

STATE OF NEW YORK

5264

2017-2018 Regular Sessions

IN SENATE

March 17, 2017

Introduced by Sen. FUNKE -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, the county law, the limited liability company law and the partnership law, in relation to the licensing of professional and clinical music therapists

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 163-A
2 to read as follows:

3 ARTICLE 163-A

4 MUSIC THERAPY

5 Section 8450. Introduction.

6 8451. Definitions.

7 8452. Authorized practice and the use of the titles "licensed
8 professional music therapist" and "licensed clinical
9 music therapist".

10 8453. State board for music therapy.

11 8454. Requirements for a license.

12 8455. Limited permits.

13 8456. Exemptions.

14 8457. Special provisions.

15 8458. Boundaries of professional competency.

16 8459. Mandatory continuing competency.

17 § 8450. Introduction. This article applies to the profession and prac-
18 tice of music therapy, and to the use of the titles "licensed profes-
19 sional music therapist" and "licensed clinical music therapist". The
20 general provisions for all professions contained in article one hundred
21 thirty of this title apply to this article.

22 § 8451. Definitions. 1. (a) The practice of licensed professional
23 music therapy shall mean the clinical and evidence-based use of music
24 interventions to accomplish individualized goals for people of all ages

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

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1 and ability levels within a therapeutic relationship, through the devel-
2 opment of music therapy treatment plans specific to the needs and
3 strengths of the client who may be seen individually and/or in groups.

4 (b) A licensed professional music therapist uses interventions that
5 may include music improvisation, receptive music listening, song writ-
6 ing, lyric discussion, music and imagery, singing, music performance,
7 learning through music, music combined with other arts, music-assisted
8 relaxation, music-based education, electronic music technology, adapted
9 music interventions and movement to music.

10 (c) The practice of licensed professional music therapy does not
11 include the diagnosis or assessment of any physical, mental, or communi-
12 cation disorder.

13 2. (a) The practice of licensed clinical music therapy encompasses the
14 scope of practice of licensed professional music therapy and, in addi-
15 tion, includes the assessment, evaluation, and the therapeutic inter-
16 vention and treatment, which may be either primary, parallel or adjunc-
17 tive, of mental, emotional, developmental and behavioral disorders
18 through the use of music as approved by the department.

19 (b) Licensed clinical music therapists use assessment instruments and
20 mental health counseling and psychotherapy to identify, evaluate and
21 treat dysfunctions and disorders for purposes of providing appropriate
22 clinical music therapy services.

23 3. Psychotherapy means the treatment of mental, nervous, emotional,
24 behavioral and addictive disorders, and ailments by the use of both
25 verbal and behavioral methods of intervention in interpersonal relation-
26 ships with the intent of assisting the persons to modify attitudes,
27 thinking, effect, and behavior which are intellectually, socially and
28 emotionally maladaptive.

29 § 8452. Authorized practice and the use of the titles "licensed
30 professional music therapist" and "licensed clinical music therapist".

31 1. (a) Only a person licensed or exempt under this article shall prac-
32 tice "licensed professional music therapy" as defined in subdivision one
33 of section eighty-four hundred fifty-one of this article.

34 (b) Only a person licensed pursuant to subdivision one of section
35 eighty-four hundred fifty-four of this article shall use the title
36 "licensed professional music therapist" or the designation "LPMT".

37 2. (a) Only a person licensed or exempt under this article shall prac-
38 tice "licensed clinical music therapy" as defined in subdivision two of
39 section eighty-four hundred fifty-one of this article.

40 (b) Only a person licensed pursuant to subdivision two of section
41 eighty-four hundred fifty-four of this article shall use the title
42 "licensed clinical music therapist" or the designation "LCMT".

43 § 8453. State board for music therapy. A state board for music therapy
44 "the board", shall be appointed by the board of regents on recommenda-
45 tion of the commissioner for the purpose of assisting the board of
46 regents and the department on matters of professional licensing, prac-
47 tice, and conduct in accordance with section sixty-five hundred eight of
48 this title. The board shall be composed of not less than twelve members,
49 of which five shall be licensed professional music therapists, five
50 shall be licensed clinical music therapists, and two shall be members of
51 the public. Members of the first board need not be licensed prior to
52 their appointment to the board. The terms of the first appointed members
53 shall be staggered so that four are appointed for three years, four are
54 appointed for four years, and four are appointed for five years. An
55 executive secretary to the board shall be appointed by the board of

1 regents on recommendation of the commissioner and shall be licensed
2 pursuant to this article.

