

STATE OF NEW YORK

4825

2019-2020 Regular Sessions

IN ASSEMBLY

February 5, 2019

Introduced by M. of A. ORTIZ, BENEDETTO -- Multi-Sponsored by -- M. of A. ENGLEBRIGHT -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, the limited liability company law, the partnership law and the public health law, in relation to the practice of naturopathy; and to amend the social services law, in relation to the reporting of child abuse

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

1 Section 1. Legislative intent. 1. The legislature recognizes that in
2 spite of advances in science and technology that have resulted in the
3 American healthcare system excelling at triage and in responding to
4 acute emergent conditions, there is an epidemic of chronic disease and
5 an unacceptable degree of iatrogenic disease in America. The legislature
6 recognizes that the economics of healthcare and the pursuit of scientific
7 advancement have led to an occupational preference among physicians
8 for specialization, resulting in a shortage of primary care physicians.
9 The legislature finds that licensure of the profession of naturopathic
10 medicine favorably addresses such problems, and agrees with U.S. Senate
11 Resolution 221 of the 113th Congress in finding that naturopathic
12 doctors are skilled in preventing and treating chronic disease; that
13 naturopathic medicine is a safe, effective, and affordable means of
14 health care; and that licensure of naturopathic doctors helps address
15 the shortage of primary care physicians in the United States, while also
16 providing people with more choice in health care.

17 2. The legislature recognizes that naturopathic medicine, although
18 encompassing primary and secondary care services, including many of the
19 same diagnostic tools and assessment techniques as the medical profes-
20 sion, and having certain Hippocratic principles in common with the
21 medical profession, is not part of the profession of medicine as contem-

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

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1 plated by article 131 of the education law, and intends that naturopathic
2 ic medicine be a distinct profession with its own state board.

3 3. The legislature recognizes that naturopathic medicine is a modern,
4 evolved form of naturopathy that is practiced by naturopathic doctors;
5 that the early form, today sometimes called traditional naturopathy, is
6 characterized by its vitalistic philosophy, and by its foundation of
7 hygiene and nature cure (i.e., the use of natural agents such as air,
8 light, water, food, and herbs to stimulate the body's own natural heal-
9 ing powers); and that such early form is practiced in some states by
10 traditional naturopaths without licensure, by lay persons in their own
11 self care, and to some extent in health spas. This bill is not intended
12 to change the legality or illegality of activities relating to such
13 hygiene and nature cure; nor to limit the scope of naturopathic medicine
14 to such traditional naturopathy.

15 4. The legislature recognizes that the naturopathic doctor has a
16 primary mission of facilitating optimum health and wellness for patients
17 of any age; relies on the scientific method in implementing vitalistic,
18 functional, and evidence-based strategies for assessing and treating
19 patients; and works with patients of good or ill health having acute and
20 chronic conditions, including serious medical conditions.

21 5. The legislature intends that the authorized activities within the
22 scope of practice of a naturopathic doctor are those activities within
23 the meanings of naturopathic assessment, common office procedures, phys-
24 ical naturopathy, approved substances, approved routes of adminis-
25 tration, and noninvasive naturopathic therapies, as per sections sixty-
26 eight hundred fifty and sixty-eight hundred fifty-one of article 138 of
27 the education law as proposed in this act. For naturopathic doctors
28 having the injection therapy privilege the authorized activities further
29 include injection therapy, as per section sixty-eight hundred fifty-four
30 of article 138 of the education law, as proposed in this act. The scope
31 of such practice activities however are limited by section sixty-eight
32 hundred fifty-five of article 138 of the education law, as proposed in
33 this act, which provides boundaries of professional competence. The
34 legislature provides a list of broad clinical objectives included within
35 the meaning of "facilitating optimum health and wellness," as defined in
36 section sixty-eight hundred fifty-one of article 138 of the education
37 law as proposed in this act, which list, while relevant to professional
38 conduct, is not intended to expand upon the authorized activities. The
39 legislature intends that invasive procedures other than diagnostic imag-
40 ing be impermissible, and that the definitions of the terms "invasive
41 procedures" and "noninvasive" be construed independent of each other.

42 6. The legislature intends that the education qualification for natu-
43 ropathic medicine emphasizes the basic sciences and clinical sciences,
44 such as has been established by the Council on Naturopathic Medical
45 Education (CNME) and the Association of Accredited Naturopathic Medical
46 Colleges (AANMC), and so distinguish over traditional naturopathy.

47 7. The legislature intends that the education qualification for natu-
48 ropathic medicine insofar as including a substantial equivalent of a
49 program of naturopathic medicine registered with the department require
50 that such substantial equivalent, among other factors determined by the
51 department, also require that the substantial equivalent emphasize the
52 naturopathic principles and the therapeutic order in clinical training,
53 such as in programs accredited by the Council on Naturopathic Medical
54 Education (CNME) or in the naturopathic medical programs offered by the
55 Association of Accredited Naturopathic Medical Colleges (AANMC), and so
56 distinguish over a doctoral degree in medicine or osteopathy.

1 8. The legislature intends that the professional conduct of the natu-
2 ropathic doctor be informed by the naturopathic principles and the ther-
3 apeutic order, and so distinguish over professional conduct for the
4 practice of the profession of medicine.

5 9. The legislature recognizes that in the practice of naturopathic
6 medicine the healing power of nature principle is viewed as being an
7 inherent property in a living organism to heal itself, and is an
8 acknowledgment that synergy results from the coordination of the many
9 chemical and physical reactions of the living system through varied and
10 circuitous feedback pathways making the whole function as more than the
11 sum of its parts. The number of reactions and the resulting complexity
12 and synergy is viewed in the profession of naturopathic medicine as
13 being why treatment of a given physiological process may result in
14 unforeseen nonlocal consequences, including iatrogenic disease; and is
15 why naturopathic doctors investigate and treat the patient as a whole
16 living system, find and remove the cause, and prefer less invasive ther-
17 apies and substances with fewer side effects. It also is why the naturo-
18 pathic doctor prefers to intervene early to prevent occurrence of
19 disease.

20 10. The legislature intends that licensed naturopathic doctors, while
21 being permitted to practice in solo and among other naturopathic
22 doctors, also be permitted to practice naturopathic medicine in many of
23 the current patient care venue types in the healthcare system; that
24 there be referral among naturopathic doctors, physicians, and other
25 health care providers as based on the interests of the patient; and that
26 integrative care settings and the advancement of public health and safe-
27 ty be realized through collaboration among naturopathic doctors, physi-
28 cians, and other health care providers.

29 11. Naturopathic doctors add to the health care system by bringing
30 their naturopathic approach to patient care; and by bringing their
31 expertise on the determinants of health, diet and nutrient therapy,
32 phytotherapy, therapeutic use of physical agents, and drug/herb
33 drug/nutrient interactions. Therefore, to improve the public health,
34 safety and welfare of its citizens, the legislature finds it is desira-
35 ble to regulate the profession of naturopathic medicine, and intends
36 that admission to practice and regulation of such practice, including
37 professional conduct, shall be supervised by the board of regents and
38 administered by the state education department, assisted by a state
39 board of naturopathic medicine.

40 § 2. The education law is amended by adding a new article 138 to read
41 as follows:

42 ARTICLE 138

43 NATUROPATHIC MEDICINE

44 Section 6850. Introduction.

45 6851. Definitions.

46 6852. Definition of the practice of naturopathic medicine.

47 6853. Title and designation.

