

# STATE OF NEW YORK

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6128

2019-2020 Regular Sessions

## IN SENATE

May 16, 2019

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Introduced by Sen. SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the limited liability company law, the business corporation law, the partnership law, the education law and the public health law, in relation to authorizing certain licensed health services professionals to form limited liability companies

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

1 Section 1. Subdivision (a) of section 1203 of the limited liability  
2 company law, as amended by chapter 475 of the laws of 2014, is amended  
3 to read as follows:

4 (a) Notwithstanding the education law or any other provision of law,  
5 one or more professionals each of whom is authorized by law to render a  
6 professional service within the state, or one or more professionals, at  
7 least one of whom is authorized by law to render a professional service  
8 within the state, may form, or cause to be formed, a professional  
9 service limited liability company for pecuniary profit under this arti-  
10 cle for the purpose of rendering the professional service or services as  
11 such professionals are authorized to practice. With respect to a profes-  
12 sional service limited liability company formed to provide medical  
13 services as such services are defined in article 131 of the education  
14 law, each member of such limited liability company must be licensed  
15 pursuant to article 131 of the education law to practice medicine in  
16 this state.

17 Notwithstanding any other provision of this section, any  
18 person licensed pursuant to article 131 of the education law to practice  
19 medicine and any person licensed pursuant to articles 132, 137, 140,  
20 141, 143, 144, 153, 154, 155 or 156 or subdivision 3 of section 6902 of  
21 article 139 of the education law may form, or cause to be formed, a  
22 professional service limited liability company to provide multidisciplinary services with one or more licensed professionals, subject to the

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

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following conditions: (i) each member of such limited liability company must be licensed pursuant to title eight of the education law to practice his or her profession in this state; (ii) each member shall only practice his or her profession as specified in his or her respective professional enabling statute under title eight of the education law; and (iii) any clinical integration of professional practices under this section shall not alter, expand or curtail the scope of practice of any of the members; provided further that: (A) no member shall, directly or indirectly, interfere with the clinical judgment or legitimate clinical practice of another member; and (B) no member shall order or direct another member to practice beyond the scope of his or her license.

With respect to a professional service limited liability company formed to provide dental services as such services are defined in article 133 of the education law, each member of such limited liability company must be licensed pursuant to article 133 of the education law to practice dentistry in this state. With respect to a professional service limited liability company formed to provide veterinary services as such services are defined in article 135 of the education law, each member of such limited liability company must be licensed pursuant to article 135 of the education law to practice veterinary medicine in this state. With respect to a professional service limited liability company formed to provide professional engineering, land surveying, architectural, landscape architectural and/or geological services as such services are defined in article 145, article 147 and article 148 of the education law, each member of such limited liability company must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions in this state. ~~[With~~

~~respect to a professional service limited liability company formed to provide licensed clinical social work services as such services are defined in article 154 of the education law, each member of such limited liability company shall be licensed pursuant to article 154 of the education law to practice licensed clinical social work in this state.]~~

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

1 in this state. In addition to engaging in such profession or  
2 professions, a professional service limited liability company may engage  
3 in any other business or activities as to which a limited liability  
4 company may be formed under section two hundred one of this chapter.  
5 Notwithstanding any other provision of this section, a professional  
6 service limited liability company (i) authorized to practice law may  
7 only engage in another profession or business or activities or (ii)  
8 which is engaged in a profession or other business or activities other  
9 than law may only engage in the practice of law, to the extent not  
10 prohibited by any other law of this state or any rule adopted by the  
11 appropriate appellate division of the supreme court or the court of  
12 appeals.

