

# STATE OF NEW YORK

4825--A

2019-2020 Regular Sessions

## IN ASSEMBLY

February 5, 2019

Introduced by M. of A. ORTIZ, BENEDETTO, STIRPE, GRIFFIN, ASHBY, McDONALD, EPSTEIN -- Multi-Sponsored by -- M. of A. ENGLEBRIGHT -- read once and referred to the Committee on Higher Education -- recommitted to the Committee on Higher Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, the 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. The education law is amended by adding a new article 138 to  
2 read as follows:

3 ARTICLE 138

4 NATUROPATHIC MEDICINE

5 Section 6850. Introduction.

6 6851. Definition of the practice of naturopathic medicine.

7 6852. Practice of naturopathic medicine and use of title "Natu-  
8 ropathic Doctor".

9 6853. Injection therapy and injection therapy privilege.

10 6854. Boundaries of professional competence.

11 6855. State board for naturopathic medicine.

12 6856. Qualifications for licensure.

13 6857. Special provisions.

14 6858. Exempt persons and exemptions.

15 6859. Limited residency permits.

16 6860. Limited permits.

17 6861. Mandatory continuing education.

18 § 6850. Introduction. This article applies to the licensure and regu-  
19 lation of naturopathic doctors to practice naturopathic medicine in this

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

LBD08497-03-9

1 state. The general provisions for all professions contained in article  
2 one hundred thirty, as added by chapter nine hundred eighty-seven of the  
3 laws of nineteen hundred seventy-one, of this title apply to this arti-  
4 cle.

5 § 6851. Definition of the practice of naturopathic medicine. 1. The  
6 practice of naturopathic medicine, a distinct and comprehensive system  
7 of primary health care, is defined as facilitating wellness and prevent-  
8 ing, diagnosing and treating any human disease, pain, injury, deformity,  
9 physical condition, or maladaptive behavior using methods, including,  
10 but not limited to:

11 a. patient interview.

12 b. comprehensive physical examination.

13 c. ordering and prescribing laboratory tests and procedures with labo-  
14 ratories that hold a permit pursuant to title five of article five of  
15 the public health law.

16 d. administering in-office laboratory tests and provider-performed  
17 microscopy procedures under a clinical laboratory improvement amendment  
18 of 1988 (CLIA) certificate, as an adjunct to the treatment of his or her  
19 own patients.

20 e. specimen collection methods including, patient submission, phlebo-  
21 tomy, hair specimen cutting, nasopharyngeal wash, and procedures for  
22 collecting tissue, secretions, excretions and cytology samples with a  
23 speculum, spatula, swab, brush or container.

24 f. ordering and prescribing diagnostic imaging including radiography,  
25 tomography, magnetic resonance imaging, ultrasonography and thermogra-  
26 phy, and excluding ordering and prescribing nuclear medicine and fluo-  
27 roscopy.

28 g. using ingestible sensors in the alimentary canal for diagnostic  
29 purposes.

30 h. administering and prescribing diet and lifestyle counseling and  
31 patient education as to circumstances of health and illness.

32 i. administering and prescribing counseling, biofeedback, and hypnosis  
33 with the intent of assisting a person to manage stressors, modify mala-  
34 adaptive behavior and maintain wellness.

35 j. administering and prescribing naturopathic manual therapy as the  
36 application of touch, massage, stretching, resistance, joint mobiliza-  
37 tion and joint manipulation.

38 k. administering and prescribing therapeutic exercise.

39 l. administering and prescribing naturopathic physical agent modali-  
40 ties of hydrotherapy, colonic irrigation, electrotherapy, diathermy,  
41 ultrasound and phototherapy.

42 m. administering, prescribing, ordering and dispensing therapeutic  
43 devices that do not require a prescription.

44 n. prescribing, ordering, installing, removing and adjusting barrier  
45 contraceptive devices.

46 o. administering, prescribing, ordering, and dispensing substances  
47 that do not require a prescription under the federal food, drug and  
48 cosmetic act, as amended, including, but not limited to, over-the-coun-  
49 ter drugs, vitamins, minerals, amino acids, botanical preparations,  
50 homeopathic preparations, dietary supplements, food concentrates, food  
51 extracts and other dietary ingredients.

52 p. administering and prescribing the following drugs for which a  
53 prescription is required under the federal food, drug and cosmetic act:

54 (i) epinephrine to treat anaphylaxis; and

55 (ii) natural and synthetic hormones.

1 2. In the practice of naturopathic medicine a naturopathic doctor may  
2 use routes of administration that include oral, sublingual, buccal,  
3 nasal, auricular, ocular, rectal, vaginal, transdermal, and, for  
4 epinephrine, injection by auto-injection device.