3 § 8454. Requirements for a license. 1. To qualify for a license as a
4 "licensed professional music therapist," an applicant shall fulfill the
5 following requirements:

6 (a) Application: file an application with the department;

7 (b) Education: have received an education, including a baccalaureate
8 degree in music therapy from a program registered by the department or
9 determined by the department to be the substantial equivalent thereof,
10 in accordance with the commissioner's regulations;

11 (c) Experience: have completed at least twelve hundred hours of super-
12 vised clinical training experience in music therapy, with not less than
13 one hundred eighty hours of pre-internship experience and not less than
14 nine hundred hours of internship experience, satisfactory to the depart-
15 ment and in accordance with the commissioner's regulations;

16 (d) Examination: provide proof of passing a national board certifi-
17 cation examination or provide proof of being transitioned into a
18 national board certification credential, satisfactory to the board and
19 in accordance with the commissioner's regulations, currently available
20 to music therapists who have met the education and clinical training
21 standards of the profession;

22 (e) Age: be at least twenty-one years of age;

23 (f) Character: be of good moral character as determined by the depart-
24 ment; and

25 (g) Fees: pay a fee of one hundred seventy-five dollars for an initial
26 license and a fee of one hundred seventy dollars for each triennial
27 registration period.

28 2. To qualify for a license as a "licensed clinical music therapist,"
29 an applicant shall fulfill the following requirements:

30 (a) Application: file an application with the department;

31 (b) Education: have received an education, including a master's degree
32 or higher in music therapy or a related field from a program registered
33 by the department or determined by the department to be the substantial
34 equivalent thereof, in accordance with the commissioner's regulations.
35 The graduate coursework shall include, but not be limited to, the
36 following areas:

37 (i) human growth and development;

38 (ii) theories in music therapy;

39 (iii) group dynamics;

40 (iv) assessment and appraisal of individuals and groups;

41 (v) research and program evaluation;

42 (vi) professional orientation and ethics;

43 (vii) foundations of music therapy and psychopathology;

44 (viii) clinical instruction;

45 (c) Experience: have completed at least fifteen hundred hours of post-
46 master's supervised experience in music therapy satisfactory to the
47 department and in accordance with the commissioner's regulations. Satis-
48 factory experience obtained in an entity operating under a waiver issued
49 by the department pursuant to section sixty-five hundred three-a of this
50 title may be accepted by the department, notwithstanding that such expe-
51 rience may have been obtained prior to the effective date of such
52 section and/or prior to the entity having obtained a waiver. The
53 department may, for good cause shown, accept satisfactory experience
54 that was obtained in a setting that would have been eligible for a wai-
55 ver but which has not obtained a waiver from the department or experience
56 that was obtained in good faith by the applicant under the belief that

1 appropriate authorization had been obtained for the experience, provided
2 that such experience meets all other requirements for acceptable experi-
3 ence;

4 (d) Examination: provide proof of passing a national board certifi-
5 cation examination or provide proof of being transitioned into a
6 national board certification credential, satisfactory to the board and
7 in accordance with the commissioner's regulations, currently available
8 to music therapists who have met the education and clinical training
9 standards of the profession;

10 (e) Age: be at least twenty-one years of age;

11 (f) Character: be of good moral character as determined by the depart-
12 ment; and

13 (g) Fees: pay a fee of one hundred seventy-five dollars for an initial
14 license and a fee of one hundred seventy dollars for each triennial
15 registration period.

16 § 8455. Limited permits. 1. On recommendation of the board, the
17 department may issue a limited permit to practice licensed professional
18 music therapy and use the title licensed professional music therapist,
19 or to practice licensed clinical music therapy and use the title
20 licensed clinical music therapist to an applicant who has met all
21 requirements for licensure as a licensed professional music therapist or
22 licensed clinical music therapist except those relating to the examina-
23 tion and provided that the individual is under the general supervision
24 of a professional supervisor, as determined by the department. This
25 limited permit shall be valid for a period of not more than twenty-four
26 months; such limited permits may be renewed, at the discretion of the
27 department, for up to two additional one-year periods.

28 2. The fee for each limited permit shall be seventy dollars.

