

STATE OF NEW YORK

3968--A

2017-2018 Regular Sessions

IN ASSEMBLY

January 30, 2017

Introduced by M. of A. LUPARDO, RIVERA, BRINDISI, WILLIAMS, ORTIZ, COOK, GALEF, JENNE, GOTTFRIED, DiPIETRO, CROUCH, PALMESANO, MONTESANO, D'URSO, GUNTHER, WALLACE, BLAKE, PEOPLES-STOKES, PERRY, RYAN, BENEDETTO, SEPULVEDA, ABBATE, SKOUFIS, DE LA ROSA, RAIA, RA, WALTER, BLANKENBUSH, OAKS, BRABENEC, ABINANTI, THIELE, LAVINE, WEPRIN, M. G. MILLER, MURRAY, COLTON, M. L. MILLER, HEVESI, KOLB, L. ROSENTHAL, PAULIN, QUART, NORRIS, HUNTER -- Multi-Sponsored by -- M. of A. BARCLAY, BUTLER, BYRNE, CRESPO, CURRAN, CYMBROWITZ, DAVILA, DINOWITZ, ENGLEBRIGHT, ERRIGO, FINCH, HAWLEY, HOOPER, KIM, LENTOL, MAGEE, McDONOUGH, MORINELLO, SIMON, STEC, STECK, WALSH -- read once and referred to the Committee on Higher Education -- recommitted to the Committee on Higher Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

3 ARTICLE 169

4 VISION IMPAIRMENT SPECIALISTS

5 Section 8900. Introduction.

6 8901. Definitions.

7 8902. Use of titles.

8 8903. State board for vision impairment specialists.

9 8904. Requirements for a license with a specialization as an
10 orientation and mobility specialist.

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

LBD07472-03-8

1 8905. Requirements for a license with a specialization as a
2 vision rehabilitation therapist.

3 8906. Limited permits.

4 8907. Exempt persons.

5 8908. Special provisions.

6 8909. Separability.

7 § 8900. Introduction. This article applies to the profession of vision
8 impairment specialists, and provides for the licensing of orientation
9 and mobility specialists and vision rehabilitation therapists. The
10 general provisions for all professions contained in article one hundred
11 thirty of this title shall apply to this article.

12 § 8901. Definitions. For purposes of this article, the following terms
13 shall have the following meanings:

14 1. The practice of "vision impairment specialist" shall mean providing
15 assessment and evaluation of, and training for, persons who are visually
16 impaired when such assessment, evaluation and training incorporates the
17 full range of specialized skills and tasks subsumed in the specializa-
18 tions of the profession defined in this section as: (a) orientation and
19 mobility training, and (b) vision rehabilitation therapy. Such services
20 shall be rendered on the prescription or referral which may be directive
21 as to treatment by a licensed physician, nurse practitioner, ophthalmol-
22 ogist or optometrist, provided however that no such treatment directive
23 and low vision examination shall be required when the person being
24 referred has been diagnosed within the previous twelve months as visual-
25 ly impaired, blind or legally blind as those terms are defined in subdi-
26 vision six of this section and such services are being rendered consist-
27 ent with that diagnosis, prescription or referral. Vision rehabilitation
28 therapists, and orientation and mobility specialists may not prescribe
29 optical low vision devices.

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

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

34 (a) the assessment of individual needs of persons who are visually
35 impaired for skills training in methods of safe movement and in strate-
36 gies to gather required environmental and spatial information; (b) the
37 development of appropriate integrated service plans tailored to meet
38 such individual needs as identified in such assessment process; (c) the
39 provision of training in, and utilization of (i) equipment and adaptive
40 devices intended and designed for use by persons who are visually
41 impaired, and (ii) specialized techniques adapted for persons who are
42 visually impaired, including but not limited to orientation; sensory
43 development; systems of safe movement, including long cane techniques;
44 resource identification and, as appropriate, professional referrals;
45 and, in applied settings, reinforcing instruction for the use of optical
46 devices as prescribed by optometrists and ophthalmologists; and (d) the
47 evaluation of clients receiving such specialized training.