5 3. In the practice of naturopathic medicine a naturopathic doctor may  
6 use medical devices that are exempt or are class i or class ii devices  
7 identified under title twenty-one of the code of federal regulations.

8 § 6852. Practice of naturopathic medicine and use of title "Naturopathic Doctor".  
9 1. Only a person licensed under this article may use the  
10 title "naturopathic doctor", "licensed naturopath" or "professional  
11 naturopath" and hold herself or himself out as practicing naturopathic  
12 medicine.

13 2. No person licensed under this article shall hold herself or himself  
14 out as practicing any other profession regulated by this title, or use a  
15 title of any other profession, unless otherwise authorized under this  
16 title.

17 § 6853. Injection therapy and injection therapy privilege. 1. For  
18 issuance of a privilege to practice injection therapy as such term is  
19 used in this article, the applicant shall fulfill the following require-  
20 ments:

21 a. Application: file an application with the department for the  
22 injection therapy privilege;

23 b. License status: be licensed or hold either a limited residency  
24 permit or limited permit to practice the profession of naturopathic  
25 medicine in this state;

26 c. Training: (i) have successfully completed a course in injection  
27 therapy having a syllabus and practicum in accordance with regulations  
28 promulgated by the commissioner from a course provider approved by the  
29 department; (ii) have successfully completed training in injection ther-  
30 apy as part of a program of naturopathic medicine registered with the  
31 department or the substantial equivalent thereof; or (iii) provide  
32 documentation that he or she has training and experience in injection  
33 therapy that is acceptable to the department;

34 d. Fee: pay a fee to the department of two hundred dollars for the  
35 issuance and initial registration of the injection therapy privilege.

36 2. An injection therapy privilege issued under this section shall be  
37 valid for the life of the holder, unless revoked, annulled, or suspended  
38 by the board of regents, or unless expired. Such a privilege shall be  
39 subject to the same oversight and disciplinary provisions as licenses  
40 issued under this title. The holder of a privilege issued under this  
41 section shall register with the department as a privilege holder in the  
42 same manner and subject to the same provisions as required of a licensee  
43 pursuant to section sixty-five hundred two of this title. The fee for  
44 such registration shall be one hundred dollars. The registration period  
45 for a privilege holder shall be coterminous with his or her registration  
46 by license or permit to practice the profession of naturopathic medi-  
47 cine.

48 3. A student in a doctoral program of naturopathic medicine acceptable  
49 to the department or the substantial equivalent thereof may perform  
50 injection therapy in an internship or preceptorship setting when  
51 required as part of such program for the purpose of fulfilling such  
52 program requirement only under the direct supervision of a physician  
53 licensed under this title or a naturopathic doctor licensed under this  
54 article having injection therapy privilege who is professionally respon-  
55 sible for the performance of the injection procedure, and is able to be  
56 available to furnish assistance and direction throughout the performance

1 of the injection procedure, but need not be present in the room when the  
2 injection procedure is performed.

3 4. (a) Injection therapy is administering and prescribing, in compli-  
4 ance with federal and state law, the following: (i) these substances,  
5 when such substances are chemically identical to those for sale without  
6 a prescription: vitamins, minerals, amino acids, glutathione, botan-  
7 icals and their extracts, homeopathic preparations, electrolytes, sugars  
8 and diluents; and (ii) natural and synthetic hormones, lidocaine and  
9 plasma.

10 (b) Injection therapy is limited to the following routes of adminis-  
11 tration: intravenous, intramuscular, intra-articular, subcutaneous and  
12 intra-dermal.

13 § 6854. Boundaries of professional competence. The activities encom-  
14 passed within the definition of the practice of naturopathic medicine  
15 shall not include:

- 16 1. administering or prescribing controlled substances;
- 17 2. diagnostic and therapeutic methods in which bone, viscera, the  
18 eyeball, the inner ear, the dorsal body cavity, or the ventral body  
19 cavity is penetrated by a physical device;
- 20 3. surgery as a medical procedure for structurally altering the human  
21 body by cutting into live human tissue for the purpose of localized  
22 alteration, transportation, or destruction of live human tissue using  
23 ionizing radiation or an instrument, such as a laser, scalpel or probe.  
24 Nothing in this delimitation of surgery shall preclude injection;
- 25 4. administering radiological procedures using ionizing radiation  
26 above background levels;
- 27 5. administering or prescribing general or spinal anesthetic drugs;
- 28 6. obstetric services following detection of pregnancy through deliv-  
29 ery or termination, other than prenatal wellness care;
- 30 7. acupuncture;
- 31 8. setting fractures;
- 32 9. treatment for malignancies other than ancillary therapies provided  
33 in collaboration with an oncologist;
- 34 10. emergency care services for treating injuries or trauma from a  
35 serious accident or a violent crime, except as permitted by article  
36 thirty of the public health law; and
- 37 11. marital and family therapy, psychoanalysis and creative arts ther-  
38 apy.