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

16 (b) With respect to a professional service limited liability company  
17 formed to provide medical services as such services are defined in arti-  
18 cle 131 of the education law, each member of such limited liability  
19 company must be licensed pursuant to article 131 of the education law to  
20 practice medicine in this state. Notwithstanding any other provision of  
21 this section, any person licensed pursuant to article 131 of the educa-  
22 tion law to practice medicine and any person licensed pursuant to arti-  
23 cles 132, 137, 140, 141, 143, 144, 153, 154, 155 or 156 or subdivision 3  
24 of section 6902 of article 139 of the education law may form, or cause  
25 to be formed, a professional service limited liability company to  
26 provide multidisciplinary services with one or more licensed profes-  
27 sionals, subject to the following conditions: (i) each member of such  
28 limited liability company must be licensed pursuant to title eight of  
29 the education law to practice his or her profession in this state; (ii)  
30 each member shall only practice his or her profession as specified in  
31 his or her respective professional enabling statute under title eight or  
32 the education law; and (iii) any clinical integration of professional  
33 practices under this section shall not alter, expand or curtail the  
34 scope of practice of any of the members; provided further that: (A) no  
35 member shall, directly or indirectly, interfere with the clinical judge-  
36 ment or legitimate clinical practice of another member; and (B) no  
37 member shall order or direct another member to practice beyond the scope  
38 of his or her license. With respect to a professional service limited

39 liability company formed to provide dental services as such services are  
40 defined in article 133 of the education law, each member of such limited  
41 liability company must be licensed pursuant to article 133 of the educa-  
42 tion law to practice dentistry in this state. With respect to a profes-  
43 sional service limited liability company formed to provide veterinary  
44 services as such services are defined in article 135 of the education  
45 law, each member of such limited liability company must be licensed  
46 pursuant to article 135 of the education law to practice veterinary  
47 medicine in this state. With respect to a professional service limited  
48 liability company formed to provide professional engineering, land  
49 surveying, architectural, landscape architectural and/or geological  
50 services as such services are defined in article 145, article 147 and  
51 article 148 of the education law, each member of such limited liability  
52 company must be licensed pursuant to article 145, article 147 and/or  
53 article 148 of the education law to practice one or more of such  
54 professions in this state. ~~[With respect to a professional service~~  
55 ~~limited liability company formed to provide licensed clinical social~~  
56 ~~work services as such services are defined in article 154 of the educa-~~

~~tion law, each member of such limited liability company shall be licensed pursuant to article 154 of the education law to practice licensed clinical social work in this state.~~

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

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

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

1 135 of the education law to practice veterinary medicine. With respect  
2 to a foreign professional service limited liability company which  
3 provides medical services as such services are defined in article 131 of  
4 the education law, each member of such foreign professional service  
5 limited liability company must be licensed pursuant to article 131 of  
6 the education law to practice medicine in this state. Notwithstanding  
7 any other provision of this section, any person licensed pursuant to  
8 article 131 of the education law to practice medicine and any person  
9 licensed pursuant to articles 132, 137, 140, 141, 143, 144, 153, 154,  
10 155 or 156 or subdivision 3 of section 6902 of article 139 of the educa-  
11 tion law may form, or cause to be formed, a foreign professional service  
12 limited liability company to provide multidisciplinary services with one  
13 or more licensed professionals, subject to the following conditions: (i)  
14 each member of such limited liability company must be licensed pursuant  
15 to title eight of the education law to practice his or her profession in  
16 this state; (ii) each member shall only practice his or her profession  
17 as specified in his or her respective professional enabling statute  
18 under title eight of the education law; and (iii) any clinical inte-  
19 gration of professional practices under this section shall not alter,  
20 expand or curtail the scope of practice of any of the members; provided  
21 further that: (A) no member shall, directly or indirectly, interfere  
22 with the clinical judgment or legitimate clinical practice of another  
23 member; and (B) no member shall order or direct another member to prac-  
24 tice beyond the scope of his or her license. With respect to a foreign  
25 professional service limited liability company which provides dental  
26 services as such services are defined in article 133 of the education  
27 law, each member of such foreign professional service limited liability  
28 company must be licensed pursuant to article 133 of the education law to  
29 practice dentistry in this state. With respect to a foreign professional  
30 service limited liability company which provides professional engineer-  
31 ing, land surveying, geologic, architectural and/or landscape architec-  
32 tural services as such services are defined in article 145, article 147  
33 and article 148 of the education law, each member of such foreign  
34 professional service limited liability company must be licensed pursuant  
35 to article 145, article 147 and/or article 148 of the education law to  
36 practice one or more of such professions in this state. ~~[With respect to~~  
37 ~~a foreign professional service limited liability company which provides~~  
38 ~~licensed clinical social work services as such services are defined in~~  
39 ~~article 154 of the education law, each member of such foreign profes-~~  
40 ~~sional service limited liability company shall be licensed pursuant to~~  
41 ~~article 154 of the education law to practice clinical social work in~~  
42 ~~this state.]~~ With respect to a foreign professional service limited  
43 liability company which provides creative arts therapy services as such  
44 services are defined in article 163 of the education law, each member of  
45 such foreign professional service limited liability company must be  
46 licensed pursuant to article 163 of the education law to practice crea-  
47 tive arts therapy in this state. With respect to a foreign professional  
48 service limited liability company which provides marriage and family  
49 therapy services as such services are defined in article 163 of the  
50 education law, each member of such foreign professional service limited  
51 liability company must be licensed pursuant to article 163 of the educa-  
52 tion law to practice marriage and family therapy in this state. With  
53 respect to a foreign professional service limited liability company  
54 which provides mental health counseling services as such services are  
55 defined in article 163 of the education law, each member of such foreign  
56 professional service limited liability company must be licensed pursuant



