

# STATE OF NEW YORK

3968

2017-2018 Regular Sessions

## IN ASSEMBLY

January 30, 2017

Introduced by M. of A. LUPARDO -- read once and referred 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:

1 Section 1. The education law is amended by adding a new article 169 to  
2 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.

17 § 8900. Introduction. This article applies to the profession of vision  
18 impairment specialists, and provides for the licensing of orientation  
19 and mobility specialists and vision rehabilitation therapists. The  
20 general provisions for all professions contained in article one hundred  
21 thirty of this title shall apply to this article.

22 § 8901. Definitions. For purposes of this article, the following terms  
23 shall have the following meanings:

24 1. The practice of "vision impairment specialist" shall mean providing  
25 assessment and evaluation of, and training for, persons who are visually  
26 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

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

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

§ 8905. Requirements for a license with a specialization as a vision rehabilitation therapist. To qualify for a license as a vision rehabilitation therapist an applicant shall fulfill the following requirements:

1. Application: file an application with the department;

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

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

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

5. Character: be of good moral character as determined by the department; and

6. Registration: all licensed vision rehabilitation therapists shall register triennially with the department in accordance with the commissioner's regulations.

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

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

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

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

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

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

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

1. The practice of licensed vision impairment specialist as an integral part of a program of study by students enrolled in approved educational or training programs in (a) orientation and mobility training or (b) vision rehabilitation therapy.

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

3. Nothing in this article 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 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 ~~[ex]~~, 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, ~~[ex]~~ 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.