29 § 8456. Exemptions. Nothing contained in this article shall be
30 construed to:

31 1. Apply to the practice, conduct, activities, services or use of any
32 title by any person licensed or otherwise authorized to practice medi-
33 cine within the state pursuant to article one hundred thirty-one of this
34 title or by any person registered to perform services as a physician
35 assistant within the state pursuant to article one hundred thirty-one-B
36 of this title or by any person licensed or otherwise authorized to prac-
37 tice psychology within this state pursuant to article one hundred
38 fifty-three of this title or by any person licensed or otherwise author-
39 ized to practice social work within this state pursuant to article one
40 hundred fifty-four of this title, or by any person licensed or otherwise
41 authorized to practice nursing as a registered professional nurse or
42 nurse practitioner within this state pursuant to article one hundred
43 thirty-nine of this title or by any person licensed or otherwise author-
44 ized to practice applied behavior analysis within the state pursuant to
45 article one hundred sixty-seven of this title, or by any person licensed
46 or otherwise authorized to practice mental health counseling, marriage
47 and family therapy, creative arts therapy, or psychoanalysis within the
48 state pursuant to article one hundred sixty-three of this title;
49 provided, however, that no physician, physician's assistant, registered
50 professional nurse, nurse practitioner, psychologist, licensed master
51 social worker, licensed clinical social worker, licensed behavior
52 analyst, certified behavior analyst assistant, licensed mental health
53 counselor, licensed marriage and family therapist, licensed creative
54 arts therapist, or licensed psychoanalyst may use the titles "licensed
55 professional music therapist," or "licensed clinical music therapist,"
56 unless licensed under this article.

1 2. Prohibit or limit any individual who is credentialed under any law,
2 including attorneys, rape crisis counselors, certified alcoholism coun-
3 selors and certified substance abuse counselors from providing mental
4 health services within their respective established authorities.

5 3. Prohibit or limit the practice of a profession licensed pursuant to
6 this article by a student, intern or resident in, and as part of, a
7 supervised educational program in an institution approved by the depart-
8 ment.

9 4. Prohibit or limit the provision of pastoral counseling services by
10 any member of the clergy or Christian Science practitioner, within the
11 context of his or her ministerial charge or obligation.

12 5. Prohibit or limit individuals, churches, schools, teachers, organ-
13 izations, or not-for-profit businesses, from providing instruction,
14 advice, support, encouragement, or information to individuals, families,
15 and relational groups.

16 6. Prohibit or limit an occupational therapist from performing work
17 consistent with article one hundred fifty-six of this title.

18 7. Prohibit or limit any individual whose training and national
19 certification attests to the individual's preparation and ability to
20 practice his or her certified profession or occupation, if that person
21 does not represent himself or herself as a licensed professional music
22 therapist or licensed clinical music therapist.

23 § 8457. Special provisions. 1. This section shall apply to all
24 professions licensed pursuant to this article, unless otherwise
25 provided.

26 2. Any nonexempt person practicing a profession to be licensed pursu-
27 ant to this article shall apply for a license under this article within
28 one year of the effective date of this article. If such person does not
29 meet the requirements for a license established within this article,
30 such person may meet alternative criteria determined by the department
31 to be the substantial equivalent of such criteria.

32 3. Any person who holds an active board certification credential in
33 music therapy from a national certification body having certification
34 standards acceptable to the commissioner shall be licensed as a licensed
35 professional music therapist on the effective date of this section with-
36 out meeting any additional education, experience, or examination
37 requirements.

38 4. Any person who holds an active board certification credential in
39 music therapy from a national certification body having certification
40 standards acceptable to the commissioner and a master's degree in music
41 therapy or a related field shall be licensed as a licensed clinical
42 music therapist on the effective date of this section without meeting
43 any additional education, experience, or examination requirements.

44 5. Any person who is licensed as a creative arts therapist and who
45 possesses a minimum of a bachelor's degree in music therapy or its
46 equivalent on the effective date of this section shall be licensed as a
47 licensed clinical music therapist without meeting any additional educa-
48 tion, experience, or examination requirements.

49 6. Any person who possesses a minimum of a baccalaureate degree in
50 music therapy on the effective date of this section, who has ten years
51 of post-graduate music therapy employment and holds an active board
52 certification credential in music therapy from a national certification
53 body or holds an active certification or registration in music therapy
54 from a national certifying or registering body having certification or
55 registration standards acceptable to the commissioner, and meets the
56 requirements for a license pursuant to this article, except for examina-

1 tion, and who files with the department within one year of the effective
2 date of this section, shall be licensed as a licensed clinical music
3 therapist.