1 to article 163 of the education law to practice mental health counseling  
2 in this state. With respect to a foreign professional service limited  
3 liability company which provides psychoanalysis services as such  
4 services are defined in article 163 of the education law, each member of  
5 such foreign professional service limited liability company must be  
6 licensed pursuant to article 163 of the education law to practice  
7 psychoanalysis in this state. With respect to a foreign professional  
8 service limited liability company which provides applied behavior analy-  
9 sis services as such services are defined in article 167 of the educa-  
10 tion law, each member of such foreign professional service limited  
11 liability company must be licensed or certified pursuant to article 167  
12 of the education law to practice applied behavior analysis in this  
13 state.

14 § 4. Paragraph (a) of section 1503 of the business corporation law, as  
15 amended by chapter 475 of the laws of 2014, is amended to read as  
16 follows:

17 (a) Notwithstanding any other provision of law, (i) one or more indi-  
18 viduals duly authorized by law to render the same professional service  
19 within the state may organize, or cause to be organized, a professional  
20 service corporation for pecuniary profit under this article for the  
21 purpose of rendering the same professional service, except that one or  
22 more individuals duly authorized by law to practice professional engi-  
23 neering, architecture, landscape architecture, land surveying or geology  
24 within the state may organize, or cause to be organized, a professional  
25 service corporation or a design professional service corporation for  
26 pecuniary profit under this article for the purpose of rendering such  
27 professional services as such individuals are authorized to practice,  
28 and (ii) one or more individuals licensed to practice pursuant to arti-  
29 cle 131 and one or more individuals licensed pursuant to articles 132,  
30 137, 140, 141, 143, 144, 153, 154, 155 or 156 or subdivision 3 of  
31 section 6902 of article 139 of title eight of the education law may  
32 organize, or cause to be organized, for business purposes only, a  
33 professional service corporation formed for pecuniary profit under this  
34 article for the purpose of rendering multidisciplinary services within  
35 such a corporation as such individuals are authorized to practice indi-  
36 vidually in his or her respective professions, subject to the following  
37 conditions: (A) individual who organizes, or causes to organize, such  
38 corporation must be licensed pursuant to title eight of the education  
39 law to practice his or her profession in this state; (B) each member  
40 shall only practice his or her profession as specified in his or her  
41 respective professional enabling statute under title eight of the educa-  
42 tion law; and (C) any clinical integration of professional practices  
43 under this section shall not alter, expand or curtail the scope of prac-  
44 tice of any of the members; (D) no individual shall, directly or indi-  
45 rectly, interfere with the clinical judgment or legitimate clinical  
46 practice of another individual; and (E) no individual shall order or  
47 direct another individual to practice beyond the scope of his or her  
48 license.

49 § 5. 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~~]. Notwithstanding any other provision of this section, any person  
56 licensed pursuant to article 131 of the education law to practice medi-