48 4. The practice of "vision rehabilitation therapy" shall mean: (a) the
49 assessment of individual needs of persons who are visually impaired for
50 skills training in independent living and communications; (b) the devel-
51 opment of appropriate integrated service plans tailored to meet such
52 individual needs as identified in such assessment process; (c) the
53 provision of training in, and utilization of (i) equipment and adaptive
54 devices intended and designed for use by persons who are visually
55 impaired, including, in applied settings, reinforcing instruction for
56 the use of optical devices as prescribed by optometrists or ophthalmolo-

1 gists, and (ii) specialized techniques adapted for persons who are visu-
2 ally impaired, including but not limited to Braille and other communi-
3 cation skills; adapted computer technology; personal management skills;
4 home management skills; problem solving skills; resource management and,
5 as appropriate, professional referrals; and (d) the evaluation of
6 persons receiving such specialized training.

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

11 6. "Visually impaired" means a person who is totally blind, legally
12 blind or partially sighted. A person who is totally blind is one who has
13 no useable vision. A person who is legally blind is one who satisfies
14 the definition set forth in subdivision b of section three of chapter
15 four hundred fifteen of the laws of nineteen hundred thirteen. A person
16 who is partially sighted is one who has functional vision impairment
17 that constitutes a significant limitation of visual capability resulting
18 from disease, trauma, or congenital condition, that cannot be fully
19 ameliorated by standard refractive correction, medication, or surgery,
20 and that is manifested by one or more of the following: insufficient
21 visual resolution, inadequate field of vision or reduced peak contrast
22 sensitivity.

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

26 § 8902. Use of titles. Only a person licensed or otherwise authorized
27 under this article shall be authorized to practice as a vision impair-
28 ment specialist or use the title "licensed orientation and mobility
29 specialist" or "licensed vision rehabilitation therapist" in connection
30 with his or her name or with any trade name in the conduct of his or her
31 profession.

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

1 § 8904. Requirements for a license with a specialization as an orientation and mobility specialist. To qualify for a license as an orientation and mobility specialist, an applicant shall fulfill the following requirements:

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

3 2. Education: have satisfactorily completed an approved curriculum in orientation and mobility services 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;

4 and

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

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

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

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

9 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.

10 § 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:

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

12 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;

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

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

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

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

17 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.

18 § 8906. Limited permits. The following requirements for a limited permit shall apply to all professions licensed or certified pursuant to this article:

19 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.

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

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

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

23 § 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

1 the person rendering such service is a licensed vision impairment
2 specialist:

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

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

14 3. Nothing in this article shall be construed as prohibiting a person
15 from performing the duties of a licensed vision impairment specialist,
16 in the course of such employment, if such person is employed by a feder-
17 al, state, county, town, city or village agency or other political
18 subdivision except that this exception from licensure shall not apply to
19 persons employed by institutions regulated primarily by the education
20 department.

21 4. This article shall not be construed to prohibit care delivered by
22 any family member, household member or friend, or person employed prima-
23 riarily in a domestic capacity who does not hold himself or herself out, or
24 accept employment, as a person licensed to practice as a vision impair-
25 ment specialist under the provisions of this article; provided, however,
26 that if such person is remunerated, the person does not hold himself or
27 herself out as one who accepts employment for performing such care.

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

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

32 7. The instruction in the use of Braille.

33 § 8908. Special provisions. An individual who meets the requirements
34 for a license as a licensed vision impairment specialist with a special-
35 ization in orientation and mobility and/or vision rehabilitation, except
36 for examination, experience and education, and who is certified or
37 registered by a national certifying body having certification or regis-
38 tration standards acceptable to the commissioner, or an individual who
39 has worked as a vision impairment specialist focused on vision rehabili-
40 tation therapy and/or orientation and mobility in a workplace setting
41 which is primarily devoted to the treatment of individuals with vision
42 loss and blindness for at least three years, may be licensed, without
43 meeting additional requirements as to examination, experience and educa-
44 tion, provided that such individual submits an application to the
45 department within three years of the effective date of this section.

46 § 8909. Separability. If any section of this article, or part thereof,
47 shall be adjudged by any court of competent jurisdiction to be invalid,
48 such judgment shall not affect, impair or invalidate the remainder of
49 any other section or part thereof.