39 § 6855. State board for naturopathic medicine. 1. A state board for  
40 naturopathic medicine shall be appointed by the board of regents on the  
41 recommendation of the commissioner for the purpose of assisting the  
42 board of regents and the department on matters of professional licensing  
43 and professional conduct in accordance with section sixty-five hundred  
44 eight of this title. The board shall be composed of two members of the  
45 public who are consumers of naturopathic medicine and not employed by  
46 nor practitioners of naturopathic medicine under this article, two  
47 licensed physicians who are a doctor of medicine or a doctor of osteopa-  
48 thy, and not less than six persons licensed under this article. A  
49 naturopathic doctor member of the board shall have been licensed under  
50 this article for at least two years prior to being appointed, which two  
51 year license requirement is waived for the initial board and replaced  
52 with a requirement that the naturopathic doctor obtain a license under  
53 this article within one year of appointment or one year of the effective  
54 date of this article, whichever comes later. The terms of the first  
55 appointed members shall be staggered so that three are appointed for  
56 three years, three are appointed for four years, and four are appointed

1 for five years. An executive secretary of the board shall be appointed  
2 by the board of regents on the recommendation of the commissioner.

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

7 § 6856. Qualifications for licensure. To qualify for a license to  
8 practice the profession of naturopathic medicine, an applicant shall  
9 fulfill the following requirements:

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

11 2. Education: have received an education, including a doctoral degree  
12 in naturopathic medicine, granted on the basis of completion of a  
13 program of naturopathic medicine registered with the department or the  
14 substantial equivalent thereof, in accordance with the commissioner's  
15 regulations;

16 3. Experience: have satisfactorily completed a post-graduate residen-  
17 cy program of naturopathic medicine of at least twelve months duration  
18 approved by the department, or the substantial equivalent thereof, and  
19 in accordance with the commissioner's regulations;

20 4. Examination: pass an examination satisfactory to the board and in  
21 accordance with the commissioner's regulations;

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

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

25 7. Fee: pay a fee of three hundred fifty dollars to the department for  
26 an initial license and a fee of five hundred dollars for each triennial  
27 registration period.

28 § 6857. Special provisions. 1. Post-effective date graduates. A person  
29 shall qualify for a license to practice the profession of naturopathic  
30 medicine without residency experience, provided that within ten years of  
31 the effective date of this article, the person meets the following  
32 requirements:

33 a. as per section sixty-eight hundred fifty-three of this article,  
34 files an application, meets the education, examination, age and charac-  
35 ter requirements, and pays the appropriate fees; and

36 b. establishes proof of practice by (i) providing satisfactory  
37 evidence of practice of naturopathic medicine to the department of not  
38 less than three years during the five years preceding the filing of the  
39 application, or (ii) practicing under a limited permit in the state for  
40 at least two of the three years preceding the filing of the application.

41 2. Pre-nineteen hundred eighty-eight graduates. A person shall qualify  
42 for a license to practice the profession of naturopathic medicine with-  
43 out residency experience or examination, provided that within ten years  
44 of the effective date of this article, the person meets the following  
45 requirements:

46 a. as per section sixty-eight hundred fifty-three of this article,  
47 files an application, meets the age and character requirements, and pays  
48 the appropriate fees; and

49 b. has graduated prior to January first, nineteen hundred eighty-eight  
50 from a doctoral degree program of naturopathic medical education from  
51 John Bastyr College of Naturopathic Medicine, later renamed Bastyr  
52 University, or National College of Naturopathic Medicine, later renamed  
53 National University of Natural Medicine; and

54 c. establishes proof of practice by (i) providing satisfactory  
55 evidence of practice of naturopathic medicine to the department of not  
56 less than three years during the five years preceding the filing of the

1 application, or (ii) practicing under a limited permit in the state for  
2 at least two of the three years preceding the filing of the application.