48 6854. Injection therapy and injection therapy privilege.

49 6855. Boundaries of professional competence.

50 6856. State board for naturopathic medicine.

51 6857. Qualifications for licensure.

52 6858. Special conditions.

53 6859. Exempt persons and exemptions.

54 6860. Limited residency permits.

55 6861. Limited permits.

56 6862. Mandatory continuing education.

1 § 6850. Introduction. This article applies to the licensure and regu-
2 lation of naturopathic doctors to practice naturopathic medicine in this
3 state. The general provisions for all professions contained in article
4 one hundred thirty, as added by chapter nine hundred eighty-seven of the
5 laws of nineteen hundred seventy-one, of this title apply to this arti-
6 cle.

7 § 6851. Definitions. For the purposes of this article:

8 1. "Approved CLIA waived tests" mean laboratory tests categorized
9 under the federal clinical laboratory improvement act (CLIA) of 1988 as
10 being waived tests, and which are identified by the department upon the
11 recommendation of the board, and updated as needed or upon triennial
12 review, as being appropriate in the practice of naturopathic medicine.

13 2. "Approved routes of administration" means oral, sublingual, nasal,
14 auricular, ocular, rectal, vaginal, and transdermal. For naturopathic
15 doctors having injection therapy privilege under section sixty-eight
16 hundred fifty-four of this article, "approved routes of administration"
17 further include injection routes, namely, intravenous, intramuscular,
18 subcutaneous, and intradermal.

19 3. "Approved substances" means over-the-counter substances; food
20 concentrates, food extracts, and other dietary ingredients; vitamins,
21 minerals, and other dietary supplements; botanical and homeopathic prep-
22 arations; and a limited formulary of legend drugs. The limited formulary
23 of legend drugs includes thyroid hormones, estrogen hormones, progester-
24 one hormone, DHEA, and homeopathic preparations of homeopathic drugs
25 listed in the official homeopathic pharmacopoeia of the United States.
26 For naturopathic doctors having injection therapy privilege under
27 section sixty-eight hundred fifty-four of this article, the limited
28 formulary further includes immunizations and injectable forms of the
29 approved substances. Legend drugs in the limited formulary may be admin-
30 istered and prescribed, and the other approved substances and homeopath-
31 ic preparations may be administered, prescribed, and dispensed.

32 4. "Board" means the state board for naturopathic medicine.

33 5. "Common office procedures" means administering approved CLIA waived
34 tests; administering ultrasonographic and thermographic imaging;
35 prescribing, installing, removing, and adjusting barrier contraceptive
36 devices; procedures for treating superficial lacerations and abrasions
37 and for the removal of foreign bodies located in superficial structures
38 not to include the eye, excluding by incision and suturing; administer-
39 ing cryotherapy, ligation, and fulguration; administering approved
40 substances via approved routes of administration; procedures for obtain-
41 ing samples of bodily fluids, bodily excretions, bodily secretions, and
42 bodily tissues; and other procedures for assessment or therapy that are
43 noninvasive. Common office procedures for obtaining samples are limited
44 to: venipuncture and phlebotomy, PAP smear, scraping, and for hair
45 cutting.

46 6. "Controlled substance" means controlled substances as defined in
47 the federal controlled substances act.

48 7. "Diagnostic imaging" means radiography, tomography, magnetic reso-
49 nance imaging, ultrasonography, and thermography, and excludes nuclear
50 medicine, fluoroscopy, and radiological procedures for treating a
51 medical condition.

52 8. "Dietary ingredient" means a dietary ingredient as defined in the
53 Federal Dietary Supplement Health and Education Act of 1994 (DSHEA).

54 9. "Dietary supplement" means a dietary supplement as defined in the
55 Federal Dietary Supplement Health and Education Act of 1994 (DSHEA).

1 10. "Drug" means a drug as defined in the Federal Food, Drug, and
2 Cosmetic Act, 21 USC 321.

3 11. "Facilitating optimum health and wellness" means facilitating the
4 establishment and maintenance of a healthy patient lifestyle and nutri-
5 tional foundation; educating the patient about their circumstances of
6 health and illness and steps for establishing and maintaining optimum
7 health and wellness; facilitating and augmenting self-healing processes;
8 supporting and modulating physiological processes; supporting and
9 correcting integrity of anatomical structures; identifying and removing
10 underlying causes of illness; and identifying, preventing, mitigating,
11 monitoring, and treating illness.

12 12. "Food" means food as defined in the Federal Food, Drug, and
13 Cosmetic Act, 21 USC 321.

14 13. "Illness" means pain, injury, deformity, syndrome, disease, or
15 other unhealthy condition.

16 14. "Invasive procedure" means any medical procedure in which bone,
17 viscera, the eyeball, the inner ear, the dorsal body cavity, or the
18 ventral body cavity is penetrated by a physical device or by ionizing
19 radiation above background levels.

20 15. "Injection therapy" means the injection of approved substances.

21 16. "Injection therapy privilege" means the scope of practice privi-
22 lege to practice injection therapy, in accordance with regulations
23 promulgated by the commissioner.

24 17. "Legend drug" means a drug for which a prescription is required
25 under the Federal Food, Drug and Cosmetic Act.

26 18. "Naturopathic assessment" means the identification and evaluation
27 of a patient's circumstances of health and illness by investigating the
28 patient's health, history, life style, and determinants of health; by
29 comprehensive physical examination; by common office procedures for
30 assessment; by ordering and prescribing laboratory tests and procedures,
31 including submitting specimens for testing to laboratories that hold
32 permits or licenses pursuant to under title V of article five of the
33 public health law; by ordering and prescribing diagnostic imaging; and
34 by other assessment techniques that are noninvasive. Specimens for
35 testing may be obtained by common office procedures as described in
36 subdivision five of this section or by patient submission (e.g., for
37 stool, urine, hair, saliva).

38 19. "Naturopathic principles" means the following principles, which
39 are weighed by the naturopathic doctor to influence the selection of
40 naturopathic assessment activities, common office procedures, and treat-
41 ments administered, ordered or referred:

42 a. "the healing power of nature," which means the inherent ability of
43 a living organism for self-healing;

44 b. "identify and treat the causes," which means identify and remove
45 the underlying causes of illness so that self-healing processes may
46 function effectively;

47 c. "first do no harm," which means apply the least force or inter-
48 vention to identify illness and restore health, such as referenced in
49 the therapeutic order; and whenever possible, avoid symptom suppression
50 that interferes with the dynamics of self-healing;

51 d. "doctor as teacher," which means educate patients as to steps for
52 achieving and maintaining health, and encourage self-responsibility for
53 health;

54 e. "treat the whole person," which means assess and treat the patient
55 as an integrated whole having many physical, mental, emotional, spiritu-
56 al, and social aspects; and

1 f. "prevention," which means assess life style, determinants of
2 health, and genetic and environmental susceptibility to illness; recom-
3 mend appropriate interventions to reduce risks of disease occurrence;
4 and facilitate the establishment and maintenance of positive emotion,
5 thought and action.

6 20. "Noninvasive" means no break is created in the skin or mucosa, no
7 infiltration of the skin or mucosa is made by ionizing radiation above
8 background levels, no endoscopy is performed between the esophagus and
9 colon, inclusive, and no radiography, tomography, or magnetic resonance
10 imaging is administered.