1 cine and any person licensed pursuant to articles 132, 137, 140, 141,  
2 143, 144, 153, 154, 155 or 156 subdivision 3 of section 6902 of article  
3 139 of the education law may form, or cause to be formed, a registered  
4 limited liability partnership to provide multidisciplinary services with  
5 one or more licensed professionals, subject to the following conditions:  
6 (i) each partner of such limited liability partnership must be licensed  
7 pursuant to title eight of the education law to practice his or her  
8 profession in this state; (ii) each partner shall only practice his or  
9 her profession as specified in his or her respective professional enabl-  
10 ing statute under title eight of the education law; and (iii) any clin-  
11 ical integration of the professional practices under this section shall  
12 not alter, expand or curtail the scope of practice of any of the part-  
13 ners; provided further that: (A) no partner shall, directly or indirect-  
14 ly, interfere with the clinical judgment or legitimate clinical practice  
15 of another partner; and (B) no partner shall order or direct another  
16 partner to practice beyond the scope of his or her license. Each part-  
17 ner of a registered limited liability partnership formed to provide  
18 dental services in this state must be licensed pursuant to article 133  
19 of the education law to practice dentistry in this state. Each partner  
20 of a registered limited liability partnership formed to provide veteri-  
21 nary services in this state must be licensed pursuant to article 135 of  
22 the education law to practice veterinary medicine in this state. Each  
23 partner of a registered limited liability partnership formed to provide  
24 professional engineering, land surveying, geological services, architec-  
25 tural and/or landscape architectural services in this state must be  
26 licensed pursuant to article 145, article 147 and/or article 148 of the  
27 education law to practice one or more of such professions in this state.  
28 ~~[Each partner of a registered limited liability partnership formed to~~  
29 ~~provide licensed clinical social work services in this state must be~~  
30 ~~licensed pursuant to article 154 of the education law to practice clin-~~  
31 ~~ical social work in this state.]~~ Each partner of a registered limited  
32 liability partnership formed to provide creative arts therapy services  
33 in this state must be licensed pursuant to article 163 of the education  
34 law to practice creative arts therapy in this state. Each partner of a  
35 registered limited liability partnership formed to provide marriage and  
36 family therapy services in this state must be licensed pursuant to arti-  
37 cle 163 of the education law to practice marriage and family therapy in  
38 this state. Each partner of a registered limited liability partnership  
39 formed to provide mental health counseling services in this state must  
40 be licensed pursuant to article 163 of the education law to practice  
41 mental health counseling in this state. Each partner of a registered  
42 limited liability partnership formed to provide psychoanalysis services  
43 in this state must be licensed pursuant to article 163 of the education  
44 law to practice psychoanalysis in this state. Each partner of a regis-  
45 tered limited liability partnership formed to provide applied behavior  
46 analysis service in this state must be licensed or certified pursuant to  
47 article 167 of the education law to practice applied behavior analysis  
48 in this state.

49 § 6. Subdivision (q) of section 121-1502 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 foreign limited liability partnership which  
53 provides medical services in this state must be licensed pursuant to  
54 article 131 of the education law to practice medicine in the state ~~[and~~  
55 ~~each]~~. Notwithstanding any other provision of this section, any person  
56 licensed pursuant to article 131 of the education law to practice medi-

cine and any person licensed pursuant to articles 132, 137, 140, 141, 143, 144, 153, 154, 155 or 156 or subdivision 3 of section 6902 of article 139 of the education law may form, or cause to be formed, a foreign limited liability partnership to provide multidisciplinary services with one or more licensed professionals, subject to the following conditions: (i) each partner of such foreign limited liability partnership must be licensed pursuant to title eight of the education law to practice his or her profession in this state; (ii) each partner shall only practice his or her profession as specified in his or her respective professional enabling statute under title eight of the education law; and (iii) any clinical integration of professional practices under this section shall not alter, expand or curtail the scope of practice of any of the partners; provided further that: (A) no partner shall, directly or indirectly, interfere with the clinical judgment or legitimate clinical practice of another partner; and (B) no partner shall order or direct another partner to practice beyond the scope of his or her license. Each partner of a foreign limited liability partnership which provides dental services in the state must be licensed pursuant to article 133 of the education law to practice dentistry in this state. Each partner of a foreign limited liability partnership which provides veterinary service in the state shall be licensed pursuant to article 135 of the education law to practice veterinary medicine in this state. Each partner of a foreign limited liability partnership which provides professional engineering, land surveying, geological services, architectural and/or landscape architectural services in this state must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions. ~~Each partner of a foreign limited liability partnership which provides licensed clinical social work services in this state must be licensed pursuant to article 154 of the education law to practice licensed clinical social work in this state.~~ Each partner of a foreign limited liability partnership which provides creative arts therapy services in this state must be licensed pursuant to article 163 of the education law to practice creative arts therapy in this state. Each partner of a foreign limited liability partnership which provides marriage and family therapy services in this state must be licensed pursuant to article 163 of the education law to practice marriage and family therapy in this state. Each partner of a foreign limited liability partnership which provides mental health counseling services in this state must be licensed pursuant to article 163 of the education law to practice mental health counseling in this state. Each partner of a foreign limited liability partnership which provides psychoanalysis services in this state must be licensed pursuant to article 163 of the education law to practice psychoanalysis in this state. Each partner of a foreign limited liability partnership which provides applied behavior analysis services in this state must be licensed or certified pursuant to article 167 of the education law to practice applied behavior analysis in this state.