4 7. Any person who possesses a master's degree in music therapy or a
5 related field on the effective date of this section, who has five years
6 of post-graduate music therapy employment and holds an active board
7 certification credential in music therapy from a national certification
8 body or holds an active certification or registration in music therapy
9 from a national certifying or registering body having certification or
10 registration standards acceptable to the commissioner, and meets the
11 requirements for a license pursuant to this article, except for examina-
12 tion, and who files with the department within one year of the effective
13 date of this section, shall be licensed as a licensed clinical music
14 therapist.

15 8. Any person licensed pursuant to this article may use accepted clas-
16 sifications of signs, symptoms, dysfunctions and disorders, as approved
17 in accordance with regulations promulgated by the department, in the
18 practice of such licensed profession.

19 § 8458. Boundaries of professional competency. 1. It shall be deemed
20 practicing outside the boundaries of his or her professional competence
21 for a person licensed pursuant to this article, in the case of treatment
22 of any serious mental illness, to provide any mental health service for
23 such illness on a continuous and sustained basis without a medical eval-
24 uation of the illness by, and in consultation with, a physician regard-
25 ing such illness. Such medical evaluation and consultation shall be to
26 determine and advise whether any medical care is indicated for such
27 illness. For purposes of this section, "serious mental illness" means
28 schizophrenia, schizoaffective disorder, bipolar disorder, major depres-
29 sive disorder, panic disorder, obsessive-compulsive disorder, atten-
30 tion-deficit hyperactivity disorder and autism spectrum disorder.

31 2. Any individual whose license or authority to practice derives from
32 the provisions of this article shall be prohibited from:

33 (a) prescribing or administering drugs as defined in this chapter as a
34 treatment, therapy, or professional service in the practice of his or
35 her profession; or

36 (b) using invasive procedures as a treatment, therapy, or professional
37 service in the practice of his or her profession. For purposes of this
38 subdivision, "invasive procedure" means any procedure in which human
39 tissue is cut, altered, or otherwise infiltrated by mechanical or other
40 means. Invasive procedure includes surgery, lasers, ionizing radiation,
41 therapeutic ultrasound, or electroconvulsive therapy.

42 § 8459. Mandatory continuing competency. 1. (a) Each licensed profes-
43 sional music therapist or licensed clinical music therapist shall regis-
44 ter triennially with the department to practice in the state and must
45 comply with the provisions of the mandatory continuing competency
46 requirements prescribed in this section, except as provided in para-
47 graphs (b) and (c) of this subdivision. Those who do not satisfy the
48 mandatory continuing competency requirements shall not be authorized to
49 practice until they have met such requirements, and they have been
50 issued a registration certificate, except that a person may practice
51 without having met such requirements if he or she is issued a condi-
52 tional registration pursuant to subdivision four of this section.

53 (b) Each licensed professional music therapist or licensed clinical
54 music therapist shall be exempt from the mandatory continuing competency
55 requirement for the triennial registration period during which they are
56 first licensed. Adjustment to the mandatory continuing competency

1 requirements may be granted by the department for reasons of health of
2 the licensee where certified by an appropriate health care professional,
3 for extended active duty with the armed forces of the United States, or
4 for other good cause acceptable to the department which may prevent
5 compliance.

6 (c) A licensed professional music therapist or licensed clinical music
7 therapist not engaged in practice, as determined by the department,
8 shall be exempt from the mandatory continuing competency requirement
9 upon the filing of a statement with the department declaring such
10 status. Any licensee who returns to the practice of music therapy during
11 the triennial registration period shall notify the department prior to
12 reentering the profession and shall meet such mandatory continuing
13 competency requirements as shall be prescribed by regulations of the
14 commissioner.

15 2. At the end of each triennial registration period, an applicant for
16 re-registration as a licensed professional music therapist or licensed
17 clinical music therapist must provide proof of holding an active board
18 certification credential in music therapy from a national certification
19 body having certification standards acceptable to the commissioner.

20 3. (a) During each triennial registration period an applicant for
21 registration as a licensed professional music therapist or licensed
22 clinical music therapist shall complete a minimum of thirty-six hours of
23 acceptable learning activities which contribute to continuing compe-
24 tence, as specified in subdivision four of this section. A maximum of
25 twelve hours of the thirty-six hours may be self-instructional course-
26 work acceptable to the department. At least twenty-four hours of the
27 thirty-six hours shall be in areas of study pertinent to the scope of
28 practice of music therapy. With the exception of continuing education
29 hours taken during the registration period immediately preceding the
30 effective date of this section, continuing education hours taken during
31 one triennium may not be transferred to a subsequent triennium.

