# 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:**

Section 1. The education law is amended by adding a new article 138 to read as follows:

**ARTICLE 138**

**NATUROPATHIC MEDICINE**


**Section 6850. Introduction.**

**6851. Definition of the practice of naturopathic medicine.**

**6852. Practice of naturopathic medicine and use of title "Naturopathic Doctor".**

**6853. Injection therapy and injection therapy privilege.**

**6854. Boundaries of professional competence.**

**6855. State board for naturopathic medicine.**

**6856. Qualifications for licensure.**

**6857. Special provisions.**

**6858. Exempt persons and exemptions.**

**6859. Limited residency permits.**

**6860. Limited permits.**

**6861. Mandatory continuing education.**


**§ 6850. Introduction. This article applies to the licensure and regulation 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.

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

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

a. patient interview.

b. comprehensive physical examination.

c. ordering and prescribing laboratory tests and procedures with laboratories that hold a permit pursuant to title five of article five of the public health law.

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

e. specimen collection methods including, patient submission, phlebotomy, hair specimen cutting, nasopharyngeal wash, and procedures for collecting tissue, secretions, excretions and cytology samples with a speculum, spatula, swab, brush or container.

f. ordering and prescribing diagnostic imaging including radiography, tomography, magnetic resonance imaging, ultrasonography and thermography, and excluding ordering and prescribing nuclear medicine and fluoroscopy.

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

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

i. administering and prescribing counseling, biofeedback, and hypnosis with the intent of assisting a person to manage stressors, modify maladaptive behavior and maintain wellness.

j. administering and prescribing naturopathic manual therapy as the application of touch, massage, stretching, resistance, joint mobilization and joint manipulation.

k. administering and prescribing therapeutic exercise.

l. administering and prescribing naturopathic physical agent modalities of hydrotherapy, colonic irrigation, electrotherapy, diathermy, ultrasound and phototherapy.

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

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

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

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

(i) epinephrine to treat anaphylaxis; and

(ii) natural and synthetic hormones.

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

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

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

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

§ 6853. Injection therapy and injection therapy privilege. 1. For issuance of a privilege to practice injection therapy as such term is used in this article, the applicant shall fulfill the following requirements:

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

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

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

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

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

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

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

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

(b) Injection therapy is limited to the following routes of administration: intravenous, intramuscular, intra-articular, subcutaneous and intradermal.

§ 6854. Boundaries of professional competence. The activities encompassed within the definition of the practice of naturopathic medicine shall not include:

1. administering or prescribing controlled substances;

2. diagnostic and therapeutic methods in which bone, viscera, the eyeball, the inner ear, the dorsal body cavity, or the ventral body cavity is penetrated by a physical device;

3. surgery as a medical procedure for structurally altering the human body by cutting into live human tissue for the purpose of localized alteration, transportation, or destruction of live human tissue using ionizing radiation or an instrument, such as a laser, scalpel or probe. Nothing in this delimitation of surgery shall preclude injection;

4. administering radiological procedures using ionizing radiation above background levels;

5. administering or prescribing general or spinal anesthetic drugs;

6. obstetric services following detection of pregnancy through delivery or termination, other than prenatal wellness care;

7. acupuncture;

8. setting fractures;

9. treatment for malignancies other than ancillary therapies provided in collaboration with an oncologist;

10. emergency care services for treating injuries or trauma from a serious accident or a violent crime, except as permitted by article thirty of the public health law; and

11. marital and family therapy, psychoanalysis and creative arts therapy.

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

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

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

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

1. Application: file an application with the department;

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

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

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

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

6. Character: be of good moral character as determined by the department; and

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

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

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

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

2. Pre-nineteen hundred eighty-eight graduates. A person shall qualify for a license to practice the profession of naturopathic medicine without residency experience or examination, provided that within ten years of the effective date of this article, the person meets the following requirements:

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

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

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

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

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

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

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

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

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

4. The "practice of naturopathic medicine" as used in this section includes the practice of naturopathy or naturopathic medicine in a state or territory of the United States, including New York state, or a Canadian province, while maintaining a professional license in naturopathy or naturopathic medicine issued by the same or another state or territory or a Canadian province; and includes practice performed before and after the effective date of this article.

§ 6858. Exempt persons and exemptions. Nothing contained in this article shall be construed to affect or prevent the following:

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

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

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

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

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

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

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

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

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

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

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

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

d. Character: be of good moral character as determined by the department; and

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

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

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

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

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

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

b. Character: be of good moral character as determined by the department;

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

d. Special provision applicability:

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

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

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

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

3. Duration: A limited permit shall be valid for a period of two years, and may be renewed periodically at the discretion of the department for one year periods.