§ 7. Section 6509-a of the education law, as amended by chapter 555 of the laws of 1993, is amended to read as follows:

§ 6509-a. Additional definition of professional misconduct; limited application. Notwithstanding any inconsistent provision of this article or of any other provision of law to the contrary, the license or registration of a person subject to the provisions of articles one hundred thirty-two, one hundred thirty-three, one hundred thirty-six, one hundred thirty-seven, one hundred thirty-nine, one hundred forty-one, one hundred forty-three, one hundred forty-four, one hundred fifty-six,



1 one hundred fifty-nine and one hundred sixty-four of this chapter may be  
2 revoked, suspended or annulled or such person may be subject to any  
3 other penalty provided in section sixty-five hundred eleven of this  
4 article in accordance with the provisions and procedure of this article  
5 for the following:

6 That any person subject to the above enumerated articles, has directly  
7 or indirectly requested, received or participated in the division,  
8 transference, assignment, rebate, splitting or refunding of a fee for,  
9 or has directly requested, received or profited by means of a credit or  
10 other valuable consideration as a commission, discount or gratuity in  
11 connection with the furnishing of professional care, or service, includ-  
12 ing x-ray examination and treatment, or for or in connection with the  
13 sale, rental, supplying or furnishing of clinical laboratory services or  
14 supplies, x-ray laboratory services or supplies, inhalation therapy  
15 service or equipment, ambulance service, hospital or medical supplies,  
16 physiotherapy or other therapeutic service or equipment, artificial  
17 limbs, teeth or eyes, orthopedic or surgical appliances or supplies,  
18 optical appliances, supplies or equipment, devices for aid of hearing,  
19 drugs, medication or medical supplies or any other goods, services or  
20 supplies prescribed for medical diagnosis, care or treatment under this  
21 chapter, except payment, not to exceed thirty-three and one-third per  
22 centum of any fee received for x-ray examination, diagnosis or treat-  
23 ment, to any hospital furnishing facilities for such examination, diag-  
24 nosis or treatment. Nothing contained in this section shall prohibit  
25 such persons from practicing as partners, in groups or as a professional  
26 corporation or as a university faculty practice corporation nor from  
27 pooling fees and moneys received, either by the partnerships, profes-  
28 sional corporations, university faculty practice corporations or groups  
29 by the individual members thereof, for professional services furnished  
30 by any individual professional member, or employee of such partnership,  
31 corporation or group, nor shall the professionals constituting the part-  
32 nerships, corporations or groups be prohibited from sharing, dividing or  
33 apportioning the fees and moneys received by them or by the partnership,  
34 corporation or group in accordance with a partnership or other agree-  
35 ment; provided that no such practice as partners, corporations or in  
36 groups or pooling of fees or moneys received or shared, division or  
37 apportionment of fees shall be permitted with respect to care and treat-  
38 ment under the workers' compensation law except as expressly authorized  
39 by the workers' compensation law. Nothing contained in this section  
40 shall prohibit a multidisciplinary services practice formed pursuant to  
41 subdivision (a) of section twelve hundred three of the limited liability  
42 company law, subdivision (b) of section twelve hundred seven of the  
43 limited liability company law, subdivision (a) of section thirteen  
44 hundred one of the limited liability company law, paragraph (a) of  
45 section fifteen hundred three of the business corporation law, subdivi-  
46 sion (q) of section 121-1500 of the partnership law, or subdivision (q)  
47 of section 121-1502 of the partnership law from pooling fees or monies  
48 received. Nothing contained in this chapter shall prohibit a medical or  
49 dental expense indemnity corporation pursuant to its contract with the  
50 subscriber from prorationing a medical or dental expense indemnity  
51 allowance among two or more professionals in proportion to the services  
52 rendered by each such professional at the request of the subscriber,  
53 provided that prior to payment thereof such professionals shall submit  
54 both to the medical or dental expense indemnity corporation and to the  
55 subscriber statements itemizing the services rendered by each such  
56 professional and the charges therefor.