50 § 2. Subparagraph (i) of paragraph a of subdivision 1 of section
51 6503-a of the education law, as amended by chapter 554 of the laws of
52 2013, is amended to read as follows:

53 (i) services provided under article one hundred fifty-four, one
54 hundred sixty-three [~~ex~~], one hundred sixty-seven or article one hundred
55 sixty-nine of this title for which licensure would be required, or

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

4 a. Establish standards for preprofessional and professional education,
5 experience and licensing examinations as required to implement the arti-
6 cle for each profession. Notwithstanding any other provision of law, the
7 commissioner shall establish standards requiring that all persons apply-
8 ing, on or after January first, nineteen hundred ninety-one, initially,
9 or for the renewal of, a license, registration or limited permit to be a
10 physician, chiropractor, dentist, registered nurse, podiatrist, optome-
11 trist, psychiatrist, psychologist, licensed master social worker,
12 licensed clinical social worker, licensed creative arts therapist,
13 licensed marriage and family therapist, licensed mental health counse-
14 lor, licensed psychoanalyst, dental hygienist, licensed behavior
15 analyst, ~~[or]~~ certified behavior analyst assistant or licensed vision
16 impairment specialist shall, in addition to all the other licensure,
17 certification or permit requirements, have completed two hours of
18 coursework or training regarding the identification and reporting of
19 child abuse and maltreatment. The coursework or training shall be
20 obtained from an institution or provider which has been approved by the
21 department to provide such coursework or training. The coursework or
22 training shall include information regarding the physical and behavioral
23 indicators of child abuse and maltreatment and the statutory reporting
24 requirements set out in sections four hundred thirteen through four
25 hundred twenty of the social services law, including but not limited to,
26 when and how a report must be made, what other actions the reporter is
27 mandated or authorized to take, the legal protections afforded repor-
28 ters, and the consequences for failing to report. Such coursework or
29 training may also include information regarding the physical and behav-
30 ioral indicators of the abuse of individuals with mental retardation and
31 other developmental disabilities and voluntary reporting of abused or
32 neglected adults to the office of mental retardation and developmental
33 disabilities or the local adult protective services unit. Each applicant
34 shall provide the department with documentation showing that he or she
35 has completed the required training. The department shall provide an
36 exemption from the child abuse and maltreatment training requirements to
37 any applicant who requests such an exemption and who shows, to the
38 department's satisfaction, that there would be no need because of the
39 nature of his or her practice for him or her to complete such training;

40 § 4. Paragraph (a) of subdivision 1 of section 413 of the social
41 services law, as amended by section 7 of part C of chapter 57 of the
42 laws of 2018, is amended to read as follows:

43 (a) The following persons and officials are required to report or
44 cause a report to be made in accordance with this title when they have
45 reasonable cause to suspect that a child coming before them in their
46 professional or official capacity is an abused or maltreated child, or
47 when they have reasonable cause to suspect that a child is an abused or
48 maltreated child where the parent, guardian, custodian or other person
49 legally responsible for such child comes before them in their profes-
50 sional or official capacity and states from personal knowledge facts,
51 conditions or circumstances which, if correct, would render the child an
52 abused or maltreated child: any physician; registered physician assist-
53 ant; surgeon; medical examiner; coroner; dentist; dental hygienist;
54 osteopath; optometrist; chiropractor; podiatrist; resident; intern;
55 psychologist; registered nurse; social worker; emergency medical techni-
56 cian; licensed creative arts therapist; licensed marriage and family