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

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

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

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

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

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

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

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

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

(a) Notwithstanding the education law or any other provision of law, one or more professionals each of whom is authorized by law to render a professional service within the state, or one or more professionals, at least one of whom is authorized by law to render a professional service within the state, may form, or cause to be formed, a professional service limited liability company for pecuniary profit under this article for the purpose of rendering the professional service or services as such professionals are authorized to practice. With respect to a professional service limited liability company formed to provide medical services as such services are defined in article 131 of the education law, each member of such limited liability company must be licensed pursuant to article 131 of the education law to practice medicine in this state. With respect to a professional service limited liability company formed to provide naturopathic services as such services are defined in article 138 of the education law, each member of such limited liability company must be licensed pursuant to article 138 of the education law to practice naturopathy in this state. With respect to a professional service limited liability company formed to provide dental services as such services are defined in article 133 of the education law, each member of such limited liability company must be licensed pursuant to article 133 of the education law to practice dentistry in this state. With respect to a professional service limited liability company formed to provide veterinary services as such services are defined in article 135 of the education law, each member of such limited liability company must be licensed pursuant to article 135 of the education law to practice veterinary medicine in this state. With respect to a professional service limited liability company formed to provide professional engineering, land surveying, architectural, landscape architectural and/or geological services as such services are defined in article 145, article 147 and article 148 of the education law, each member of such limited liability company must be licensed pursuant to

article 145, article 147 and/or article 148 of the education law to practice one or more of such professions in this state. With respect to a professional service limited liability company formed to provide licensed clinical social work services as such services are defined in article 154 of the education law, each member of such limited liability company shall be licensed pursuant to article 154 of the education law to practice licensed clinical social work in this state. With respect to a professional service limited liability company formed to provide creative arts therapy services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice creative arts therapy in this state. With respect to a professional service limited liability company formed to provide marriage and family therapy services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice marriage and family therapy in this state. With respect to a professional service limited liability company formed to provide mental health counseling services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice mental health counseling in this state. With respect to a professional service limited liability company formed to provide psychoanalysis services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice psychoanalysis in this state. With respect to a professional service limited liability company formed to provide applied behavior analysis services as such services are defined in article 167 of the education law, each member of such limited liability company must be licensed or certified pursuant to article 167 of the education law to practice applied behavior analysis in this state. In addition to engaging in such profession or professions, a professional service limited liability company may engage in any other business or activities as to which a limited liability company may be formed under section two hundred one of this chapter. Notwithstanding any other provision of this section, a professional service limited liability company (i) authorized to practice law may only engage in another profession or business or activities or (ii) which is engaged in a profession or other business or activities other than law may only engage in the practice of law, to the extent not prohibited by any other law of this state or any rule adopted by the appropriate appellate division of the supreme court or the court of appeals.

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

(b) With respect to a professional service limited liability company formed to provide medical services as such services are defined in article 131 of the education law, each member of such limited liability company must be licensed pursuant to article 131 of the education law to practice medicine in this state. **With respect to a professional service limited liability company formed to provide naturopathic services as such services are defined in article 138 of the education law, each member of such limited liability company must be licensed pursuant to article 138 of the education law to practice naturopathy in this state.** With respect to a professional service limited liability company formed

to provide dental services as such services are defined in article 133 of the education law, each member of such limited liability company must be licensed pursuant to article 133 of the education law to practice dentistry in this state. With respect to a professional service limited liability company formed to provide veterinary services as such services are defined in article 135 of the education law, each member of such limited liability company must be licensed pursuant to article 135 of the education law to practice veterinary medicine in this state. With respect to a professional service limited liability company formed to provide professional engineering, land surveying, architectural, landscape architectural and/or geological services as such services are defined in article 145, article 147 and article 148 of the education law, each member of such limited liability company must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions in this state. With respect to a professional service limited liability company formed to provide licensed clinical social work services as such services are defined in article 154 of the education law, each member of such limited liability company shall be licensed pursuant to article 154 of the education law to practice licensed clinical social work in this state. With respect to a professional service limited liability company formed to provide creative arts therapy services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice creative arts therapy in this state. With respect to a professional service limited liability company formed to provide marriage and family therapy services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice marriage and family therapy in this state. With respect to a professional service limited liability company formed to provide mental health counseling services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice mental health counseling in this state. With respect to a professional service limited liability company formed to provide psychoanalysis services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice psychoanalysis in this state. With respect to a professional service limited liability company formed to provide applied behavior analysis services as such services are defined in article 167 of the education law, each member of such limited liability company must be licensed or certified pursuant to article 167 of the education law to practice applied behavior analysis in this state.