1 § 8. Subdivision 19 of section 6530 of the education law, as added by  
2 chapter 606 of the laws of 1991, is amended to read as follows:

3 19. Permitting any person to share in the fees for professional  
4 services, other than: a partner, employee, associate in a professional  
5 firm or corporation, professional subcontractor or consultant authorized  
6 to practice medicine, ~~[or]~~ a legally authorized trainee practicing under  
7 the supervision of a licensee, or an authorized professional licensed  
8 pursuant to article one hundred thirty-one, one hundred thirty-two, one  
9 hundred thirty-seven, one hundred forty, one hundred forty-one, one  
10 hundred forty-three, one hundred forty-four, one hundred fifty-three,  
11 one hundred fifty-four, one hundred fifty-five, one hundred fifty-six or  
12 one hundred fifty-nine or subdivision three of section sixty nine  
13 hundred two of article one hundred thirty-nine of this chapter providing  
14 professional services in the same practice. This prohibition shall  
15 include any arrangement or agreement whereby the amount received in  
16 payment for furnishing space, facilities, equipment or personnel  
17 services used by a licensee constitutes a percentage of, or is otherwise  
18 dependent upon, the income or receipts of the licensee from such prac-  
19 tice, except as otherwise provided by law with respect to a facility  
20 licensed pursuant to article twenty-eight of the public health law or  
21 article thirteen of the mental hygiene law;

22 § 9. Section 6531 of the education law, as amended by chapter 555 of  
23 the laws of 1993, is amended to read as follows:

24 § 6531. Additional definition of professional misconduct, limited  
25 application. Notwithstanding any inconsistent provision of this article  
26 or any other provisions of law to the contrary, the license or registra-  
27 tion of a person subject to the provisions of this article and article  
28 one hundred thirty-one-B of this chapter may be revoked, suspended, or  
29 annulled or such person may be subject to any other penalty provided in  
30 section two hundred thirty-a of the public health law in accordance with  
31 the provisions and procedures of this article for the following:

32 That any person subject to the above-enumerated articles has directly  
33 or indirectly requested, received or participated in the division,  
34 transference, assignment, rebate, splitting, or refunding of a fee for,  
35 or has directly requested, received or profited by means of a credit or  
36 other valuable consideration as a commission, discount or gratuity, in  
37 connection with the furnishing of professional care or service, includ-  
38 ing x-ray examination and treatment, or for or in connection with the  
39 sale, rental, supplying, or furnishing of clinical laboratory services  
40 or supplies, x-ray laboratory services or supplies, inhalation therapy  
41 service or equipment, ambulance service, hospital or medical supplies,  
42 physiotherapy or other therapeutic service or equipment, artificial  
43 limbs, teeth or eyes, orthopedic or surgical appliances or supplies,  
44 optical appliances, supplies, or equipment, devices for aid of hearing,  
45 drugs, medication, or medical supplies, or any other goods, services, or  
46 supplies prescribed for medical diagnosis, care, or treatment under this  
47 chapter, except payment, not to exceed thirty-three and one-third  
48 percent of any fee received for x-ray examination, diagnosis, or treat-  
49 ment, to any hospital furnishing facilities for such examination, diag-  
50 nosis, or treatment. Nothing contained in this section shall prohibit  
51 such persons from practicing as partners, in groups or as a professional  
52 corporation or as a university faculty practice corporation, nor from  
53 pooling fees and moneys received, either by the partnerships, profes-  
54 sional corporations, or university faculty practice corporations or  
55 groups by the individual members thereof, for professional services  
56 furnished by an individual professional member, or employee of such