11 21. "Noninvasive naturopathic therapies" means diet and lifestyle
12 counseling, patient education as to circumstances of health and illness,
13 wellness counseling, biofeedback, hypnotherapy, and touch and/or tapping
14 therapies with and without a verbal communication component. Noninvasive
15 naturopathic therapies exclude the practice of marital and family thera-
16 py, psychoanalysis, and creative arts therapy on a continued sustained
17 basis, and is further limited in application by a boundary of profes-
18 sional competence restricting psychotherapeutic intervention with
19 patients having symptomatic, intellectually, socially or emotionally
20 maladaptive behavior sufficient to be a mental, emotional, cognitive,
21 addictive or behavioral disorder as per DSM criteria or per diagnosis by
22 a qualified healthcare provider, as provided in section sixty-eight
23 hundred fifty-five of this article.

24 22. "Optimum health" means a person's desired, maintainable, best
25 degree of health, given the person's circumstances of health and
26 illness, the therapeutic goals, and the person's degree of self-respon-
27 sibility for healing.

28 23. "Over the counter substances" means substances that have been
29 approved or cleared by the food and drug administration of the United
30 States department of health and human services for sale or distribution
31 to the public on a direct or over-the-counter basis without a
32 prescription from a qualified health care practitioner.

33 24. "Physical naturopathy" means manual therapy, therapeutic exercise,
34 hydrotherapy, colonic therapy, sauna, microwave diathermy, shortwave
35 diathermy, ultrasonic diathermy, muscle stimulation, biofeedback, infra-
36 red light therapy, ultraviolet light therapy, visible light therapy,
37 iontophoresis, and the therapeutic use of physical medicine therapeutic
38 devices that are exempt or are class i or class ii devices identified
39 under the Code of Federal Regulations, Title 21, Chapter I, Subchapter
40 H, Part 890, Subpart f.

41 25. "Radiological procedures" means radiological procedures as defined
42 in section eighty-seven hundred one of this title.

43 26. "Superficial" means the dermal and subcutaneous layers of the body
44 exterior, the mucosal layer of the body orifices, and the underlying
45 fascia and adipose.

46 27. "Surgery" means a medical procedure for structurally altering the
47 human body by cutting into live human tissue for the purpose of local-
48 ized alteration, transportation, or destruction of live human tissue
49 using ionizing radiation or an instrument, such as a laser, scalpel, or
50 probe; and does not include punctures, injections, dry needling,
51 acupuncture, or removal of dead tissue.

52 28. "Therapeutic order" means the hierarchy of therapeutic inter-
53 vention, as follows, ordered according to degree of intervention, and
54 used by determining the lowest degree of intervention for which the
55 specific patient's circumstances of health and illness can be effec-
56 tively addressed to restore and facilitate optimum health, wherein ther-

1 apeutic intervention outside the boundaries of professional competence
2 is intended to be referred:

3 a. establish the conditions for health (e.g., identify and remove
4 disturbing factors; institute a more healthful regimen);

5 b. stimulate the self-healing processes;

6 c. address weakened or damaged systems or organs (e.g., strengthen the
7 immune system; decrease toxicity; normalize inflammatory function; opti-
8 mize metabolic function; balance regulatory systems; enhance regener-
9 ation; cultivate sensory and mindful awareness of the integration of
10 psyche and soma);

11 d. correct structural integrity;

12 e. address pathology using specific natural substances, modalities, or
13 interventions;

14 f. address pathology using specific pharmacologic or synthetic
15 substances; and

16 g. suppress or surgically remove pathology.

17 29. "Vertebral adjustment" means a high velocity, low amplitude thrust
18 applied to a vertebra at the end of its range of motion utilizing parts
19 of the vertebra and contiguous structures as levers to directionally
20 correct articulate malposition, and excludes motion that moves the
21 vertebra to the end of its range of motion.

22 30. "Wellness" means a state of being able to prevent illness and
23 prolong life.

24 31. "Wellness counseling" means patient doctor dialogue for facilitat-
25 ing positive emotion, thought, and action provided within a multimodal
26 holistic framework of therapy informed by the naturopathic principles
27 and the therapeutic order.

28 § 6852. Definition of the practice of naturopathic medicine. The
29 practice of naturopathic medicine is defined as facilitating optimum
30 health and wellness for patients of any age using naturopathic assess-
31 ment, common office procedures, physical naturopathy, approved
32 substances, and noninvasive naturopathic therapies in a holistic frame-
33 work informed by naturopathic principles and a therapeutic order.

34 § 6853. Title and designation. Only a person licensed under this arti-
35 cle may use the title "naturopathic doctor", "licensed naturopath" or
36 "professional naturopath" and hold herself or himself out as practicing
37 naturopathic medicine; provided, however, that none of such titles nor
38 any combination of such titles shall be used to convey the idea that the
39 individual who uses such title practices anything other than naturopathy
40 and naturopathic medicine. A licensed naturopathic doctor may not use
41 the title "physician" unless otherwise authorized under title VIII of
42 the education law.

43 § 6854. Injection therapy and injection therapy privilege. 1. For
44 issuance of injection therapy privilege, the applicant shall fulfill the
45 following requirements:

46 a. file an application with the department;

47 b. be licensed as a naturopathic doctor in the state, including a
48 limited permit holder, or be an applicant for licensure under this arti-
49 cle meeting the qualifications for licensure or for a limited permit;

50 c. have successfully completed a certification course in injection
51 therapy from a course provider approved by the department or as part of
52 a program of naturopathic medicine registered with the department or the
53 substantial equivalent thereof;

54 d. pay a fee to the department of two hundred dollars for the issuance
55 and initial registration of the injection therapy privilege.

1 2. An injection therapy privilege issued under this section shall be
2 valid for the life of the holder, unless revoked, annulled, or suspended
3 by the board of regents. During each triennial registration period, a
4 naturopathic doctor having injection therapy privilege shall complete
5 eight hours of acceptable formal continuing education as part of their
6 mandatory continuing education requirement, in conformance with the
7 provisions of section sixty-eight hundred sixty-two of this article, on
8 the subject of injection therapy, including formal continuing education
9 that contributes to the enhancement of clinical injection therapy
10 skills, pursuant to the regulation of the commissioner. Failure to
11 complete the required continuing education under this subsection shall
12 result in suspension of the injection therapy privilege until such time
13 as the required continuing education is complete. A suspension of the
14 injection therapy privilege for lack of completion of the required
15 continuing education that exceeds twelve months in duration shall result
16 in a revocation of the injection therapy privilege, and require re-ap-
17 plication, recertification or other education satisfactory to the
18 commissioner, and the fee as per section sixty-eight hundred fifty-seven
19 of this article for re-issuance of the injection therapy privilege. This
20 continuing education requirement is effective as of the same effective
21 date as section sixty-eight hundred fifty-seven of this article.

22 3. A student in a doctoral program of naturopathic medicine registered
23 with the department or the substantial equivalent thereof may perform
24 injection therapy in an internship or preceptorship setting when
25 required as part of such program for the purpose of fulfilling such
26 program requirement only under the immediate direct personal supervision
27 of a physician licensed under this title or a naturopathic doctor
28 licensed under this article having injection therapy privilege. "Immedi-
29 ate direct personal supervision" for the purposes of this section means
30 supervision of a procedure for injection therapy based on instructions
31 given directly by the supervising physician or supervising naturopathic
32 doctor who remains physically present in the immediate area when the
33 injection therapy procedure is performed.

