

STATE OF NEW YORK

4695

2019-2020 Regular Sessions

IN SENATE

March 21, 2019

Introduced by Sens. PERSAUD, GRIFFO, FELDER, GALLIVAN, GAUGHRAN -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, the social services law, the limited liability company law and the partnership law, in relation to the licensing of vision impairment specialists; and providing for the repeal of certain provisions upon expiration thereof

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

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

ARTICLE 169

VISION IMPAIRMENT SPECIALISTS

Section 8900. Introduction.

8901. Definitions.

8902. Use of titles.

8903. State board for vision impairment specialists.

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

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

8906. Limited permits.

8907. Exempt persons.

8908. Special provisions.

8909. Separability.

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

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

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1 § 8901. Definitions. For purposes of this article, the following terms
2 shall have the following meanings:

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

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

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

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

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

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

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

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

16 § 8902. Use of titles. Only a person licensed or otherwise authorized
17 under this article shall be authorized to practice as a vision impair-
18 ment specialist or use the title "licensed orientation and mobility
19 specialist" or "licensed vision rehabilitation therapist" in connection
20 with his or her name or with any trade name in the conduct of his or her
21 profession.

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

47 § 8904. Requirements for a license with a specialization as an orien-
48 tation and mobility specialist. To qualify for a license as an orien-
49 tation and mobility specialist, an applicant shall fulfill the following
50 requirements:

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

52 2. Education: have satisfactorily completed an approved curriculum in
53 orientation and mobility services including visual disabilities, vision
54 education, vision impairment or other equivalent program in a baccalau-
55 reate or graduate level program or a foreign equivalent, satisfactory to
56 the department and in accordance with the commissioner's regulations;

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

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

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

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

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

11 § 8905. Requirements for a license with a specialization as a vision
12 rehabilitation therapist. To qualify for a license as a vision rehabili-
13 tation therapist an applicant shall fulfill the following requirements:

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

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

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

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

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

25 6. Registration: all licensed vision rehabilitation therapists shall
26 register triennially with the department in accordance with the commis-
27 sioner's regulations.

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

30 § 8906. Limited permits. The following requirements for a limited
31 permit shall apply to all professions licensed or certified pursuant to
32 this article:

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

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

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

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

43 § 8907. Exempt persons. This article shall not be construed to affect
44 or prevent the following, provided that no title, sign, card or device
45 shall be used in such manner as to tend to convey the impression that
46 the person rendering such service is a licensed vision impairment
47 specialist:

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

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

1 tation and mobility", and/or "licensed vision impairment specialist with
2 a specialization in vision rehabilitation therapy".

3 3. Nothing in this article shall be construed as prohibiting a person
4 from performing the duties of a licensed vision impairment specialist,
5 in the course of such employment, if such person is employed by a federal,
6 state, county, town, city or village agency or other political
7 subdivision except that this exception from licensure shall not apply to
8 persons employed by institutions regulated primarily by the education
9 department.

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

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

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

21 7. The instruction in the use of Braille.

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

35 § 8909. Separability. If any section of this article, or part thereof,
36 shall be adjudged by any court of competent jurisdiction to be invalid,
37 such judgment shall not affect, impair or invalidate the remainder of
38 any other section or part thereof.

39 § 2. Subparagraph (i) of paragraph a of subdivision 1 of section
40 6503-a of the education law, as amended by chapter 554 of the laws of
41 2013, is amended to read as follows:

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

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

48 a. Establish standards for preprofessional and professional education,
49 experience and licensing examinations as required to implement the arti-
50 cle for each profession. Notwithstanding any other provision of law, the
51 commissioner shall establish standards requiring that all persons apply-
52 ing, on or after January first, nineteen hundred ninety-one, initially,
53 or for the renewal of, a license, registration or limited permit to be a
54 physician, chiropractor, dentist, registered nurse, podiatrist, optome-
55 trist, psychiatrist, psychologist, licensed master social worker,
56 licensed clinical social worker, licensed creative arts therapist,

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

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

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

1 summer day camp or traveling summer day camp, as such camps are defined
2 in section thirteen hundred ninety-two of the public health law; day
3 care center worker; school-age child care worker; provider of family or
4 group family day care; employee or volunteer in a residential care
5 facility for children that is licensed, certified or operated by the
6 office of children and family services; or any other child care or
7 foster care worker; mental health professional; substance abuse counse-
8 lor; alcoholism counselor; all persons credentialed by the office of
9 alcoholism and substance abuse services; employees, who are expected to
10 have regular and substantial contact with children, of a health home or
11 health home care management agency contracting with a health home as
12 designated by the department of health and authorized under section
13 three hundred sixty-five-1 of this chapter or such employees who provide
14 home and community based services under a demonstration program pursuant
15 to section eleven hundred fifteen of the federal social security act who
16 are expected to have regular and substantial contact with children;
17 peace officer; police officer; district attorney or assistant district
18 attorney; investigator employed in the office of a district attorney; or
19 other law enforcement official.