3 3. Post-nineteen hundred eighty-seven pre-effective date graduates. A  
4 person shall qualify for a license to practice the profession of naturo-  
5 pathic medicine with or without residency experience, provided that  
6 within ten years of the effective date of this article, the person meets  
7 the following requirements:

8 a. as per section sixty-eight hundred fifty-three of this article,  
9 files an application, meets the age and character requirements, and pays  
10 the appropriate fees; and

11 b. have graduated from a doctoral degree program of naturopathic  
12 medical education that at the time of graduation was accredited by the  
13 council on naturopathic medical education; and

14 c. establish proof of practice by (i) having successfully completed,  
15 no more than three years prior to filing the application, a post-gradu-  
16 ate residency program of naturopathic medicine of at least twelve months  
17 duration sponsored by an institution approved by the council on naturo-  
18 pathic medical education to sponsor residency programs; (ii) providing  
19 satisfactory evidence of practice of naturopathic medicine to the  
20 department of not less than three years during the five years preceding  
21 the filing of the application; or (iii) practicing under a limited  
22 permit in the state for at least two of the three years preceding the  
23 filing of the application; and

24 d. have passed the naturopathic physicians licensing examinations  
25 (NPLEX) administered by the North American board of naturopathic examiners.

27 4. The "practice of naturopathic medicine" as used in this section  
28 includes the practice of naturopathy or naturopathic medicine in a state  
29 or territory of the United States, including New York state, or a Cana-  
30 dian province, while maintaining a professional license in naturopathy  
31 or naturopathic medicine issued by the same or another state or territo-  
32 ry or a Canadian province; and includes practice performed before and  
33 after the effective date of this article.

34 § 6858. Exempt persons and exemptions. Nothing contained in this arti-  
35 cle shall be construed to affect or prevent the following:

36 1. The practice, conduct, activities or services of any person  
37 licensed under this title performed incidental to the practice of his or  
38 her profession, provided, however, that no such person may use the title  
39 naturopathic doctor nor use the words "naturopathic medicine" to  
40 describe his or her services, unless licensed under this article.

41 2. A student, intern or resident from engaging in the practice of  
42 naturopathic medicine while participating in the education or experience  
43 requirements defined in subdivisions two and three of section sixty-  
44 eight hundred fifty-seven of this article.

45 3. The practice of naturopathic medicine by a salaried employee of the  
46 government of the United States while the individual is engaged in the  
47 performance of duties prescribed by the laws and regulations of the  
48 United States.

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

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

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

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

8 8. A person who does not hold himself or herself out to be a licensed  
9 naturopathic doctor form providing general non-medical applications of  
10 air, light, water, food and herbs to the body.

11 § 6859. Limited residency permits. 1. Eligibility: For issuance of a  
12 limited residency permit, the applicant shall fulfill the following  
13 requirements:

14 a. Application: file an application with the department for a limited  
15 residency permit;

16 b. Education: have received an education, including a doctoral degree  
17 in naturopathic medicine, granted on the basis of completion of a  
18 program of naturopathic medicine registered with the department or the  
19 substantial equivalent thereof;

20 c. Acceptance: have been accepted into a post-graduate residency  
21 program of naturopathic medicine approved by the department;

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

24 e. Age: be at least twenty-one years of age.

25 2. Limits of practice: All practices under a limited residency permit  
26 shall be limited to facilities encompassed by the post-graduate residen-  
27 cy program of the permit holder, such as a hospital, an incorporated  
28 hospital or clinic, a licensed proprietary hospital, a licensed nursing  
29 home, a public health agency, a recognized public or non-public school  
30 setting, the office of a licensed naturopathic doctor, the office of a  
31 licensed physician, or in the civil service of the state or political  
32 subdivision thereof. Practice supervision of a permit holder's practice  
33 activities shall be direct supervision by a licensed naturopathic doctor  
34 or a licensed physician who is professionally responsible for the  
35 performance of the procedure, and is capable of responding to a request  
36 for assistance within a timeframe that poses no risk to the patient.

37 3. Duration: A limited residency permit shall be valid for one year  
38 and may be renewed at the discretion of the department for up to two  
39 years at the discretion of the department.

40 4. Fee: The fee for each limited residency permit shall be one hundred  
41 dollars. The fee for each renewal shall be fifty dollars.

42 § 6860. Limited permits. 1. Eligibility: A limited permit is issued  
43 for the purpose of permitting an applicant to establish proof of prac-  
44 tice for purposes of meeting the requirements for licensure under the  
45 special provisions of section sixty-eight hundred fifty-eight of this  
46 article. For issuance of a limited permit, the applicant shall fulfill  
47 the following requirements:

48 a. Application: file an application with the department for a limited  
49 permit within nine years of the effective date of this article;

50 b. Character: be of good moral character as determined by the depart-  
51 ment;

52 c. Age: be at least twenty-one years of age; and

53 d. Special provision applicability:

54 (i) meet the education and examination requirements of section sixty-  
55 eight hundred fifty-three of this article;

1 (ii) have graduated prior to January first, nineteen hundred eighty-  
2 eight from a doctoral degree program of naturopathic medical education  
3 from John Bastyr College of Naturopathic Medicine, later renamed Bastyr  
4 University, or National College of Naturopathic Medicine, later renamed  
5 National University of Natural Medicine; or

6 (iii) have graduated from a doctoral degree program of naturopathic  
7 medical education that at the time of graduation was accredited by the  
8 council on naturopathic medical education, and have passed the naturo-  
9 pathic physicians licensing examinations (NPLEX) administered by the  
10 North American board of naturopathic examiners.