34 § 6855. Boundaries of professional competence. The activities encom-
35 passed within the definition of the practice of naturopathic medicine
36 under sections sixty-eight hundred fifty-two and sixty-eight hundred
37 fifty-four of this article are limited by the prohibitions, boundaries,
38 and restrictions of this section.

39 1. The practice of the profession of naturopathic medicine does not
40 include: administering or prescribing controlled substances; adminis-
41 tering invasive procedures; administering electroconvulsive therapy;
42 administering needle-type electromyography; performing surgery other
43 than cryotherapy, ligation and fulguration; administering radiological
44 procedures using ionizing radiation above background levels; adminis-
45 tering general or spinal anesthetic drugs; administering obstetric services
46 other than complementary naturopathic prenatal and postnatal wellness
47 care; administering acupuncture; and setting fractures.

48 2. a. (i) It shall be deemed practicing outside the boundaries of
49 professional competence for a naturopathic doctor to provide emergency
50 care services for treating injuries or trauma from a serious accident or
51 a violent crime, except as permitted by article thirty of the public
52 health law.

53 (ii) It shall be deemed professional misconduct for a naturopathic
54 doctor to hold herself or himself out as providing emergency care
55 services on a continued sustained basis; or to treat an acute emergent

1 condition of significant threat to life or limb without also summoning
2 emergency medical response.

3 b. (i) It shall be deemed practicing outside the boundaries of profes-
4 sional competence for a naturopathic doctor to administer physical natu-
5 ropathy on a patient on a continued sustained basis under either of the
6 following circumstances: to assist the patient to compensate for devel-
7 opmental deficits affecting physical movement and mobility that cannot
8 be reversed; and to restore, for purposes of patient reintegration back
9 into the home, community, or work, some or all of the patient's pathome-
10 chanical deficits affecting physical movement and mobility that were
11 lost due to injury or disease causing ongoing separation from home,
12 community or work.

13 (ii) A naturopathic doctor may correct vertebral alignment using
14 vertebral adjustment in combination with naturopathic muscle release
15 techniques and soft tissue manipulation within a multimodal holistic
16 treatment plan, but otherwise may not practice vertebral adjustment.

17 c. For patients having symptomatic, intellectually, socially or
18 emotionally maladaptive behavior sufficient to be a mental, emotional,
19 cognitive, addictive or behavioral disorder as per DSM (diagnostic and
20 statistical manual of mental disorders) criteria or an equivalent there-
21 of, or per diagnosis by a qualified healthcare provider, it shall be
22 deemed practicing outside the boundaries of professional competence for
23 a naturopathic doctor to facilitate changes in the patient's personality
24 and behavior for the purpose of eliminating such symptomatic maladaptive
25 behavior corresponding to such disorder through the use of verbal,
26 cognitive, and emotional interpersonal communication methods of
27 psychotherapeutic intervention on a continued sustained basis. Such
28 restriction on psychotherapeutic intervention does not restrict a natu-
29 ropathic doctor from providing dietary and lifestyle advice and
30 instructions to the patient, nor from educating the patient about their
31 circumstances of health and illness. Such restriction on psychotherapeu-
32 tic intervention excludes hypnotherapy applied as part of a multimode
33 holistic treatment plan (e.g., nutrient therapy and hypnotherapy) to
34 treat tobacco addiction or obesity. Although a naturopathic doctor
35 cannot provide a psychological diagnosis, a naturopathic doctor may
36 apply and document such DSM or equivalent criteria, or the absence ther-
37 eof to discern this boundary of professional competence, which discern-
38 ment shall defer to a diagnosis by a qualified healthcare provider.

39 d. Although the identification of an illness is part of a naturopathic
40 assessment, a naturopathic doctor may not equate such assessment to a
41 medical or psychological diagnosis, nor hold himself or herself out as
42 making a medical or psychological diagnosis. A naturopathic doctor,
43 however, may use common diagnostic codes (e.g., ICD-10 codes; DSM-V
44 codes) and may refer to an identified illness in discussions with the
45 patient, in patient health records, and in communications compliant with
46 the federal Health Insurance Portability and Accountability Act of 1996
47 (HIPAA).

48 3. While the scope of activities included within the practice of natu-
49 ropathic medicine overlaps in part with other professions licensed under
50 this title, the naturopathic doctor shall not hold herself or himself
51 out as practicing any such other profession or use a title of any such
52 other profession, unless otherwise authorized under this title.

53 § 6856. State board for naturopathic medicine. 1. A state board for
54 naturopathic medicine shall be appointed by the board of regents on the
55 recommendation of the commissioner for the purpose of assisting the
56 board of regents and the department on matters of professional licensing

1 and professional conduct in accordance with section sixty-five hundred
2 eight of this title. The board shall be composed of two public represen-
3 tatives who do not hold interests in the organization, financing or
4 delivery of naturopathic services, one licensed physician who is a
5 doctor of medicine or a doctor of osteopathy, and not less than six
6 naturopathic doctors. A naturopathic doctor member of the board shall
7 have been licensed under this article for at least two years prior to
8 being appointed, which two year license requirement is waived for the
9 initial board and replaced with a requirement that the naturopathic
10 doctor obtain a license under this article within one year of appoint-
11 ment or one year of the effective date of this article, whichever comes
12 later. The terms of the first appointed members shall be staggered so
13 that three are appointed for three years, three are appointed for four
14 years, and four are appointed for five years. An executive secretary of
15 the board shall be appointed by the board of regents on the recommenda-
16 tion of the commissioner.

17 2. Examinations selected or prepared by the board pursuant to subdivi-
18 sion two of section sixty-five hundred eight of this title shall conform
19 whenever possible to nationally recognized test development standards
20 and test competencies for naturopathic medicine.

21 § 6857. Qualifications for licensure. To qualify for a license to
22 practice the profession of naturopathic medicine, an applicant shall
23 fulfill the following requirements:

- 24 1. file an application with the department;
- 25 2. have received an education, including a doctoral degree in naturo-
26 pathic medicine, granted on the basis of completion of a program of
27 naturopathic medicine registered with the department or the substantial
28 equivalent thereof, in accordance with the commissioner's regulations;
- 29 3. for applicants applying more than two years after the effective
30 date of this article, have satisfactorily completed a post-graduate
31 residency program of naturopathic medicine of at least twelve months
32 duration approved by the department, or the substantial equivalent ther-
33 eof, and in accordance with the commissioner's regulations;
- 34 4. pass an examination satisfactory to the board and in accordance
35 with the commissioner's regulations;
- 36 5. be at least twenty-one years of age;
- 37 6. be of good moral character as determined by the department; and
- 38 7. pay a fee of three hundred fifty dollars to the department for an
39 initial license and a fee of five hundred dollars for each triennial
40 registration period.

41 § 6858. Special conditions. 1. An applicant having received, prior to
42 nineteen hundred eighty-eight, an education, including a doctoral degree
43 in naturopathic medicine, granted on the basis of completion of a
44 program of naturopathic medicine registered with the department or the
45 substantial equivalent thereof, may substitute for the experience and
46 examination qualifications of section sixty-eight hundred fifty-seven of
47 this article, either of: (i) satisfactory evidence of practice of natu-
48 ropathic medicine of not less than three years during the five years
49 preceding the filing of the application; or (ii) practice under a limit-
50 ed permit for at least two of the three years prior to application under
51 this article.