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

22 § 6505-b. Course work or training in infection control practices.
23 Every dentist, registered nurse, licensed practical nurse, vision
24 impairment specialist, podiatrist, optometrist and dental hygienist
25 practicing in the state shall, on or before July first, nineteen hundred
26 ninety-four and every four years thereafter, complete course work or
27 training appropriate to the professional's practice approved by the
28 department regarding infection control, which shall include sepsis, and
29 barrier precautions, including engineering and work practice controls,
30 in accordance with regulatory standards promulgated by the department,
31 in consultation with the department of health, which shall be consist-
32 ent, as far as appropriate, with such standards adopted by the depart-
33 ment of health pursuant to section two hundred thirty-nine of the public
34 health law to prevent the transmission of HIV, HBV, HCV and infections
35 that could lead to sepsis in the course of professional practice. Each
36 such professional shall document to the department at the time of regis-
37 tration commencing with the first registration after July first, nine-
38 teen hundred ninety-four that the professional has completed course work
39 or training in accordance with this section, provided, however that a
40 professional subject to the provisions of paragraph (f) of subdivision
41 one of section twenty-eight hundred five-k of the public health law
42 shall not be required to so document. The department shall provide an
43 exemption from this requirement to anyone who requests such an exemption
44 and who (i) clearly demonstrates to the department's satisfaction that
45 there would be no need for him or her to complete such course work or
46 training because of the nature of his or her practice or (ii) that he or
47 she has completed course work or training deemed by the department to be
48 equivalent to the course work or training approved by the department
49 pursuant to this section. The department shall consult with organiza-
50 tions representative of professions, institutions and those with exper-
51 tise in infection control and HIV, HBV, HCV and infections that could
52 lead to sepsis with respect to the regulatory standards promulgated
53 pursuant to this section.

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

1 (a) Notwithstanding the education law or any other provision of law,
2 one or more professionals each of whom is authorized by law to render a
3 professional service within the state, or one or more professionals, at
4 least one of whom is authorized by law to render a professional service
5 within the state, may form, or cause to be formed, a professional
6 service limited liability company for pecuniary profit under this arti-
7 cle for the purpose of rendering the professional service or services as
8 such professionals are authorized to practice. With respect to a profes-
9 sional service limited liability company formed to provide medical
10 services as such services are defined in article 131 of the education
11 law, each member of such limited liability company must be licensed
12 pursuant to article 131 of the education law to practice medicine in
13 this state. With respect to a professional service limited liability
14 company formed to provide dental services as such services are defined
15 in article 133 of the education law, each member of such limited liabil-
16 ity company must be licensed pursuant to article 133 of the education
17 law to practice dentistry in this state. With respect to a professional
18 service limited liability company formed to provide veterinary services
19 as such services are defined in article 135 of the education law, each
20 member of such limited liability company must be licensed pursuant to
21 article 135 of the education law to practice veterinary medicine in this
22 state. With respect to a professional service limited liability company
23 formed to provide professional engineering, land surveying, architec-
24 tural, landscape architectural and/or geological services as such
25 services are defined in article 145, article 147 and article 148 of the
26 education law, each member of such limited liability company must be
27 licensed pursuant to article 145, article 147 and/or article 148 of the
28 education law to practice one or more of such professions in this state.
29 With respect to a professional service limited liability company formed
30 to provide licensed clinical social work services as such services are
31 defined in article 154 of the education law, each member of such limited
32 liability company shall be licensed pursuant to article 154 of the
33 education law to practice licensed clinical social work in this state.
34 With respect to a professional service limited liability company formed
35 to provide creative arts therapy services as such services are defined
36 in article 163 of the education law, each member of such limited liabil-
37 ity company must be licensed pursuant to article 163 of the education
38 law to practice creative arts therapy in this state. With respect to a
39 professional service limited liability company formed to provide
40 marriage and family therapy services as such services are defined in
41 article 163 of the education law, each member of such limited liability
42 company must be licensed pursuant to article 163 of the education law to
43 practice marriage and family therapy in this state. With respect to a
44 professional service limited liability company formed to provide mental
45 health counseling services as such services are defined in article 163
46 of the education law, each member of such limited liability company must
47 be licensed pursuant to article 163 of the education law to practice
48 mental health counseling in this state. With respect to a professional
49 service limited liability company formed to provide psychoanalysis
50 services as such services are defined in article 163 of the education
51 law, each member of such limited liability company must be licensed
52 pursuant to article 163 of the education law to practice psychoanalysis
53 in this state. With respect to a professional service limited liability
54 company formed to provide applied behavior analysis services as such
55 services are defined in article 167 of the education law, each member of
56 such limited liability company must be licensed or certified pursuant to