11 2. Limit of practice: Such limited permit shall authorize the practice  
12 of naturopathic medicine only under the supervision of a licensed natu-  
13 ropathic doctor or a licensed physician. Supervision of the limited  
14 permit holder's practice activities shall be on-site supervision by a  
15 licensed naturopathic doctor or a licensed physician.

16 3. Duration: A limited permit shall be valid for a period of two  
17 years, and may be renewed periodically at the discretion of the depart-  
18 ment for one year periods.

19 4. Fee: The fee for each limited permit shall be two hundred dollars.  
20 The fee for each renewal shall be one hundred dollars.

21 § 6861. Mandatory continuing education. 1. a. Each naturopathic doctor  
22 licensed pursuant to this article, required to register triennially with  
23 the department to practice in this state shall comply with the  
24 provisions of the mandatory continuing education requirements prescribed  
25 in subdivision two of this section, except as provided in paragraphs b  
26 and c of this subdivision. Naturopathic doctors who do not satisfy the  
27 mandatory continuing education requirements shall not practice until  
28 they have met such requirements, and they have been issued a registra-  
29 tion certificate, except that a naturopathic doctor may practice without  
30 having met such requirements if he or she is issued a conditional regis-  
31 tration pursuant to subdivision three of this section.

32 b. Naturopathic doctors shall be exempt from the mandatory continuing  
33 education requirement for the triennial registration period during which  
34 they are first licensed. In accord with the intent of this section,  
35 adjustments to the mandatory continuing education requirements may be  
36 granted by the department for reasons of health certified by an appro-  
37 priate health care professional, for extended active duty with the armed  
38 forces of the United States, or for other good cause acceptable to the  
39 department, which may prevent compliance.

40 c. A licensed naturopathic doctor not engaged in professional prac-  
41 tice, as determined by the department, shall be exempt from the mandato-  
42 ry continuing education requirement upon the filing of a statement with  
43 the department declaring such status. Any licensee who returns to the  
44 practice of naturopathic medicine during the triennial registration  
45 period shall notify the department prior to reentering the profession  
46 and shall meet such mandatory education requirements as shall be  
47 prescribed by regulations of the commissioner.

48 2. During each triennial registration period an applicant for regis-  
49 tration shall complete sixty hours of acceptable formal continuing  
50 education. Any licensed naturopathic doctor whose first registration  
51 date following the effective date of this section occurs less than three  
52 years from such effective date, shall complete continuing education  
53 hours on a prorated basis at the rate of one and one-half hours per  
54 month for the number of months between the effective date and the first  
55 registration date. Thereafter, a licensee who has not satisfied the  
56 mandatory continuing education requirements shall not be issued a trien-



1 nial registration certificate by the department and shall not practice  
2 unless and until a conditional registration certificate is issued as  
3 provided in subdivision three of this section. Continuing education  
4 hours taken during one triennium may not be carried over or otherwise  
5 credited or transferred to a subsequent triennium.

6 3. The department, in its discretion, may issue a conditional regis-  
7 tration to a licensee who fails to meet the continuing education  
8 requirements established in subdivision two of this section but who  
9 agrees to make up any deficiencies and take any additional education  
10 which the department may require. The fee for such a conditional regis-  
11 tration shall be the same as, and in addition to, the fee for the trien-  
12 nial registration. The duration of such conditional registration shall  
13 be determined by the department but shall not exceed one year. Any  
14 licensee who is notified of the denial of registration for failure to  
15 complete the required continued education and who continues to practice  
16 naturopathic medicine without such registration, shall be subject to  
17 disciplinary proceedings pursuant to section sixty-five hundred ten of  
18 this title.

19 4. The mandatory continuing education fee shall be fifty dollars. Such  
20 fee shall be payable on or before the first day of each triennial regis-  
21 tration period in addition to the triennial registration fee required by  
22 section sixty-eight hundred fifty-six of this article.