52 2. An applicant having received, prior to two years after the effec-
53 tive date of this article, an education, including a doctoral degree in
54 naturopathic medicine, granted on the basis of completion of a program
55 of naturopathic medicine registered with the department or the substan-
56 tial equivalent thereof, may substitute for the experience qualification

1 of section sixty-eight hundred fifty-seven of this article, either of:
2 (i) satisfactory evidence of practice of naturopathic medicine of not
3 less than three years during the five years preceding the filing of the
4 application; or (ii) practice under a limited permit for at least two of
5 the three years prior to application under this article.

6 3. The "practice of naturopathic medicine" as used in this section
7 includes the practice of naturopathy or naturopathic medicine in a state
8 or territory of the United States, including New York state, or a Cana-
9 dian province, while maintaining a professional license in naturopathy
10 or naturopathic medicine issued by the same or another state or territo-
11 ry or a Canadian province; and includes practice performed before and
12 after the effective date of this article.

13 4. Practice demonstrated by satisfactory evidence of practice or by a
14 limited permit, as provided in subdivisions one and two of this section,
15 must be complete within eighteen years after the effective date of this
16 article. Applicants having completed the practice requirements of a
17 special condition under this section must submit an application for
18 license by nineteen years after the effective date of this article and
19 must cure defects, if any, in the application as identified by the
20 department within a time period indicated by the department.

21 § 6859. Exempt persons and exemptions. Nothing contained in this arti-
22 cle shall be construed to affect or prevent the following:

23 1. a. A licensed physician from practicing his or her profession as
24 defined in articles one hundred thirty-one and one hundred thirty-one-b
25 of this title; a registered professional nurse or a certified nurse
26 practitioner practicing his or her profession as defined under article
27 one hundred thirty-nine of this title; or

28 b. Qualified members of other professions licensed under this title
29 from performing the practice of their professions; except that such
30 persons may not hold themselves out under the title naturopath or natu-
31 ropathic doctor, or as performing naturopathy or naturopathic medicine.

32 2. A student from engaging in clinical practice under supervision of a
33 licensed naturopathic doctor as part of a program of naturopathic medi-
34 cine registered by the department or the substantial equivalent thereof.

35 3. The practice of naturopathic medicine by a salaried employee of the
36 government of the United States while the individual is engaged in the
37 performance of duties prescribed by the laws and regulations of the
38 United States.

39 4. The domestic care of the sick, disabled or injured by any family
40 member, household member or friend, or person employed primarily in a
41 domestic capacity who does not hold himself or herself out, or accept
42 employment as a person licensed to practice naturopathic medicine under
43 the provisions of this article.

44 5. The care of the sick when done in connection with the practice of
45 the religious tenets of any church.

46 6. The marketing, sale or use of substances or devices governed by the
47 Federal Food, Drug, and Cosmetic Act that do not require a prescription
48 from a qualified healthcare provider.

49 7. The conduct, activities, or services of individuals, churches,
50 schools, teachers, organizations, or not-for-profit businesses in
51 providing instruction, advice, support, encouragement, or information to
52 individuals, families, and relational groups.

53 § 6860. Limited residency permits. 1. For issuance of a limited resi-
54 dency permit, the applicant shall fulfill the following requirements:

55 a. file an application with the department;

1 b. have received an education, including a doctoral degree in naturo-
2 pathic medicine, granted on the basis of completion of a program of
3 naturopathic medicine registered with the department or the substantial
4 equivalent thereof;

5 c. have been accepted into a post-graduate residency program of natu-
6 ropathic medicine approved by the department;

7 d. be of good moral character as determined by the department;

8 e. be at least twenty-one years of age; and

9 f. pay a fee to the department of one hundred dollars, or for a
10 renewal a fee of fifty dollars.

11 2. Such permit shall allow the permit holder to perform such activ-
12 ities that are required for successful completion of the residency
13 program under the administrative supervision of a licensed naturopathic
14 doctor serving as the residency director. Practice activities under a
15 limited residency permit shall be limited to facilities encompassed by
16 the post-graduate residency program of the permit holder, such as a
17 hospital, an incorporated hospital or clinic, a licensed proprietary
18 hospital, a licensed nursing home, a public health agency, a recognized
19 public or non-public school setting, the office of a licensed naturo-
20 pathic doctor, or in the civil service of the state or political subdivi-
21 sion thereof. Practice supervision of a permit holder's practice
22 activities shall be on-site supervision by a licensed naturopathic
23 doctor, except for injection therapy procedures, which shall be direct
24 personal supervision by a licensed physician or a licensed naturopathic
25 doctor having injection therapy privilege. "Direct personal supervision"
26 for the purposes of this section means supervision of a procedure for
27 injection therapy based on instructions given directly by the supervis-
28 ing physician or supervising naturopathic doctor who remains on site
29 when and where the procedure is being performed, but shall not be
30 construed as necessarily requiring the physical presence of the super-
31 vising physician or supervising naturopathic doctor in the immediate
32 area at the time when the injection therapy procedure is performed.

33 3. Such permit shall be issued for one year and may be renewed at the
34 discretion of the department for one or two additional years when neces-
35 sary to permit the completion of an approved post-graduate residency in
36 naturopathic medicine.

37 § 6861. Limited permits. 1. For issuance of a limited permit, the
38 applicant shall fulfill the following requirements:

39 a. file an application with the department;

40 b. have received an education, including a doctoral degree in naturo-
41 pathic medicine, granted on the basis of completion of a program of
42 naturopathic medicine registered with the department or the substantial
43 equivalent thereof;

44 c. indicate exercising option to attain qualifications for licensure
45 using a limited permit special condition under section sixty-eight
46 hundred fifty-eight of this article;

47 d. be of good moral character as determined by the department;

48 e. be at least twenty-one years of age; and

49 f. pay a fee of two hundred dollars to the department.

50 2. Such limited permit shall authorize the practice of naturopathic
51 medicine only under the supervision of a licensed naturopathic doctor.
52 Supervision of the limited permit holder's practice activities shall be
53 on-site supervision by a licensed naturopathic doctor.

54 3. A limited permit shall be issued for a period of two years, and may
55 be renewed under circumstances and for a time period and fee in accord-
56 ance with the commissioner's regulations.

1 4. The last day for applying for a limited permit under this section
2 is fifteen years after the effective date of this section.

3 § 6862. Mandatory continuing education. 1. a. Each naturopathic doctor
4 licensed pursuant to this article, required to register triennially with
5 the department to practice in this state shall comply with the
6 provisions of the mandatory continuing education requirements prescribed
7 in subdivision two of this section, except as provided in paragraphs b
8 and c of this subdivision. Naturopathic doctors who do not satisfy the
9 mandatory continuing education requirements shall not practice until
10 they have met such requirements, and they have been issued a registra-
11 tion certificate, except that a naturopathic doctor may practice without
12 having met such requirements if he or she is issued a conditional regis-
13 tration pursuant to subdivision three of this section.

14 b. Naturopathic doctors shall be exempt from the mandatory continuing
15 education requirement for the triennial registration period during which
16 they are first licensed. In accord with the intent of this section,
17 adjustments to the mandatory continuing education requirements may be
18 granted by the department for reasons of health certified by an appro-
19 priate health care professional, for extended active duty with the armed
20 forces of the United States, or for other good cause acceptable to the
21 department, which may prevent compliance.

22 c. A licensed naturopathic doctor not engaged in professional prac-
23 tice, as determined by the department, shall be exempt from the mandato-
24 ry continuing education requirement upon the filing of a statement with
25 the department declaring such status. Any licensee who returns to the
26 practice of naturopathic medicine during the triennial registration
27 period shall notify the department prior to reentering the profession
28 and shall meet such mandatory education requirements as shall be
29 prescribed by regulations of the commissioner.