1 therapist; licensed mental health counselor; licensed psychoanalyst;
2 licensed behavior analyst; certified behavior analyst assistant;
3 licensed vision impairment specialist; hospital personnel engaged in the
4 admission, examination, care or treatment of persons; a Christian
5 Science practitioner; school official, which includes but is not limited
6 to school teacher, school guidance counselor, school psychologist,
7 school social worker, school nurse, school administrator or other school
8 personnel required to hold a teaching or administrative license or
9 certificate; full or part-time compensated school employee required to
10 hold a temporary coaching license or professional coaching certificate;
11 social services worker; employee of a publicly-funded emergency shelter
12 for families with children; director of a children's overnight camp,
13 summer day camp or traveling summer day camp, as such camps are defined
14 in section thirteen hundred ninety-two of the public health law; day
15 care center worker; school-age child care worker; provider of family or
16 group family day care; employee or volunteer in a residential care
17 facility for children that is licensed, certified or operated by the
18 office of children and family services; or any other child care or
19 foster care worker; mental health professional; substance abuse counse-
20 lor; alcoholism counselor; all persons credentialed by the office of
21 alcoholism and substance abuse services; employees, who are expected to
22 have regular and substantial contact with children, of a health home or
23 health home care management agency contracting with a health home as
24 designated by the department of health and authorized under section
25 three hundred sixty-five-1 of this chapter or such employees who provide
26 home and community based services under a demonstration program pursuant
27 to section eleven hundred fifteen of the federal social security act who
28 are expected to have regular and substantial contact with children;
29 peace officer; police officer; district attorney or assistant district
30 attorney; investigator employed in the office of a district attorney; or
31 other law enforcement official.

32 § 5. Section 6505-b of the education law, as amended by chapter 10 of
33 the laws of 2018, is amended to read as follows:

34 § 6505-b. Course work or training in infection control practices.
35 Every dentist, registered nurse, licensed practical nurse, vision
36 impairment specialist, podiatrist, optometrist and dental hygienist
37 practicing in the state shall, on or before July first, nineteen hundred
38 ninety-four and every four years thereafter, complete course work or
39 training appropriate to the professional's practice approved by the
40 department regarding infection control, which shall include sepsis, and
41 barrier precautions, including engineering and work practice controls,
42 in accordance with regulatory standards promulgated by the department,
43 in consultation with the department of health, which shall be consist-
44 ent, as far as appropriate, with such standards adopted by the depart-
45 ment of health pursuant to section two hundred thirty-nine of the public
46 health law to prevent the transmission of HIV, HBV, HCV and infections
47 that could lead to sepsis in the course of professional practice. Each
48 such professional shall document to the department at the time of regis-
49 tration commencing with the first registration after July first, nine-
50 teen hundred ninety-four that the professional has completed course work
51 or training in accordance with this section, provided, however that a
52 professional subject to the provisions of paragraph (f) of subdivision
53 one of section twenty-eight hundred five-k of the public health law
54 shall not be required to so document. The department shall provide an
55 exemption from this requirement to anyone who requests such an exemption
56 and who (i) clearly demonstrates to the department's satisfaction that

1 there would be no need for him or her to complete such course work or
2 training because of the nature of his or her practice or (ii) that he or
3 she has completed course work or training deemed by the department to be
4 equivalent to the course work or training approved by the department
5 pursuant to this section. The department shall consult with organiza-
6 tions representative of professions, institutions and those with exper-
7 tise in infection control and HIV, HBV, HCV and infections that could
8 lead to sepsis with respect to the regulatory standards promulgated
9 pursuant to this section.