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

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

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

1 company formed to provide mental health counseling services as such
2 services are defined in article 163 of the education law, each member of
3 such limited liability company must be licensed pursuant to article 163
4 of the education law to practice mental health counseling in this state.
5 With respect to a professional service limited liability company formed
6 to provide psychoanalysis services as such services are defined in arti-
7 cle 163 of the education law, each member of such limited liability
8 company must be licensed pursuant to article 163 of the education law to
9 practice psychoanalysis in this state. With respect to a professional
10 service limited liability company formed to provide applied behavior
11 analysis services as such services are defined in article 167 of the
12 education law, each member of such limited liability company must be
13 licensed or certified pursuant to article 167 of the education law to
14 practice applied behavior analysis in this state. With respect to a
15 professional service limited liability company formed to provide vision
16 impairment specialist services as such services are defined in article
17 169 of the education law, each member of such limited liability company
18 must be licensed pursuant to article 169 of the education law to prac-
19 tice as a vision impairment specialist in this state.

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

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

1 education law, each member of such foreign professional service limited
2 liability company must be licensed pursuant to article 133 of the educa-
3 tion law to practice dentistry in this state. With respect to a foreign
4 professional service limited liability company which provides profes-
5 sional engineering, land surveying, geologic, architectural and/or land-
6 scape architectural services as such services are defined in article
7 145, article 147 and article 148 of the education law, each member of
8 such foreign professional service limited liability company must be
9 licensed pursuant to article 145, article 147 and/or article 148 of the
10 education law to practice one or more of such professions in this state.
11 With respect to a foreign professional service limited liability company
12 which provides licensed clinical social work services as such services
13 are defined in article 154 of the education law, each member of such
14 foreign professional service limited liability company shall be licensed
15 pursuant to article 154 of the education law to practice clinical social
16 work in this state. With respect to a foreign professional service
17 limited liability company which provides creative arts therapy services
18 as such services are defined in article 163 of the education law, each
19 member of such foreign professional service limited liability company
20 must be licensed pursuant to article 163 of the education law to prac-
21 tice creative arts therapy in this state. With respect to a foreign
22 professional service limited liability company which provides marriage
23 and family therapy services as such services are defined in article 163
24 of the education law, each member of such foreign professional service
25 limited liability company must be licensed pursuant to article 163 of
26 the education law to practice marriage and family therapy in this state.
27 With respect to a foreign professional service limited liability company
28 which provides mental health counseling services as such services are
29 defined in article 163 of the education law, each member of such foreign
30 professional service limited liability company must be licensed pursuant
31 to article 163 of the education law to practice mental health counseling
32 in this state. With respect to a foreign professional service limited
33 liability company which provides psychoanalysis services as such
34 services are defined in article 163 of the education law, each member of
35 such foreign professional service limited liability company must be
36 licensed pursuant to article 163 of the education law to practice
37 psychoanalysis in this state. With respect to a foreign professional
38 service limited liability company which provides applied behavior analy-
39 sis services as such services are defined in article 167 of the educa-
40 tion law, each member of such foreign professional service limited
41 liability company must be licensed or certified pursuant to article 167
42 of the education law to practice applied behavior analysis in this
43 state. With respect to a foreign professional service limited liability
44 company which provides vision impairment specialist services as such
45 services are defined in article 169 of the education law, each member of
46 such foreign professional service limited liability company must be
47 licensed pursuant to article 169 of the education law to practice as a
48 vision impairment specialist in this state.