1 partnership, corporation, or group, nor shall the professionals consti-  
2 tuting the partnerships, corporations or groups be prohibited from shar-  
3 ing, dividing, or apportioning the fees and moneys received by them or  
4 by the partnership, corporation, or group in accordance with a partner-  
5 ship or other agreement; provided that no such practice as partners,  
6 corporations, or groups, or pooling of fees or moneys received or  
7 shared, division or apportionment of fees shall be permitted with  
8 respect to and treatment under the workers' compensation law. Nothing  
9 contained in this section shall prohibit a multidisciplinary services  
10 practice formed pursuant to subdivision (a) of section twelve hundred  
11 three of the limited liability company law, subdivision (b) of section  
12 twelve hundred seven of the limited liability company law, subdivision  
13 (a) of section thirteen hundred one of the limited liability company  
14 law, paragraph (a) of section fifteen hundred three of the business  
15 corporation law, subdivision (q) of section 121-1500 of the partnership  
16 law, or subdivision (q) of section 121-1502 of the partnership law from  
17 pooling fees or monies received. Nothing contained in this chapter shall  
18 prohibit a corporation licensed pursuant to article forty-three of the  
19 insurance law pursuant to its contract with the subscriber from prora-  
20 tioning a medical or dental expenses indemnity allowance among two or  
21 more professionals in proportion to the services rendered by each such  
22 professional at the request of the subscriber, provided that prior to  
23 payment thereof such professionals shall submit both to the corporation  
24 licensed pursuant to article forty-three of the insurance law and to the  
25 subscriber statements itemizing the services rendered by each such  
26 professional and the charges therefor.

27 § 10. Subdivision 1 of section 2801 of the public health law, as  
28 amended by section 1 of subpart B of part S of chapter 57 of the laws of  
29 2018, is amended to read as follows:

30 1. "Hospital" means a facility or institution engaged principally in  
31 providing services by or under the supervision of a physician or, in the  
32 case of a dental clinic or dental dispensary, of a dentist, or, in the  
33 case of a midwifery birth center, of a midwife, for the prevention,  
34 diagnosis or treatment of human disease, pain, injury, deformity or  
35 physical condition, including, but not limited to, a general hospital,  
36 public health center, diagnostic center, treatment center, dental clinic,  
37 dental dispensary, rehabilitation center other than a facility used  
38 solely for vocational rehabilitation, nursing home, tuberculosis hospital,  
39 chronic disease hospital, maternity hospital, midwifery birth  
40 center, lying-in-asylum, out-patient department, out-patient lodge,  
41 dispensary and a laboratory or central service facility serving one or  
42 more such institutions, but the term hospital shall not include an  
43 institution, sanitarium or other facility engaged principally in provid-  
44 ing services for the prevention, diagnosis or treatment of mental disa-  
45 bility and which is subject to the powers of visitation, examination,  
46 inspection and investigation of the department of mental hygiene except  
47 for those distinct parts of such a facility which provide hospital  
48 service. The provisions of this article shall not apply to a facility or  
49 institution engaged principally in providing services by or under the  
50 supervision of the bona fide members and adherents of a recognized reli-  
51 gious organization whose teachings include reliance on spiritual means  
52 through prayer alone for healing in the practice of the religion of such  
53 organization and where services are provided in accordance with those  
54 teachings or to a multidisciplinary services practice formed pursuant to  
55 subdivision (a) of section twelve hundred three of the limited liability  
56 company law, subdivision (b) of section twelve hundred seven of the

1 limited liability company law, subdivision (a) of section thirteen  
2 hundred one of the limited liability company law, paragraph (a) of  
3 section fifteen hundred three of the business corporation law, subdivi-  
4 sion (q) of section 121-1500 of the partnership law, or subdivision (q)  
5 of section 121-1502 of the partnership law. No provision of this arti-  
6 cle or any other provision of law shall be construed to: (a) limit the  
7 volume of mental health or substance use disorder services that can be  
8 provided by a provider of primary care services licensed under this  
9 article and authorized to provide integrated services in accordance with  
10 regulations issued by the commissioner in consultation with the commis-  
11 sioner of the office of mental health and the commissioner of the office  
12 of alcoholism and substance abuse services, including regulations issued  
13 pursuant to subdivision seven of section three hundred sixty-five-1 of  
14 the social services law or part L of chapter fifty-six of the laws of  
15 two thousand twelve; (b) require a provider licensed pursuant to article  
16 thirty-one of the mental hygiene law or certified pursuant to article  
17 thirty-two of the mental hygiene law to obtain an operating certificate  
18 from the department if such provider has been authorized to provide  
19 integrated services in accordance with regulations issued by the commis-  
20 sioner in consultation with the commissioner of the office of mental  
21 health and the commissioner of the office of alcoholism and substance  
22 abuse services, including regulations issued pursuant to subdivision  
23 seven of section three hundred sixty-five-1 of the social services law  
24 or part L of chapter fifty-six of the laws of two thousand twelve.