32 (b) Thereafter, a licensee who has not satisfied the mandatory contin-
33 uing competency requirements shall not be issued a triennial registra-
34 tion certificate by the department and shall not practice unless and
35 until a conditional registration certificate is issued as provided for
36 in subdivision four of this section.

37 4. The department, in its discretion, may issue a conditional regis-
38 tration to a licensee who fails to meet the continuing competency
39 requirements established in subdivision three of this section, but who
40 agrees to make up any deficiencies and complete any additional learning
41 activities which the department may require. The fee for such a condi-
42 tional registration shall be the same as, and in addition to, the fee
43 for the triennial registration. The duration of such conditional regis-
44 tration shall be determined by the department but shall not exceed one
45 year. Any licensee who is notified of the denial of registration for
46 failure to submit evidence, satisfactory to the department, of required
47 continuing competency learning activities and who practices without such
48 registration may be subject to disciplinary proceedings pursuant to
49 section sixty-five hundred ten of this title.

50 5. As used in subdivision three of this section, "acceptable learning
51 activities" shall mean activities which contribute to professional prac-
52 tice in music therapy, and which meet the standards prescribed in the
53 regulations of the commissioner. Such learning activities shall include,
54 but not be limited to, collegiate level credit and non-credit courses,
55 self-study activities, independent study, formal mentoring activities,
56 professional development programs and technical sessions, publications

1 in professional journals and professional development programs; such
2 learning activities may be offered and sponsored by national, state,
3 regional, and local professional associations and other organizations or
4 parties acceptable to the department, and any other organized educa-
5 tional and technical learning activities acceptable to the department.
6 Providers (other than those indicated below as exempt from the approval
7 process) must submit an application to the state board for music thera-
8 py. Types of approved providers include:

9 (a) any higher education institution that offers programs that are
10 registered in New York state as leading to licensure in music therapy;

11 (b) a national, regional, state, or local sponsor or provider of
12 coursework or training that is approved by the American Music Therapy
13 Association (AMTA) or the Certification Board for Music Therapists, Inc.
14 (CBMT); postsecondary institutions, or a consortium of such insti-
15 tutions, that offer programs that are registered as leading to either
16 licensure in music therapy or authorization to practice as a music ther-
17 apist, or equivalent professional education programs accredited by an
18 acceptable accrediting agency, for credit and non-credit offerings;

19 (c) an entity, hospital or health facility defined in section two
20 thousand eight hundred one of the public health law;

21 (d) or an equivalent organization as determined by the department.
22 Organizations that fall under the first three paragraphs listed above do
23 not have to submit a fee or an application for approval as a provider of
24 continuing education for music therapists. However, they must register
25 with the state board for music therapy by completing an approved provid-
26 er registration form. Educational institutions which provide education
27 as part of a licensure qualifying program or sponsors who have had their
28 course approved by the Certification Board for Music Therapists, Inc.
29 (CBMT) do not need to submit an application. Courses approved by the
30 CBMT automatically qualify for approval in New York state. The depart-
31 ment may, in its discretion and as needed to contribute to the health
32 and welfare of the public, require the completion of continuing compe-
33 tency learning activities in specific subjects to fulfill this mandatory
34 continuing competency requirement. Learning activities must be taken
35 from a sponsor approved by the department, pursuant to the regulations
36 of the commissioner.

37 6. A licensed professional music therapist or licensed clinical music
38 therapist shall maintain adequate documentation of completion of accept-
39 able continuing competency activities and shall provide such documenta-
40 tion at the request of the department. Failure to provide such documen-
41 tation upon request of the department shall be an act of misconduct
42 subject to the disciplinary proceedings pursuant to section sixty-five
43 hundred ten of this title.

44 7. The mandatory continuing competency fee shall be forty-five
45 dollars, payable on or before the first day of each triennial registra-
46 tion period, and shall be paid in addition to the triennial registration
47 fee.