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

13 (a) Notwithstanding the education law or any other provision of law,
14 one or more professionals each of whom is authorized by law to render a
15 professional service within the state, or one or more professionals, at
16 least one of whom is authorized by law to render a professional service
17 within the state, may form, or cause to be formed, a professional
18 service limited liability company for pecuniary profit under this arti-
19 cle for the purpose of rendering the professional service or services as
20 such professionals are authorized to practice. With respect to a profes-
21 sional service limited liability company formed to provide medical
22 services as such services are defined in article 131 of the education
23 law, each member of such limited liability company must be licensed
24 pursuant to article 131 of the education law to practice medicine in
25 this state. With respect to a professional service limited liability
26 company formed to provide dental services as such services are defined
27 in article 133 of the education law, each member of such limited liabil-
28 ity company must be licensed pursuant to article 133 of the education
29 law to practice dentistry in this state. With respect to a professional
30 service limited liability company formed to provide veterinary services
31 as such services are defined in article 135 of the education law, each
32 member of such limited liability company must be licensed pursuant to
33 article 135 of the education law to practice veterinary medicine in this
34 state. With respect to a professional service limited liability company
35 formed to provide professional engineering, land surveying, architec-
36 tural, landscape architectural and/or geological services as such
37 services are defined in article 145, article 147 and article 148 of the
38 education law, each member of such limited liability company must be
39 licensed pursuant to article 145, article 147 and/or article 148 of the
40 education law to practice one or more of such professions in this state.
41 With respect to a professional service limited liability company formed
42 to provide licensed clinical social work services as such services are
43 defined in article 154 of the education law, each member of such limited
44 liability company shall be licensed pursuant to article 154 of the
45 education law to practice licensed clinical social work in this state.
46 With respect to a professional service limited liability company formed
47 to provide creative arts therapy services as such services are defined
48 in article 163 of the education law, each member of such limited liabil-
49 ity company must be licensed pursuant to article 163 of the education
50 law to practice creative arts therapy in this state. With respect to a
51 professional service limited liability company formed to provide
52 marriage and family therapy services as such services are defined in
53 article 163 of the education law, each member of such limited liability
54 company must be licensed pursuant to article 163 of the education law to
55 practice marriage and family therapy in this state. With respect to a
56 professional service limited liability company formed to provide mental

1 health counseling services as such services are defined in article 163
2 of the education law, each member of such limited liability company must
3 be licensed pursuant to article 163 of the education law to practice
4 mental health counseling in this state. With respect to a professional
5 service limited liability company formed to provide psychoanalysis
6 services as such services are defined in article 163 of the education
7 law, each member of such limited liability company must be licensed
8 pursuant to article 163 of the education law to practice psychoanalysis
9 in this state. With respect to a professional service limited liability
10 company formed to provide applied behavior analysis services as such
11 services are defined in article 167 of the education law, each member of
12 such limited liability company must be licensed or certified pursuant to
13 article 167 of the education law to practice applied behavior analysis
14 in this state. With respect to a professional service limited liability
15 company formed to provide vision impairment specialist services as such
16 services are defined in article 169 of the education law, each member of
17 such limited liability company must be licensed pursuant to article 169
18 of the education law to practice as a vision impairment specialist in
19 this state. In addition to engaging in such profession or professions, a
20 professional service limited liability company may engage in any other
21 business or activities as to which a limited liability company may be
22 formed under section two hundred one of this chapter. Notwithstanding
23 any other provision of this section, a professional service limited
24 liability company (i) authorized to practice law may only engage in
25 another profession or business or activities or (ii) which is engaged in
26 a profession or other business or activities other than law may only
27 engage in the practice of law, to the extent not prohibited by any other
28 law of this state or any rule adopted by the appropriate appellate divi-
29 sion of the supreme court or the court of appeals.

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

33 (b) With respect to a professional service limited liability company
34 formed to provide medical services as such services are defined in arti-
35 cle 131 of the education law, each member of such limited liability
36 company must be licensed pursuant to article 131 of the education law to
37 practice medicine in this state. With respect to a professional service
38 limited liability company formed to provide dental services as such
39 services are defined in article 133 of the education law, each member of
40 such limited liability company must be licensed pursuant to article 133
41 of the education law to practice dentistry in this state. With respect
42 to a professional service limited liability company formed to provide
43 veterinary services as such services are defined in article 135 of the
44 education law, each member of such limited liability company must be
45 licensed pursuant to article 135 of the education law to practice veter-
46 inary medicine in this state. With respect to a professional service
47 limited liability company formed to provide professional engineering,
48 land surveying, architectural, landscape architectural and/or geological
49 services as such services are defined in article 145, article 147 and
50 article 148 of the education law, each member of such limited liability
51 company must be licensed pursuant to article 145, article 147 and/or
52 article 148 of the education law to practice one or more of such
53 professions in this state. With respect to a professional service limit-
54 ed liability company formed to provide licensed clinical social work
55 services as such services are defined in article 154 of the education
56 law, each member of such limited liability company shall be licensed