30 2. During each triennial registration period an applicant for regis-
31 tration shall complete sixty hours of acceptable formal continuing
32 education. Any licensed naturopathic doctor whose first registration
33 date following the effective date of this section occurs less than three
34 years from such effective date, shall complete continuing education
35 hours on a prorated basis at the rate of one and one-half hours per
36 month for the number of months between the effective date and the first
37 registration date. Thereafter, a licensee who has not satisfied the
38 mandatory continuing education requirements shall not be issued a trien-
39 ennial registration certificate by the department and shall not practice
40 unless and until a conditional registration certificate is issued as
41 provided in subdivision three of this section. The individual licensee
42 shall determine the selection of courses or programs of study pursuant
43 to subdivision four of this section. Continuing education hours taken
44 during one triennium may not be carried over or otherwise credited or
45 transferred to a subsequent triennium.

46 3. The department, in its discretion, may issue a conditional regis-
47 tration to a licensee who fails to meet the continuing education
48 requirements established in subdivision two of this section but who
49 agrees to make up any deficiencies and take any additional education
50 which the department may require. The fee for such a conditional regis-
51 tration shall be the same as, and in addition to, the fee for the trien-
52 ennial registration. The duration of such conditional registration shall
53 be determined by the department but shall not exceed one year. Any
54 licensee who is notified of the denial of registration for failure to
55 complete the required continued education and who continues to practice
56 naturopathic medicine without such registration, shall be subject to

1 disciplinary proceedings pursuant to section sixty-five hundred ten of
2 this title.

3 4. As used in this section, "acceptable formal continuing education"
4 shall mean formal programs of learning which contain subject matter
5 which meet the following requirements: contributes to the enhancement of
6 professional and clinical skills of the naturopathic doctor; meets the
7 standards prescribed by regulations of the commissioner in consultation
8 with the board to fulfill the mandatory continuing education require-
9 ment; and is sponsored or presented by a state or a Canadian province
10 naturopathic medicine professional organization acceptable to the
11 department, a United States or Canadian national naturopathic medicine
12 professional organization acceptable to the department, an institution
13 of higher learning having an accreditation acceptable to the department,
14 or another sponsor approved by the department, pursuant to the regu-
15 lation of the commissioner. Continuing education courses must be taken
16 from a provider who has been approved by the department, based upon an
17 application and fee, pursuant to the regulations of the commissioner.
18 The department may, in its discretion and as needed to contribute to the
19 health and welfare of the public, require the completion of continuing
20 education activities in specific subjects to fulfill this mandatory
21 continuing education requirement.

22 5. Licensed naturopathic doctors shall maintain adequate documentation
23 of completion of acceptable formal continuing education and shall
24 provide such documentation to the department upon request. Failure to
25 provide such documentation upon request of the department shall be an
26 act of misconduct subject to disciplinary proceedings pursuant to
27 section sixty-five hundred ten of this title.

28 6. The mandatory continuing education fee shall be fifty dollars,
29 shall be payable on or before the first day of each triennial registra-
30 tion period, and shall be in addition to the triennial registration fee
31 required by section sixty-eight hundred fifty-seven of this article.

32 § 3. Subdivision (a) of section 1203 of the limited liability company
33 law, as amended by chapter 475 of the laws of 2014, is amended to read
34 as follows:

35 (a) Notwithstanding the education law or any other provision of law,
36 one or more professionals each of whom is authorized by law to render a
37 professional service within the state, or one or more professionals, at
38 least one of whom is authorized by law to render a professional service
39 within the state, may form, or cause to be formed, a professional
40 service limited liability company for pecuniary profit under this arti-
41 cle for the purpose of rendering the professional service or services as
42 such professionals are authorized to practice. With respect to a
43 professional service limited liability company formed to provide medical
44 services as such services are defined in article 131 of the education
45 law, each member of such limited liability company must be licensed
46 pursuant to article 131 of the education law to practice medicine in
47 this state. With respect to a professional service limited liability
48 company formed to provide naturopathic services as such services are
49 defined in article 138 of the education law, each member of such limited
50 liability company must be licensed pursuant to article 138 of the educa-
51 tion law to practice naturopathy in this state. With respect to a
52 professional service limited liability company formed to provide dental
53 services as such services are defined in article 133 of the education
54 law, each member of such limited liability company must be licensed
55 pursuant to article 133 of the education law to practice dentistry in
56 this state. With respect to a professional service limited liability

1 company formed to provide veterinary services as such services are
2 defined in article 135 of the education law, each member of such limited
3 liability company must be licensed pursuant to article 135 of the educa-
4 tion law to practice veterinary medicine in this state. With respect to
5 a professional service limited liability company formed to provide
6 professional engineering, land surveying, architectural, landscape
7 architectural and/or geological services as such services are defined in
8 article 145, article 147 and article 148 of the education law, each
9 member of such limited liability company must be licensed pursuant to
10 article 145, article 147 and/or article 148 of the education law to
11 practice one or more of such professions in this state. With respect to
12 a professional service limited liability company formed to provide
13 licensed clinical social work services as such services are defined in
14 article 154 of the education law, each member of such limited liability
15 company shall be licensed pursuant to article 154 of the education law
16 to practice licensed clinical social work in this state. With respect to
17 a professional service limited liability company formed to provide crea-
18 tive arts therapy services as such services are defined in article 163
19 of the education law, each member of such limited liability company must
20 be licensed pursuant to article 163 of the education law to practice
21 creative arts therapy in this state. With respect to a professional
22 service limited liability company formed to provide marriage and family
23 therapy services as such services are defined in article 163 of the
24 education law, each member of such limited liability company must be
25 licensed pursuant to article 163 of the education law to practice
26 marriage and family therapy in this state. With respect to a profes-
27 sional service limited liability company formed to provide mental health
28 counseling services as such services are defined in article 163 of the
29 education law, each member of such limited liability company must be
30 licensed pursuant to article 163 of the education law to practice mental
31 health counseling in this state. With respect to a professional service
32 limited liability company formed to provide psychoanalysis services as
33 such services are defined in article 163 of the education law, each
34 member of such limited liability company must be licensed pursuant to
35 article 163 of the education law to practice psychoanalysis in this
36 state. With respect to a professional service limited liability company
37 formed to provide applied behavior analysis services as such services
38 are defined in article 167 of the education law, each member of such
39 limited liability company must be licensed or certified pursuant to
40 article 167 of the education law to practice applied behavior analysis
41 in this state. In addition to engaging in such profession or
42 professions, a professional service limited liability company may engage
43 in any other business or activities as to which a limited liability
44 company may be formed under section two hundred one of this chapter.
45 Notwithstanding any other provision of this section, a professional
46 service limited liability company (i) authorized to practice law may
47 only engage in another profession or business or activities or (ii)
48 which is engaged in a profession or other business or activities other
49 than law may only engage in the practice of law, to the extent not
50 prohibited by any other law of this state or any rule adopted by the
51 appropriate appellate division of the supreme court or the court of
52 appeals.