48 § 2. Subdivision 13 of section 700 of the county law, as added by
49 chapter 358 of the laws of 2012, is amended to read as follows:

50 13. In order to provide services to crime victims, witnesses, and
51 other persons involved in the criminal justice system, and to support
52 crime prevention programs, the district attorney may employ or contract
53 with persons licensed and registered to practice or otherwise authorized
54 under article one hundred fifty-three, one hundred fifty-four, [~~or~~] one
55 hundred sixty-three, or one hundred sixty-three-A of the education law,
56 or contract with entities authorized to provide the services specified

1 in such articles, in connection with the provision of any services that
2 such persons or entities are authorized to provide and that are author-
3 ized by the district attorney.

4 § 3. Subparagraph (i) of paragraph a and paragraph d of subdivision 1
5 of section 6503-a of the education law, subparagraph (i) of paragraph a
6 as amended by chapter 554 of the laws of 2013, and paragraph d as added
7 by chapter 130 of the laws of 2010, are amended to read as follows:

8 (i) services provided under article one hundred fifty-four, one
9 hundred sixty-three, one hundred sixty-three-A, or one hundred sixty-
10 seven of this title for which licensure would be required, or

11 d. Such waiver shall provide that services rendered pursuant to this
12 section, directly or indirectly, shall be provided only by a person
13 appropriately licensed to provide such services pursuant to article one
14 hundred thirty-one, one hundred thirty-nine, one hundred fifty-three,
15 one hundred fifty-four, [~~or~~] one hundred sixty-three, or one hundred
16 sixty-three-A of this title, or by a person otherwise authorized to
17 provide such services under such articles, or by a professional entity
18 authorized by law to provide such services.

19 § 4. Paragraph c of subdivision 2 of section 6503-a of the education
20 law, as added by chapter 130 of the laws of 2010, is amended to read as
21 follows:

22 c. an institution of higher education authorized to provide a program
23 leading to licensure in a profession defined under article one hundred
24 thirty-one, one hundred thirty-nine, one hundred fifty-three, one
25 hundred fifty-four [~~or~~] one hundred sixty-three, or one hundred sixty-
26 three-A of this title, to the extent that the scope of such services is
27 limited to the services authorized to be provided within such registered
28 program; or

29 § 5. Subdivision 4 of section 7605 of the education law, as amended by
30 chapter 554 of the laws of 2013, is amended to read as follows:

31 4. The practice, conduct, activities, or services by any person
32 licensed or otherwise authorized to practice nursing as a registered
33 professional nurse or nurse practitioner within the state pursuant to
34 article one hundred thirty-nine of this title or by any person licensed
35 or otherwise authorized to practice social work within the state pursu-
36 ant to article one hundred fifty-four of this title, or by any person
37 licensed or otherwise authorized to practice mental health counseling,
38 marriage and family therapy, creative arts therapy, or psychoanalysis
39 within the state pursuant to article one hundred sixty-three of this
40 title, or by any person licensed or otherwise authorized to practice
41 music therapy within the state pursuant to article one hundred sixty-
42 three-A of this title, or any person licensed or otherwise authorized to
43 practice applied behavior analysis within the state pursuant to article
44 one hundred sixty-seven of this title or any individual who is creden-
45 tialled under any law, including attorneys, rape crisis counselors,
46 certified alcoholism counselors, and certified substance abuse counse-
47 lers from providing mental health services within their respective
48 established authorities.

49 § 6. Subdivision 1 of section 7706 of the education law, as amended by
50 chapter 554 of the laws of 2013, is amended to read as follows:

51 1. Apply to the practice, conduct, activities, services or use of any
52 title by any person licensed or otherwise authorized to practice medi-
53 cine within the state pursuant to article one hundred thirty-one of this
54 title or by any person registered to perform services as a physician
55 assistant within the state pursuant to article one hundred thirty-one-B
56 of this title or by any person licensed or otherwise authorized to prac-

1 tice psychology within this state pursuant to article one hundred
2 fifty-three of this title or by any person licensed or otherwise author-
3 ized to practice nursing as a registered professional nurse or nurse
4 practitioner within this state pursuant to article one hundred thirty-
5 nine of this title or by any person licensed or otherwise authorized to
6 practice occupational therapy within this state pursuant to article one
7 hundred fifty-six of this title or by any person licensed or otherwise
8 authorized to practice mental health counseling, marriage and family
9 therapy, creative arts therapy, or psychoanalysis within the state
10 pursuant to article one hundred sixty-three of this title, or by any
11 person licensed or otherwise authorized to practice music therapy within
12 the state pursuant to article one hundred sixty-three-A of this title,
13 or by any person licensed or otherwise authorized to practice applied
14 behavior analysis within the state pursuant to article one hundred
15 sixty-seven of this title; provided, however, that no physician, physi-
16 cian assistant, registered professional nurse, nurse practitioner,
17 psychologist, occupational therapist, licensed mental health counselor,
18 licensed marriage and family therapist, licensed creative arts thera-
19 pist, licensed psychoanalyst, licensed professional music therapist,
20 licensed clinical music therapist, licensed behavior analyst or certi-
21 fied behavior analyst assistant may use the titles "licensed clinical
22 social worker" or "licensed master social worker", unless licensed under
23 this article.