23 § 2. Subdivision (a) of section 1203 of the limited liability company  
24 law, as amended by chapter 475 of the laws of 2014, is amended to read  
25 as follows:

26 (a) Notwithstanding the education law or any other provision of law,  
27 one or more professionals each of whom is authorized by law to render a  
28 professional service within the state, or one or more professionals, at  
29 least one of whom is authorized by law to render a professional service  
30 within the state, may form, or cause to be formed, a professional  
31 service limited liability company for pecuniary profit under this arti-  
32 cle for the purpose of rendering the professional service or services as  
33 such professionals are authorized to practice. With respect to a  
34 professional service limited liability company formed to provide medical  
35 services as such services are defined in article 131 of the education  
36 law, each member of such limited liability company must be licensed  
37 pursuant to article 131 of the education law to practice medicine in  
38 this state. With respect to a professional service limited liability  
39 company formed to provide naturopathic services as such services are  
40 defined in article 138 of the education law, each member of such limited  
41 liability company must be licensed pursuant to article 138 of the educa-  
42 tion law to practice naturopathy in this state. With respect to a  
43 professional service limited liability company formed to provide dental  
44 services as such services are defined in article 133 of the education  
45 law, each member of such limited liability company must be licensed  
46 pursuant to article 133 of the education law to practice dentistry in  
47 this state. With respect to a professional service limited liability  
48 company formed to provide veterinary services as such services are  
49 defined in article 135 of the education law, each member of such limited  
50 liability company must be licensed pursuant to article 135 of the educa-  
51 tion law to practice veterinary medicine in this state. With respect to  
52 a professional service limited liability company formed to provide  
53 professional engineering, land surveying, architectural, landscape  
54 architectural and/or geological services as such services are defined in  
55 article 145, article 147 and article 148 of the education law, each  
56 member of such limited liability company must be licensed pursuant to

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

44 § 3. Subdivision (b) of section 1207 of the limited liability company  
45 law, as amended by chapter 475 of the laws of 2014, is amended to read  
46 as follows:

47 (b) With respect to a professional service limited liability company  
48 formed to provide medical services as such services are defined in arti-  
49 cle 131 of the education law, each member of such limited liability  
50 company must be licensed pursuant to article 131 of the education law to  
51 practice medicine in this state. With respect to a professional service  
52 limited liability company formed to provide naturopathic services as  
53 such services are defined in article 138 of the education law, each  
54 member of such limited liability company must be licensed pursuant to  
55 article 138 of the education law to practice naturopathy in this state.

56 With respect to a professional service limited liability company formed

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

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

49 (a) "Foreign professional service limited liability company" means a  
50 professional service limited liability company, whether or not denomi-  
51 nated as such, organized under the laws of a jurisdiction other than  
52 this state, (i) each of whose members and managers, if any, is a profes-  
53 sional authorized by law to render a professional service within this  
54 state and who is or has been engaged in the practice of such profession  
55 in such professional service limited liability company or a predecessor  
56 entity, or will engage in the practice of such profession in the profes-

1 sional service limited liability company within thirty days of the date  
2 such professional becomes a member, or each of whose members and manag-  
3 ers, if any, is a professional at least one of such members is author-  
4 ized by law to render a professional service within this state and who  
5 is or has been engaged in the practice of such profession in such  
6 professional service limited liability company or a predecessor entity,  
7 or will engage in the practice of such profession in the professional  
8 service limited liability company within thirty days of the date such  
9 professional becomes a member, or (ii) authorized by, or holding a  
10 license, certificate, registration or permit issued by the licensing  
11 authority pursuant to, the education law to render a professional  
12 service within this state; except that all members and managers, if any,  
13 of a foreign professional service limited liability company that  
14 provides health services in this state shall be licensed in this state.  
15 With respect to a professional service limited liability company formed  
16 to provide naturopathic services as such services are defined in article  
17 138 of the education law, each member of such limited liability company  
18 must be licensed pursuant to article 138 of the education law to prac-  
19 tice naturopathy in this state. With respect to a foreign professional  
20 service limited liability company which provides veterinary services as  
21 such services are defined in article 135 of the education law, each  
22 member of such foreign professional service limited liability company  
23 shall be licensed pursuant to article 135 of the education law to prac-  
24 tice veterinary medicine. With respect to a foreign professional service  
25 limited liability company which provides medical services as such  
26 services are defined in article 131 of the education law, each member of  
27 such foreign professional service limited liability company must be  
28 licensed pursuant to article 131 of the education law to practice medi-  
29 cine in this state. With respect to a foreign professional service  
30 limited liability company which provides dental services as such  
31 services are defined in article 133 of the education law, each member of  
32 such foreign professional service limited liability company must be  
33 licensed pursuant to article 133 of the education law to practice  
34 dentistry in this state. With respect to a foreign professional service  
35 limited liability company which provides professional engineering, land  
36 surveying, geologic, architectural and/or landscape architectural  
37 services as such services are defined in article 145, article 147 and  
38 article 148 of the education law, each member of such foreign profes-  
39 sional service limited liability company must be licensed pursuant to  
40 article 145, article 147 and/or article 148 of the education law to  
41 practice one or more of such professions in this state. With respect to  
42 a foreign professional service limited liability company which provides  
43 licensed clinical social work services as such services are defined in  
44 article 154 of the education law, each member of such foreign profes-  
45 sional service limited liability company shall be licensed pursuant to  
46 article 154 of the education law to practice clinical social work in  
47 this state. With respect to a foreign professional service limited  
48 liability company which provides creative arts therapy services as such  
49 services are defined in article 163 of the education law, each member of  
50 such foreign professional service limited liability company must be  
51 licensed pursuant to article 163 of the education law to practice crea-  
52 tive arts therapy in this state. With respect to a foreign professional  
53 service limited liability company which provides marriage and family  
54 therapy services as such services are defined in article 163 of the  
55 education law, each member of such foreign professional service limited  
56 liability company must be licensed pursuant to article 163 of the educa-