53 § 4. Subdivision (b) of section 1207 of the limited liability company
54 law, as amended by chapter 475 of the laws of 2014, is amended to read
55 as follows:

1 (b) With respect to a professional service limited liability company
2 formed to provide medical services as such services are defined in arti-
3 cle 131 of the education law, each member of such limited liability
4 company must be licensed pursuant to article 131 of the education law to
5 practice medicine in this state. With respect to a professional service
6 limited liability company formed to provide naturopathic services as
7 such services are defined in article 138 of the education law, each
8 member of such limited liability company must be licensed pursuant to
9 article 138 of the education law to practice naturopathy in this state.

10 With respect to a professional service limited liability company formed
11 to provide dental services as such services are defined in article 133
12 of the education law, each member of such limited liability company must
13 be licensed pursuant to article 133 of the education law to practice
14 dentistry in this state. With respect to a professional service limited
15 liability company formed to provide veterinary services as such services
16 are defined in article 135 of the education law, each member of such
17 limited liability company must be licensed pursuant to article 135 of
18 the education law to practice veterinary medicine in this state. With
19 respect to a professional service limited liability company formed to
20 provide professional engineering, land surveying, architectural, land-
21 scape architectural and/or geological services as such services are
22 defined in article 145, article 147 and article 148 of the education
23 law, each member of such limited liability company must be licensed
24 pursuant to article 145, article 147 and/or article 148 of the education
25 law to practice one or more of such professions in this state. With
26 respect to a professional service limited liability company formed to
27 provide licensed clinical social work services as such services are
28 defined in article 154 of the education law, each member of such limited
29 liability company shall be licensed pursuant to article 154 of the
30 education law to practice licensed clinical social work in this state.
31 With respect to a professional service limited liability company formed
32 to provide creative arts therapy services as such services are defined
33 in article 163 of the education law, each member of such limited liabil-
34 ity company must be licensed pursuant to article 163 of the education
35 law to practice creative arts therapy in this state. With respect to a
36 professional service limited liability company formed to provide
37 marriage and family therapy services as such services are defined in
38 article 163 of the education law, each member of such limited liability
39 company must be licensed pursuant to article 163 of the education law to
40 practice marriage and family therapy in this state. With respect to a
41 professional service limited liability company formed to provide mental
42 health counseling services as such services are defined in article 163
43 of the education law, each member of such limited liability company must
44 be licensed pursuant to article 163 of the education law to practice
45 mental health counseling in this state. With respect to a professional
46 service limited liability company formed to provide psychoanalysis
47 services as such services are defined in article 163 of the education
48 law, each member of such limited liability company must be licensed
49 pursuant to article 163 of the education law to practice psychoanalysis
50 in this state. With respect to a professional service limited liability
51 company formed to provide applied behavior analysis services as such
52 services are defined in article 167 of the education law, each member of
53 such limited liability company must be licensed or certified pursuant to
54 article 167 of the education law to practice applied behavior analysis
55 in this state.

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

4 (a) "Foreign professional service limited liability company" means a
5 professional service limited liability company, whether or not denomi-
6 nated as such, organized under the laws of a jurisdiction other than
7 this state, (i) each of whose members and managers, if any, is a profes-
8 sional authorized by law to render a professional service within this
9 state and who is or has been engaged in the practice of such profession
10 in such professional service limited liability company or a predecessor
11 entity, or will engage in the practice of such profession in the profes-
12 sional service limited liability company within thirty days of the date
13 such professional becomes a member, or each of whose members and manag-
14 ers, if any, is a professional at least one of such members is author-
15 ized by law to render a professional service within this state and who
16 is or has been engaged in the practice of such profession in such
17 professional service limited liability company or a predecessor entity,
18 or will engage in the practice of such profession in the professional
19 service limited liability company within thirty days of the date such
20 professional becomes a member, or (ii) authorized by, or holding a
21 license, certificate, registration or permit issued by the licensing
22 authority pursuant to, the education law to render a professional
23 service within this state; except that all members and managers, if any,
24 of a foreign professional service limited liability company that
25 provides health services in this state shall be licensed in this state.

26 With respect to a professional service limited liability company formed
27 to provide naturopathic services as such services are defined in article
28 138 of the education law, each member of such limited liability company
29 must be licensed pursuant to article 138 of the education law to prac-
30 tice naturopathy in this state. With respect to a foreign professional

31 service limited liability company which provides veterinary services as
32 such services are defined in article 135 of the education law, each
33 member of such foreign professional service limited liability company
34 shall be licensed pursuant to article 135 of the education law to prac-
35 tice veterinary medicine. With respect to a foreign professional service
36 limited liability company which provides medical services as such
37 services are defined in article 131 of the education law, each member of
38 such foreign professional service limited liability company must be
39 licensed pursuant to article 131 of the education law to practice medi-
40 cine in this state. With respect to a foreign professional service

41 limited liability company which provides dental services as such
42 services are defined in article 133 of the education law, each member of
43 such foreign professional service limited liability company must be
44 licensed pursuant to article 133 of the education law to practice

45 dentistry in this state. With respect to a foreign professional service
46 limited liability company which provides professional engineering, land
47 surveying, geologic, architectural and/or landscape architectural
48 services as such services are defined in article 145, article 147 and
49 article 148 of the education law, each member of such foreign profes-
50 sional service limited liability company must be licensed pursuant to
51 article 145, article 147 and/or article 148 of the education law to
52 practice one or more of such professions in this state. With respect to
53 a foreign professional service limited liability company which provides
54 licensed clinical social work services as such services are defined in
55 article 154 of the education law, each member of such foreign profes-
56 sional service limited liability company shall be licensed pursuant to

1 article 154 of the education law to practice clinical social work in
2 this state. With respect to a foreign professional service limited
3 liability company which provides creative arts therapy 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 crea-
7 tive arts therapy in this state. With respect to a foreign professional
8 service limited liability company which provides marriage and family
9 therapy services as such services are defined in article 163 of the
10 education law, each member of such foreign professional service limited
11 liability company must be licensed pursuant to article 163 of the educa-
12 tion law to practice marriage and family therapy in this state. With
13 respect to a foreign professional service limited liability company
14 which provides mental health counseling services as such services are
15 defined in article 163 of the education law, each member of such foreign
16 professional service limited liability company must be licensed pursuant
17 to article 163 of the education law to practice mental health counseling
18 in this state. With respect to a foreign professional service limited
19 liability company which provides psychoanalysis services as such
20 services are defined in article 163 of the education law, each member of
21 such foreign professional service limited liability company must be
22 licensed pursuant to article 163 of the education law to practice
23 psychoanalysis in this state. With respect to a foreign professional
24 service limited liability company which provides applied behavior analy-
25 sis services as such services are defined in article 167 of the educa-
26 tion law, each member of such foreign professional service limited
27 liability company must be licensed or certified pursuant to article 167
28 of the education law to practice applied behavior analysis in this
29 state.