24 § 7. Subdivision 1 of section 8410 of the education law, as amended by
25 chapter 554 of the laws of 2013, is amended to read as follows:

26 1. Apply to the practice, conduct, activities, services or use of any
27 title by any person licensed or otherwise authorized to practice medi-
28 cine within the state pursuant to article one hundred thirty-one of this
29 title or by any person registered to perform services as a physician
30 assistant within the state pursuant to article one hundred thirty-one-B
31 of this title or by any person licensed or otherwise authorized to prac-
32 tice psychology within this state pursuant to article one hundred
33 fifty-three of this title or by any person licensed or otherwise author-
34 ized to practice social work within this state pursuant to article one
35 hundred fifty-four of this title, or by any person licensed or otherwise
36 authorized to practice nursing as a registered professional nurse or
37 nurse practitioner within this state pursuant to article one hundred
38 thirty-nine of this title or by any person licensed or otherwise author-
39 ized to practice applied behavior analysis within the state pursuant to
40 article one hundred sixty-seven of this title or by any person licensed
41 or otherwise authorized to practice music therapy within this state
42 pursuant to article one hundred sixty-three-A of this title; provided,
43 however, that no physician, physician's assistant, registered profes-
44 sional nurse, nurse practitioner, psychologist, licensed master social
45 worker, licensed clinical social worker, licensed behavior analyst [~~or~~],
46 certified behavior analyst assistant, licensed professional music thera-
47 pist, or licensed clinical music therapist may use the titles "licensed
48 mental health counselor", "licensed marriage and family therapist",
49 "licensed creative arts therapist", or "licensed psychoanalyst", unless
50 licensed under this article.

51 § 8. Subdivision (a) of section 1203 of the limited liability company
52 law, as amended by chapter 475 of the laws of 2014, is amended to read
53 as follows:

54 (a) Notwithstanding the education law or any other provision of law,
55 one or more professionals each of whom is authorized by law to render a
56 professional service within the state, or one or more professionals, at

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

1 cle 167 of the education law, each member of such limited liability
2 company must be licensed or certified pursuant to article 167 of the
3 education law to practice applied behavior analysis in this state. In
4 addition to engaging in such profession or professions, a professional
5 service limited liability company may engage in any other business or
6 activities as to which a limited liability company may be formed under
7 section two hundred one of this chapter. Notwithstanding any other
8 provision of this section, a professional service limited liability
9 company (i) authorized to practice law may only engage in another
10 profession or business or activities or (ii) which is engaged in a
11 profession or other business or activities other than law may only
12 engage in the practice of law, to the extent not prohibited by any other
13 law of this state or any rule adopted by the appropriate appellate divi-
14 sion of the supreme court or the court of appeals.

15 § 9. Subdivision (b) of section 1207 of the limited liability company
16 law, as amended by chapter 475 of the laws of 2014, is amended to read
17 as follows:

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

1 of the education law to practice mental health counseling in this state.
2 With respect to a professional service limited liability company formed
3 to provide psychoanalysis services as such services are defined in arti-
4 cle 163 of the education law, each member of such limited liability
5 company must be licensed pursuant to article 163 of the education law to
6 practice psychoanalysis in this state. With respect to a professional
7 service limited liability company formed to provide music therapy
8 services as such services are defined in article 163-A of the education
9 law, each member of such limited liability company must be licensed
10 pursuant to article 163-A of the education law to practice music therapy
11 in this state. With respect to a professional service limited liability
12 company formed to provide applied behavior analysis services as such
13 services are defined in article 167 of the education law, each member of
14 such limited liability company must be licensed or certified pursuant to
15 article 167 of the education law to practice applied behavior analysis
16 in this state.