1 pursuant to article 154 of the education law to practice licensed clin-
2 ical social work in this state. With respect to a professional service
3 limited liability company formed to provide creative arts therapy
4 services as such services are defined in article 163 of the education
5 law, each member of such limited liability company must be licensed
6 pursuant to article 163 of the education law to practice creative arts
7 therapy in this state. With respect to a professional service limited
8 liability company formed to provide marriage and family therapy services
9 as such services are defined in article 163 of the education law, each
10 member of such limited liability company must be licensed pursuant to
11 article 163 of the education law to practice marriage and family therapy
12 in this state. With respect to a professional service limited liability
13 company formed to provide mental health counseling services as such
14 services are defined in article 163 of the education law, each member of
15 such limited liability company must be licensed pursuant to article 163
16 of the education law to practice mental health counseling in this state.
17 With respect to a professional service limited liability company formed
18 to provide psychoanalysis services as such services are defined in arti-
19 cle 163 of the education law, each member of such limited liability
20 company must be licensed pursuant to article 163 of the education law to
21 practice psychoanalysis in this state. With respect to a professional
22 service limited liability company formed to provide applied behavior
23 analysis services as such services are defined in article 167 of the
24 education law, each member of such limited liability company must be
25 licensed or certified pursuant to article 167 of the education law to
26 practice applied behavior analysis in this state. With respect to a
27 professional service limited liability company formed to provide vision
28 impairment specialist services as such services are defined in article
29 169 of the education law, each member of such limited liability company
30 must be licensed pursuant to article 169 of the education law to prac-
31 tice as a vision impairment specialist in this state.

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

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

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

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

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

8 (q) Each partner of a registered limited liability partnership formed
9 to provide medical services in this state must be licensed pursuant to
10 article 131 of the education law to practice medicine in this state and
11 each partner of a registered limited liability partnership formed to
12 provide dental services in this state must be licensed pursuant to arti-
13 cle 133 of the education law to practice dentistry in this state. Each
14 partner of a registered limited liability partnership formed to provide
15 veterinary services in this state must be licensed pursuant to article
16 135 of the education law to practice veterinary medicine in this state.
17 Each partner of a registered limited liability partnership formed to
18 provide professional engineering, land surveying, geological services,
19 architectural and/or landscape architectural services in this state must
20 be licensed pursuant to article 145, article 147 and/or article 148 of
21 the education law to practice one or more of such professions in this
22 state. Each partner of a registered limited liability partnership formed
23 to provide licensed clinical social work services in this state must be
24 licensed pursuant to article 154 of the education law to practice clin-
25 ical social work in this state. Each partner of a registered limited
26 liability partnership formed to provide creative arts therapy services
27 in this state must be licensed pursuant to article 163 of the education
28 law to practice creative arts therapy in this state. Each partner of a
29 registered limited liability partnership formed to provide marriage and
30 family therapy services in this state must be licensed pursuant to arti-
31 cle 163 of the education law to practice marriage and family therapy in
32 this state. Each partner of a registered limited liability partnership
33 formed to provide mental health counseling services in this state must
34 be licensed pursuant to article 163 of the education law to practice
35 mental health counseling in this state. Each partner of a registered
36 limited liability partnership formed to provide psychoanalysis services
37 in this state must be licensed pursuant to article 163 of the education
38 law to practice psychoanalysis in this state. Each partner of a regis-
39 tered limited liability partnership formed to provide applied behavior
40 analysis service in this state must be licensed or certified pursuant to
41 article 167 of the education law to practice applied behavior analysis
42 in this state. Each partner of a registered limited liability partner-
43 ship formed to provide vision impairment specialist services in this
44 state must be licensed or certified pursuant to article 169 of the
45 education law to practice as a vision impairment specialist in this
46 state.

