article 167 of the education law to practice
56 applied behavior analysis in this state. Each partner of a foreign

limited liability partnership which provides vision impairment specialist services in this state must be licensed pursuant to article 169 of the education law to practice as a vision impairment specialist in this state.

§ 11. a. Nothing in this act shall be construed as prohibiting a person from performing the duties of a licensed vision impairment specialist, in the course of such employment, if such person is employed by programs licensed, certified, operated, or funded and regulated by the office of children and family services including the commission for the blind and visually impaired, the state education department or the department of health; provided, however, that this section shall not authorize the use of any title authorized pursuant to article 169 of the education law.

b. On or before September 1, 2018, each office identified in subdivision a of this section that licenses, certifies, operates or funds and regulates programs that employ individuals to provide services that would otherwise be restricted to individuals licensed or authorized under article 169 of the education law, shall submit to the commissioner of education, in such form and detail as requested by such commissioner, data in relation to: the number of individuals employed in exempt programs licensed, certified, operated, or funded and regulated by each office identified in subdivision a of this section on September 1, 2017 who are providing services that would otherwise be restricted to those licensed or authorized under article 169 of the education law; and the occupational title of individuals who on July 1, 2018 are not licensed or otherwise authorized under title 8 of the education law, and who are engaged in the practice of vision impairment specialist for the purpose of providing vision impairment specialist services to persons who are blind or visually impaired.

c. The commissioner of education, after receipt of this data and in consultation with the offices identified in subdivision a of this section, in consultation with not-for-profit providers, professional associations, consumers and other key stakeholders, shall prepare a report that recommends changes in any laws, rules or regulations necessary to ensure appropriate licensure or other authorization of individuals providing services that are within the restricted practice of professions licensed or otherwise authorized under article 169 of the education law. Such report shall include an estimate of the fiscal impact of any such recommended changes and, to the extent practicable, how such recommendations will result in improved outcomes. The commissioner of education shall submit the report to the governor, the speaker of the assembly, the temporary president of the senate, and the chairs of the senate and assembly higher education committees by January 1, 2019. The commissioners of the agencies identified in subdivision a of this section shall be provided an opportunity to include statements or alternative recommendations in such report.

§ 12. This act shall take effect eighteen months after it shall have become a law; provided, however, that the provisions of subdivision a of section eleven of this act shall expire July 1, 2019 when upon such date the provisions of such subdivision shall be deemed repealed. The commissioner of education and the board of regents are authorized to promulgate such rules and regulations and take any other measures as may be necessary for the timely implementation of this act on or before its effective date, including but not limited to the appointment of the state board for vision rehabilitation services, the acceptance and processing of applications for licensure, and the issuance of licenses.