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

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

22 (q) Each partner of a registered limited liability partnership formed  
23 to provide medical services in this state must be licensed pursuant to  
24 article 131 of the education law to practice medicine in this state and  
25 each partner of a registered limited liability partnership formed to  
26 provide dental services in this state must be licensed pursuant to arti-  
27 cle 133 of the education law to practice dentistry in this state. Each  
28 partner of a registered limited liability partnership formed to provide  
29 naturopathic services in this state must be licensed pursuant to article  
30 138 of the education law to practice naturopathy in this state. Each  
31 partner of a registered limited liability partnership formed to provide  
32 veterinary services in this state must be licensed pursuant to article  
33 135 of the education law to practice veterinary medicine in this state.  
34 Each partner of a registered limited liability partnership formed to  
35 provide professional engineering, land surveying, geological services,  
36 architectural and/or landscape architectural services in this state must  
37 be licensed pursuant to article 145, article 147 and/or article 148 of  
38 the education law to practice one or more of such professions in this  
39 state. Each partner of a registered limited liability partnership formed  
40 to provide licensed clinical social work services in this state must be  
41 licensed pursuant to article 154 of the education law to practice clin-  
42 ical social work in this state. Each partner of a registered limited  
43 liability partnership formed to provide creative arts therapy services  
44 in this state must be licensed pursuant to article 163 of the education  
45 law to practice creative arts therapy in this state. Each partner of a  
46 registered limited liability partnership formed to provide marriage and  
47 family therapy services in this state must be licensed pursuant to arti-  
48 cle 163 of the education law to practice marriage and family therapy in  
49 this state. Each partner of a registered limited liability partnership  
50 formed to provide mental health counseling services in this state must  
51 be licensed pursuant to article 163 of the education law to practice  
52 mental health counseling in this state. Each partner of a registered  
53 limited liability partnership formed to provide psychoanalysis services  
54 in this state must be licensed pursuant to article 163 of the education  
55 law to practice psychoanalysis in this state. Each partner of a regis-  
56 tered limited liability partnership formed to provide applied behavior

1 analysis service in this state must be licensed or certified pursuant to  
2 article 167 of the education law to practice applied behavior analysis  
3 in this state.

4 § 6. Subdivision (q) of section 121-1502 of the partnership law, as  
5 amended by chapter 475 of the laws of 2014, is amended to read as  
6 follows:

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

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

47 (a) The following persons and officials are required to report or  
48 cause a report to be made in accordance with this title when they have  
49 reasonable cause to suspect that a child coming before them in their  
50 professional or official capacity is an abused or maltreated child, or  
51 when they have reasonable cause to suspect that a child is an abused or  
52 maltreated child where the parent, guardian, custodian or other person  
53 legally responsible for such child comes before them in their profes-  
54 sional or official capacity and states from personal knowledge facts,  
55 conditions or circumstances which, if correct, would render the child an  
56 abused or maltreated child: any physician; registered physician assist-

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

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

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

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

45 1. "Health services purveyor" means any person, firm, partnership,  
46 group, association, corporation or professional corporation, or any  
47 agent, employee, fiduciary, employer or representative thereof, includ-  
48 ing but not limited to a physician, dentist, podiatrist, naturopathic  
49 doctor or chiropractor, either in individual practice, group practice or  
50 employed in a facility owned by any person, group, association, firm,  
51 partnership or corporation hiring any of the aforementioned practition-  
52 ers, who provide health or health related services.