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

50 (q) Each partner of a foreign limited liability partnership which
51 provides medical services in this state must be licensed pursuant to
52 article 131 of the education law to practice medicine in the state and
53 each partner of a foreign limited liability partnership which provides
54 dental services in the state must be licensed pursuant to article 133 of
55 the education law to practice dentistry in this state. Each partner of a
56 foreign limited liability partnership which provides veterinary service

1 in the state shall be licensed pursuant to article 135 of the education
2 law to practice veterinary medicine in this state. Each partner of a
3 foreign limited liability partnership which provides professional engi-
4 neering, land surveying, geological services, architectural and/or land-
5 scape architectural services in this state must be licensed pursuant to
6 article 145, article 147 and/or article 148 of the education law to
7 practice one or more of such professions. Each partner of a foreign
8 limited liability partnership which provides licensed clinical social
9 work services in this state must be licensed pursuant to article 154 of
10 the education law to practice licensed clinical social work in this
11 state. Each partner of a foreign limited liability partnership which
12 provides creative arts therapy services in this state must be licensed
13 pursuant to article 163 of the education law to practice creative arts
14 therapy in this state. Each partner of a foreign limited liability part-
15 nership which provides marriage and family therapy services in this
16 state must be licensed pursuant to article 163 of the education law to
17 practice marriage and family therapy in this state. Each partner of a
18 foreign limited liability partnership which provides mental health coun-
19 seling services in this state must be licensed pursuant to article 163
20 of the education law to practice mental health counseling in this state.
21 Each partner of a foreign limited liability partnership which provides
22 psychoanalysis services in this state must be licensed pursuant to arti-
23 cle 163 of the education law to practice psychoanalysis in this state.
24 Each partner of a foreign limited liability partnership which provides
25 applied behavior analysis services in this state must be licensed or
26 certified pursuant to article 167 of the education law to practice
27 applied behavior analysis in this state. Each partner of a foreign
28 limited liability partnership which provides vision impairment special-
29 ist services in this state must be licensed pursuant to article 169 of
30 the education law to practice as a vision impairment specialist in this
31 state.

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

41 b. On or before September 1, 2019, each office identified in subdivi-
42 sion a of this section that licenses, certifies, operates or funds and
43 regulates programs that employ individuals to provide services that
44 would otherwise be restricted to individuals licensed or authorized
45 under article 169 of the education law, shall submit to the commissioner
46 of education, in such form and detail as requested by such commissioner,
47 data in relation to: the number of individuals employed in exempt
48 programs licensed, certified, operated, or funded and regulated by each
49 office identified in subdivision a of this section on September 1, 2018
50 who are providing services that would otherwise be restricted to those
51 licensed or authorized under article 169 of the education law; and the
52 occupational title of individuals who on July 1, 2019 are not licensed
53 or otherwise authorized under title 8 of the education law, and who are
54 engaged in the practice of vision impairment specialist for the purpose
55 of providing vision impairment specialist services to persons who are
56 blind or visually impaired.

1 c. The commissioner of education, after receipt of this data and in
2 consultation with the offices identified in subdivision a of this
3 section, in consultation with not-for-profit providers, professional
4 associations, consumers and other key stakeholders, shall prepare a
5 report that recommends changes in any laws, rules or regulations neces-
6 sary to ensure appropriate licensure or other authorization of individ-
7 uals providing services that are within the restricted practice of
8 professions licensed or otherwise authorized under article 169 of the
9 education law. Such report shall include an estimate of the fiscal
10 impact of any such recommended changes and, to the extent practicable,
11 how such recommendations will result in improved outcomes. The commis-
12 sioner of education shall submit the report to the governor, the speaker
13 of the assembly, the temporary president of the senate, and the chairs
14 of the senate and assembly higher education committees by January 1,
15 2020. The commissioners of the agencies identified in subdivision a of
16 this section shall be provided an opportunity to include statements or
17 alternative recommendations in such report.

18 § 12. This act shall take effect eighteen months after it shall have
19 become a law; provided, however, that section five of this act shall
20 take effect on the same date and in the same manner as section 6 of
21 chapter 347 of the laws of 2017, takes effect; provided, further, that
22 the provisions of subdivision a of section eleven of this act shall
23 expire July 1, 2020 when upon such date the provisions of such subdivi-
24 sion shall be deemed repealed. The commissioner of education and the
25 board of regents are authorized to promulgate such rules and regulations
26 and take any other measures as may be necessary for the timely implemen-
27 tation of this act on or before its effective date, including but not
28 limited to the appointment of the state board for vision rehabilitation
29 services, the acceptance and processing of applications for licensure,
30 and the issuance of licenses.