25 § 10-a. Subdivision 1 of section 2801 of the public health law, as  
26 amended by section 1 of part Z of chapter 57 of the laws of 2019, is  
27 amended to read as follows:

28 1. "Hospital" means a facility or institution engaged principally in  
29 providing services by or under the supervision of a physician or, in the  
30 case of a dental clinic or dental dispensary, of a dentist, or, in the  
31 case of a midwifery birth center, of a midwife, for the prevention,  
32 diagnosis or treatment of human disease, pain, injury, deformity or  
33 physical condition, including, but not limited to, a general hospital,  
34 public health center, diagnostic center, treatment center, dental clin-  
35 ic, dental dispensary, rehabilitation center other than a facility used  
36 solely for vocational rehabilitation, nursing home, tuberculosis hospi-  
37 tal, chronic disease hospital, maternity hospital, midwifery birth  
38 center, lying-in-asylum, out-patient department, out-patient lodge,  
39 dispensary and a laboratory or central service facility serving one or  
40 more such institutions, but the term hospital shall not include an  
41 institution, sanitarium or other facility engaged principally in provid-  
42 ing services for the prevention, diagnosis or treatment of mental disa-  
43 bility and which is subject to the powers of visitation, examination,  
44 inspection and investigation of the department of mental hygiene except  
45 for those distinct parts of such a facility which provide hospital  
46 service. The provisions of this article shall not apply to a facility or  
47 institution engaged principally in providing services by or under the  
48 supervision of the bona fide members and adherents of a recognized reli-  
49 gious organization whose teachings include reliance on spiritual means  
50 through prayer alone for healing in the practice of the religion of such  
51 organization and where services are provided in accordance with those  
52 teachings or to a multidisciplinary services practice formed pursuant to  
53 subdivision (a) of section twelve hundred three of the limited liability  
54 company law, subdivision (b) of section twelve hundred seven of the  
55 limited liability company law, subdivision (a) of section thirteen  
56 hundred one of the limited liability company law, paragraph (a) of

1 section fifteen hundred three of the business corporation law, subdivi-  
2 sion (g) of section 121-1500 of the partnership law, or subdivision (g)  
3 of section 121-1502 of the partnership law. No provision of this arti-  
4 cle or any other provision of law shall be construed to: (a) limit the  
5 volume of mental health, substance use disorder services or develop-  
6 mental disability services that can be provided by a provider of primary  
7 care services licensed under this article and authorized to provide  
8 integrated services in accordance with regulations issued by the commis-  
9 sioner in consultation with the commissioner of the office of mental  
10 health, the commissioner of the office of alcoholism and substance abuse  
11 services and the commissioner of the office for people with develop-  
12 mental disabilities, including regulations issued pursuant to subdivi-  
13 sion seven of section three hundred sixty-five-1 of the social services  
14 law or part L of chapter fifty-six of the laws of two thousand twelve;  
15 (b) require a provider licensed pursuant to article thirty-one of the  
16 mental hygiene law or certified pursuant to article sixteen or article  
17 thirty-two of the mental hygiene law to obtain an operating certificate  
18 from the department if such provider has been authorized to provide  
19 integrated services in accordance with regulations issued by the commis-  
20 sioner in consultation with the commissioner of the office of mental  
21 health, the commissioner of the office of alcoholism and substance abuse  
22 services and the commissioner of the office for people with develop-  
23 mental disabilities, including regulations issued pursuant to subdivi-  
24 sion seven of section three hundred sixty-five-1 of the social services  
25 law or part L of chapter fifty-six of the laws of two thousand twelve.

26 § 11. This act shall take effect on the thirtieth day after it shall  
27 have become a law; provided, however, that section ten-a of this act  
28 shall take effect on the same date and in the same manner as section 1  
29 of part Z of chapter 57 of the laws of 2019, takes effect.