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

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

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

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

49 (q) Each partner of a registered limited liability partnership formed
50 to provide medical services in this state must be licensed pursuant to
51 article 131 of the education law to practice medicine in this state and
52 each partner of a registered limited liability partnership formed to
53 provide dental services in this state must be licensed pursuant to arti-
54 cle 133 of the education law to practice dentistry in this state. Each
55 partner of a registered limited liability partnership formed to provide
56 veterinary services in this state must be licensed pursuant to article

1 135 of the education law to practice veterinary medicine in this state.
2 Each partner of a registered limited liability partnership formed to
3 provide professional engineering, land surveying, geological services,
4 architectural and/or landscape architectural services in this state must
5 be licensed pursuant to article 145, article 147 and/or article 148 of
6 the education law to practice one or more of such professions in this
7 state. Each partner of a registered limited liability partnership formed
8 to provide licensed clinical social work services in this state must be
9 licensed pursuant to article 154 of the education law to practice clin-
10 ical social work in this state. Each partner of a registered limited
11 liability partnership formed to provide creative arts therapy services
12 in this state must be licensed pursuant to article 163 of the education
13 law to practice creative arts therapy in this state. Each partner of a
14 registered limited liability partnership formed to provide marriage and
15 family therapy services in this state must be licensed pursuant to arti-
16 cle 163 of the education law to practice marriage and family therapy in
17 this state. Each partner of a registered limited liability partnership
18 formed to provide mental health counseling services in this state must
19 be licensed pursuant to article 163 of the education law to practice
20 mental health counseling in this state. Each partner of a registered
21 limited liability partnership formed to provide psychoanalysis services
22 in this state must be licensed pursuant to article 163 of the education
23 law to practice psychoanalysis in this state. Each partner of a regis-
24 tered limited liability partnership formed to provide music therapy
25 services in this state must be licensed pursuant to article 163-A of the
26 education law to practice music therapy in this state. Each partner of a
27 registered limited liability partnership formed to provide applied
28 behavior analysis service in this state must be licensed or certified
29 pursuant to article 167 of the education law to practice applied behav-
30 ior analysis in this state.

31 § 12. Subdivision (q) of section 121-1502 of the partnership law, as
32 amended by chapter 475 of the laws of 2014, is amended to read as
33 follows:

34 (q) Each partner of a foreign limited liability partnership which
35 provides medical services in this state must be licensed pursuant to
36 article 131 of the education law to practice medicine in the state and
37 each partner of a foreign limited liability partnership which provides
38 dental services in the state must be licensed pursuant to article 133 of
39 the education law to practice dentistry in this state. Each partner of a
40 foreign limited liability partnership which provides veterinary service
41 in the state shall be licensed pursuant to article 135 of the education
42 law to practice veterinary medicine in this state. Each partner of a
43 foreign limited liability partnership which provides professional engi-
44 neering, land surveying, geological services, architectural and/or land-
45 scape architectural services in this state must be licensed pursuant to
46 article 145, article 147 and/or article 148 of the education law to
47 practice one or more of such professions. Each partner of a foreign
48 limited liability partnership which provides licensed clinical social
49 work services in this state must be licensed pursuant to article 154 of
50 the education law to practice licensed clinical social work in this
51 state. Each partner of a foreign limited liability partnership which
52 provides creative arts therapy services in this state must be licensed
53 pursuant to article 163 of the education law to practice creative arts
54 therapy in this state. Each partner of a foreign limited liability part-
55 nership which provides marriage and family therapy services in this
56 state must be licensed pursuant to article 163 of the education law to

1 practice marriage and family therapy in this state. Each partner of a
2 foreign limited liability partnership which provides mental health coun-
3 seling services in this state must be licensed pursuant to article 163
4 of the education law to practice mental health counseling in this state.
5 Each partner of a foreign limited liability partnership which provides
6 psychoanalysis services in this state must be licensed pursuant to arti-
7 cle 163 of the education law to practice psychoanalysis in this state.
8 Each partner of a registered limited liability partnership formed to
9 provide music therapy services in this state must be licensed pursuant
10 to article 163-A of the education law to practice music therapy in this
11 state. Each partner of a foreign limited liability partnership which
12 provides applied behavior analysis services in this state must be
13 licensed or certified pursuant to article 167 of the education law to
14 practice applied behavior analysis in this state.
15 § 13. This act shall take effect twenty-four months after it shall
16 have become a law; provided, however, that the commissioner of education
17 is authorized to promulgate any rules and regulations and take any other
18 measure necessary to implement this act on or before its effective date.