53 § 10. Subdivision 4 of section 7605 of the education law, as amended  
54 by chapter 554 of the laws of 2013, is amended to read as follows:

55 4. The practice, conduct, activities, or services by any person  
56 licensed or otherwise authorized to practice nursing as a registered

1 professional nurse or nurse practitioner within the state pursuant to  
2 article one hundred thirty-nine of this title, or by any person licensed  
3 to practice naturopathic medicine within the state pursuant to article  
4 one hundred thirty-eight of this title or by any person licensed or  
5 otherwise authorized to practice social work within the state pursuant  
6 to article one hundred fifty-four of this title, or by any person  
7 licensed or otherwise authorized to practice mental health counseling,  
8 marriage and family therapy, creative arts therapy, or psychoanalysis  
9 within the state pursuant to article one hundred sixty-three of this  
10 title, or any person licensed or otherwise authorized to practice  
11 applied behavior analysis within the state pursuant to article one  
12 hundred sixty-seven of this title or any individual who is credentialed  
13 under any law, including attorneys, rape crisis counselors, certified  
14 alcoholism counselors, and certified substance abuse counselors from  
15 providing mental health services within their respective established  
16 authorities.

17 § 11. Subdivision 1 of section 8410 of the education law, as amended  
18 by chapter 554 of the laws of 2013, is amended to read as follows:

19 1. Apply to the practice, conduct, activities, services or use of any  
20 title by any person licensed or otherwise authorized to practice medi-  
21 cine within the state pursuant to article one hundred thirty-one of this  
22 title or by any person registered to perform services as a physician  
23 assistant within the state pursuant to article one hundred thirty-one-B  
24 of this title or by any person licensed or otherwise authorized to prac-  
25 tice psychology within this state pursuant to article one hundred  
26 fifty-three of this title or by any person licensed or otherwise author-  
27 ized to practice social work within this state pursuant to article one  
28 hundred fifty-four of this title, or by any person licensed or otherwise  
29 authorized to practice naturopathic medicine care within this state  
30 pursuant to article one hundred thirty-eight of this title, or by any  
31 person licensed or otherwise authorized to practice nursing as a regis-  
32 tered professional nurse or nurse practitioner within this state pursu-  
33 ant to article one hundred thirty-nine of this title or by any person  
34 licensed or otherwise authorized to practice applied behavior analysis  
35 within the state pursuant to article one hundred sixty-seven of this  
36 title; provided, however, that no physician, physician's assistant,  
37 naturopathic doctor, registered professional nurse, nurse practitioner,  
38 psychologist, licensed master social worker, licensed clinical social  
39 worker, licensed behavior analyst or certified behavior analyst assist-  
40 ant may use the titles "licensed mental health counselor", "licensed  
41 marriage and family therapist", "licensed creative arts therapist", or  
42 "licensed psychoanalyst", unless licensed under this article.

43 § 12. Subdivision 1 of section 7805 of the education law, as amended  
44 by chapter 230 of the laws of 1997, is amended to read as follows:

45 1. The practice of massage therapy by any person who is authorized to  
46 practice medicine, nursing, osteopathy, naturopathic medicine, physioth-  
47 erapy, chiropractic, or podiatry in accordance with the provisions of  
48 this title.

49 § 13. Subdivision 1 of section 579 of the public health law, as  
50 amended by chapter 376 of the laws of 2015, is amended to read as  
51 follows:

52 1. This title is applicable to all clinical laboratories and blood  
53 banks operating within the state, except clinical laboratories and blood  
54 banks operated by the federal government and clinical laboratories oper-  
55 ated by a licensed physician, osteopath, dentist, midwife, nurse practi-  
56 tioner, naturopathic doctor solely as an adjunct to the treatment of his



1 or her own patients, optometrist performing a clinical laboratory test  
2 that does not use an invasive modality as defined in section seventy-one  
3 hundred one of the education law or podiatrist who performs laboratory  
4 tests or procedures, personally or through his or her employees, solely  
5 as an adjunct to the treatment of his or her own patients; to the extent  
6 authorized by federal and state law, including the education law.

7 § 14. This act shall take effect on the five hundred fortieth day  
8 after it shall have become a law. Effective immediately, the addition,  
9 amendment and/or repeal of any rule or regulation necessary for the  
10 implementation of this act on its effective date are authorized to be  
11 made and completed by the commissioner of education and the board of  
12 regents on or before such effective date, including appointment of the  
13 state board for naturopathic medicine.