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

33 (q) Each partner of a registered limited liability partnership formed
34 to provide medical services in this state must be licensed pursuant to
35 article 131 of the education law to practice medicine in this state and
36 each partner of a registered limited liability partnership formed to
37 provide dental services in this state must be licensed pursuant to arti-
38 cle 133 of the education law to practice dentistry in this state. Each
39 partner of a registered limited liability partnership formed to provide
40 naturopathic services in this state must be licensed pursuant to article
41 138 of the education law to practice naturopathy in this state. Each
42 partner of a registered limited liability partnership formed to provide
43 veterinary services in this state must be licensed pursuant to article
44 135 of the education law to practice veterinary medicine in this state.
45 Each partner of a registered limited liability partnership formed to
46 provide professional engineering, land surveying, geological services,
47 architectural and/or landscape architectural services in this state must
48 be licensed pursuant to article 145, article 147 and/or article 148 of
49 the education law to practice one or more of such professions in this
50 state. Each partner of a registered limited liability partnership formed
51 to provide licensed clinical social work services in this state must be
52 licensed pursuant to article 154 of the education law to practice clin-
53 ical social work in this state. Each partner of a registered limited
54 liability partnership formed to provide creative arts therapy services
55 in this state must be licensed pursuant to article 163 of the education
56 law to practice creative arts therapy in this state. Each partner of a

1 registered limited liability partnership formed to provide marriage and
2 family therapy services in this state must be licensed pursuant to arti-
3 cle 163 of the education law to practice marriage and family therapy in
4 this state. Each partner of a registered limited liability partnership
5 formed to provide mental health counseling services in this state must
6 be licensed pursuant to article 163 of the education law to practice
7 mental health counseling in this state. Each partner of a registered
8 limited liability partnership formed to provide psychoanalysis services
9 in this state must be licensed pursuant to article 163 of the education
10 law to practice psychoanalysis in this state. Each partner of a regis-
11 tered limited liability partnership formed to provide applied behavior
12 analysis service in this state must be licensed or certified pursuant to
13 article 167 of the education law to practice applied behavior analysis
14 in this state.

15 § 7. Subdivision (q) of section 121-1502 of the partnership law, as
16 amended by chapter 475 of the laws of 2014, is amended to read as
17 follows:

18 (q) Each partner of a foreign limited liability partnership which
19 provides medical services in this state must be licensed pursuant to
20 article 131 of the education law to practice medicine in the state and
21 each partner of a foreign limited liability partnership which provides
22 dental services in the state must be licensed pursuant to article 133 of
23 the education law to practice dentistry in this state. Each partner of a
24 foreign limited liability partnership which provides naturopathic
25 services in this state must be licensed pursuant to article 138 of the
26 education law to practice naturopathy in this state. Each partner of a
27 foreign limited liability partnership which provides veterinary service
28 in the state shall be licensed pursuant to article 135 of the education
29 law to practice veterinary medicine in this state. Each partner of a
30 foreign limited liability partnership which provides professional engi-
31 neering, land surveying, geological services, architectural and/or land-
32 scape architectural services in this state must be licensed pursuant to
33 article 145, article 147 and/or article 148 of the education law to
34 practice one or more of such professions. Each partner of a foreign
35 limited liability partnership which provides licensed clinical social
36 work services in this state must be licensed pursuant to article 154 of
37 the education law to practice licensed clinical social work in this
38 state. Each partner of a foreign limited liability partnership which
39 provides creative arts therapy services in this state must be licensed
40 pursuant to article 163 of the education law to practice creative arts
41 therapy in this state. Each partner of a foreign limited liability part-
42 nership which provides marriage and family therapy services in this
43 state must be licensed pursuant to article 163 of the education law to
44 practice marriage and family therapy in this state. Each partner of a
45 foreign limited liability partnership which provides mental health coun-
46 seling services in this state must be licensed pursuant to article 163
47 of the education law to practice mental health counseling in this state.
48 Each partner of a foreign limited liability partnership which provides
49 psychoanalysis services in this state must be licensed pursuant to arti-
50 cle 163 of the education law to practice psychoanalysis in this state.
51 Each partner of a foreign limited liability partnership which provides
52 applied behavior analysis services in this state must be licensed or
53 certified pursuant to article 167 of the education law to practice
54 applied behavior analysis in this state.

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

4 (a) The following persons and officials are required to report or
5 cause a report to be made in accordance with this title when they have
6 reasonable cause to suspect that a child coming before them in their
7 professional or official capacity is an abused or maltreated child, or
8 when they have reasonable cause to suspect that a child is an abused or
9 maltreated child where the parent, guardian, custodian or other person
10 legally responsible for such child comes before them in their profes-
11 sional or official capacity and states from personal knowledge facts,
12 conditions or circumstances which, if correct, would render the child an
13 abused or maltreated child: any physician; registered physician assist-
14 ant; surgeon; medical examiner; coroner; dentist; dental hygienist;
15 osteopath; optometrist; chiropractor; podiatrist; naturopathic doctor;
16 resident; intern; psychologist; registered nurse; social worker; emer-
17 gency medical technician; licensed creative arts therapist; licensed
18 marriage and family therapist; licensed mental health counselor;
19 licensed psychoanalyst; licensed behavior analyst; certified behavior
20 analyst assistant; hospital personnel engaged in the admission, examina-
21 tion, care or treatment of persons; a Christian Science practitioner;
22 school official, which includes but is not limited to school teacher,
23 school guidance counselor, school psychologist, school social worker,
24 school nurse, school administrator or other school personnel required to
25 hold a teaching or administrative license or certificate; full or part-
26 time compensated school employee required to hold a temporary coaching
27 license or professional coaching certificate; social services worker;
28 employee of a publicly-funded emergency shelter for families with chil-
29 dren; director of a children's overnight camp, summer day camp or trav-
30 eling summer day camp, as such camps are defined in section thirteen
31 hundred ninety-two of the public health law; day care center worker;
32 school-age child care worker; provider of family or group family day
33 care; employee or volunteer in a residential care facility for children
34 that is licensed, certified or operated by the office of children and
35 family services; or any other child care or foster care worker; mental
36 health professional; substance abuse counselor; alcoholism counselor;
37 all persons credentialed by the office of alcoholism and substance abuse
38 services; employees, who are expected to have regular and substantial
39 contact with children, of a health home or health home care management
40 agency contracting with a health home as designated by the department of
41 health and authorized under section three hundred sixty-five-1 of this
42 chapter or such employees who provide home and community based services
43 under a demonstration program pursuant to section eleven hundred fifteen
44 of the federal social security act who are expected to have regular and
45 substantial contact with children; peace officer; police officer;
46 district attorney or assistant district attorney; investigator employed
47 in the office of a district attorney; or other law enforcement official.

48 § 9. Subdivision 6 of section 571 of the public health law, as amended
49 by chapter 444 of the laws of 2013, is amended to read as follows:

50 6. "Qualified health care professional" means a physician, dentist,
51 podiatrist, naturopathic doctor, optometrist performing a clinical labo-
52 ratory test that does not use an invasive modality as defined in section
53 seventy-one hundred one of the education law, physician assistant,
54 specialist assistant, nurse practitioner, or midwife, who is licensed
55 and registered with the state education department.

1 § 10. Subdivision 1 of section 585 of the public health law, as added
2 by chapter 803 of the laws of 1992, is amended to read as follows:

3 1. "Health services purveyor" means any person, firm, partnership,
4 group, association, corporation or professional corporation, or any
5 agent, employee, fiduciary, employer or representative thereof, includ-
6 ing but not limited to a physician, dentist, podiatrist, naturopathic
7 doctor or chiropractor, either in individual practice, group practice or
8 employed in a facility owned by any person, group, association, firm,
9 partnership or corporation hiring any of the aforementioned practition-
10 ers, who provide health or health related services.

11 § 11. This act shall take effect immediately; provided that:

12 a. sections one, two, three, four, five, six, seven, nine and ten of
13 this act shall take effect on the five hundred fortieth day after it
14 shall have become a law; and

15 b. effective immediately, the addition, amendment and/or repeal of any
16 rule or regulation necessary for the implementation of this act on its
17 effective date are authorized and directed to be made and completed by
18 the commissioner of education and the board of regents on or before such
19 effective date.