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

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

1 cle 133 of the education law to practice dentistry in this state. Each
2 partner of a registered limited liability partnership formed to provide
3 veterinary services in this state must be licensed pursuant to article
4 135 of the education law to practice veterinary medicine in this state.
5 Each partner of a registered limited liability partnership formed to
6 provide professional engineering, land surveying, geological services,
7 architectural and/or landscape architectural services in this state must
8 be licensed pursuant to article 145, article 147 and/or article 148 of
9 the education law to practice one or more of such professions in this
10 state. Each partner of a registered limited liability partnership formed
11 to provide licensed clinical social work services in this state must be
12 licensed pursuant to article 154 of the education law to practice clin-
13 ical social work in this state. Each partner of a registered limited
14 liability partnership formed to provide creative arts therapy services
15 in this state must be licensed pursuant to article 163 of the education
16 law to practice creative arts therapy in this state. Each partner of a
17 registered limited liability partnership formed to provide marriage and
18 family therapy services in this state must be licensed pursuant to arti-
19 cle 163 of the education law to practice marriage and family therapy in
20 this state. Each partner of a registered limited liability partnership
21 formed to provide mental health counseling services in this state must
22 be licensed pursuant to article 163 of the education law to practice
23 mental health counseling in this state. Each partner of a registered
24 limited liability partnership formed to provide psychoanalysis services
25 in this state must be licensed pursuant to article 163 of the education
26 law to practice psychoanalysis in this state. Each partner of a regis-
27 tered limited liability partnership formed to provide applied behavior
28 analysis service in this state must be licensed or certified pursuant to
29 article 167 of the education law to practice applied behavior analysis
30 in this state. Each partner of a registered limited liability partner-
31 ship formed to provide vision impairment specialist services in this
32 state must be licensed or certified pursuant to article 169 of the
33 education law to practice as a vision impairment specialist in this
34 state.

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

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

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

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

29 b. On or before September 1, 2020, each office identified in subdivi-
30 sion a of this section that licenses, certifies, operates or funds and
31 regulates programs that employ individuals to provide services that
32 would otherwise be restricted to individuals licensed or authorized
33 under article 169 of the education law, shall submit to the commissioner
34 of education, in such form and detail as requested by such commissioner,
35 data in relation to: the number of individuals employed in exempt
36 programs licensed, certified, operated, or funded and regulated by each
37 office identified in subdivision a of this section on September 1, 2019
38 who are providing services that would otherwise be restricted to those
39 licensed or authorized under article 169 of the education law; and the
40 occupational title of individuals who on July 1, 2020 are not licensed
41 or otherwise authorized under title 8 of the education law, and who are
42 engaged in the practice of vision impairment specialist for the purpose
43 of providing vision impairment specialist services to persons who are
44 blind or visually impaired.

45 c. The commissioner of education, after receipt of this data and in
46 consultation with the offices identified in subdivision a of this
47 section, in consultation with not-for-profit providers, professional
48 associations, consumers and other key stakeholders, shall prepare a
49 report that recommends changes in any laws, rules or regulations neces-
50 sary to ensure appropriate licensure or other authorization of individ-
51 uals providing services that are within the restricted practice of
52 professions licensed or otherwise authorized under article 169 of the
53 education law. Such report shall include an estimate of the fiscal
54 impact of any such recommended changes and, to the extent practicable,
55 how such recommendations will result in improved outcomes. The commis-
56 sioner of education shall submit the report to the governor, the speaker

1 of the assembly, the temporary president of the senate, and the chairs
2 of the senate and assembly higher education committees by January 1,
3 2021. The commissioners of the agencies identified in subdivision a of
4 this section shall be provided an opportunity to include statements or
5 alternative recommendations in such report.

6 § 12. This act shall take effect eighteen months after it shall have
7 become a law; provided, further, that the provisions of subdivision a of
8 section eleven of this act shall expire July 1, 2021 when upon such date
9 the provisions of such subdivision shall be deemed repealed. The
10 commissioner of education and the board of regents are authorized to
11 promulgate such rules and regulations and take any other measures as may
12 be necessary for the timely implementation of this act on or before its
13 effective date, including but not limited to the appointment of the
14 state board for vision rehabilitation services, the acceptance and proc-
15 essing of applications for licensure, and the issuance of licenses.