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

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

sional service limited liability company within thirty days of the date such professional becomes a member, or each of whose members and managers, if any, is a professional at least one of such members is authorized by law to render a professional service within this state and who is or has been engaged in the practice of such profession in such professional service limited liability company or a predecessor entity, or will engage in the practice of such profession in the professional service limited liability company within thirty days of the date such professional becomes a member, or (ii) authorized by, or holding a license, certificate, registration or permit issued by the licensing authority pursuant to, the education law to render a professional service within this state; except that all members and managers, if any, of a foreign professional service limited liability company that provides health services in this state shall be licensed in this state. **With respect to a professional service limited liability company formed to provide naturopathic services as such services are defined in article 138 of the education law, each member of such limited liability company must be licensed pursuant to article 138 of the education law to practice naturopathy in this state.** With respect to a foreign professional service limited liability company which provides veterinary services as such services are defined in article 135 of the education law, each member of such foreign professional service limited liability company shall be licensed pursuant to article 135 of the education law to practice veterinary medicine. With respect to a foreign professional service limited liability company which provides medical services as such services are defined in article 131 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 131 of the education law to practice medicine in this state. With respect to a foreign professional service limited liability company which provides dental services as such services are defined in article 133 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 133 of the education law to practice dentistry in this state. With respect to a foreign professional service limited liability company which provides professional engineering, land surveying, geologic, architectural and/or landscape architectural services as such services are defined in article 145, article 147 and article 148 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions in this state. With respect to a foreign professional service limited liability company which provides licensed clinical social work services as such services are defined in article 154 of the education law, each member of such foreign professional service limited liability company shall be licensed pursuant to article 154 of the education law to practice clinical social work in this state. With respect to a foreign professional service limited liability company which provides creative arts therapy services as such services are defined in article 163 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 163 of the education law to practice creative arts therapy in this state. With respect to a foreign professional service limited liability company which provides marriage and family therapy services as such services are defined in article 163 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 163 of the educa-

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

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

(q) Each partner of a registered limited liability partnership formed to provide medical services in this state must be licensed pursuant to article 131 of the education law to practice medicine in this state and each partner of a registered limited liability partnership formed to provide dental services in this state must be licensed pursuant to article 133 of the education law to practice dentistry in this state. **Each partner of a registered limited liability partnership formed to provide naturopathic services in this state must be licensed pursuant to article 138 of the education law to practice naturopathy in this state.** Each partner of a registered limited liability partnership formed to provide veterinary services in this state must be licensed pursuant to article 135 of the education law to practice veterinary medicine in this state. Each partner of a registered limited liability partnership formed to provide professional engineering, land surveying, geological services, architectural and/or landscape architectural services in this state must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions in this state. Each partner of a registered limited liability partnership formed to provide licensed clinical social work services in this state must be licensed pursuant to article 154 of the education law to practice clinical social work in this state. Each partner of a registered limited liability partnership formed to provide creative arts therapy services in this state must be licensed pursuant to article 163 of the education law to practice creative arts therapy in this state. Each partner of a registered limited liability partnership formed to provide marriage and family therapy services in this state must be licensed pursuant to article 163 of the education law to practice marriage and family therapy in this state. Each partner of a registered limited liability partnership formed to provide mental health counseling services in this state must be licensed pursuant to article 163 of the education law to practice mental health counseling in this state. Each partner of a registered limited liability partnership formed to provide psychoanalysis services in this state must be licensed pursuant to article 163 of the education law to practice psychoanalysis in this state. Each partner of a registered limited liability partnership formed to provide applied behavior

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

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

(q) Each partner of a foreign limited liability partnership which provides medical services in this state must be licensed pursuant to article 131 of the education law to practice medicine in the state and each partner of a foreign limited liability partnership which provides dental services in the state must be licensed pursuant to article 133 of the education law to practice dentistry in this state. **Each partner of a foreign limited liability partnership which provides naturopathic services in this state must be licensed pursuant to article 138 of the education law to practice naturopathy in this state.** Each partner of a foreign limited liability partnership which provides veterinary service in the state shall be licensed pursuant to article 135 of the education law to practice veterinary medicine in this state. Each partner of a foreign limited liability partnership which provides professional engineering, land surveying, geological services, architectural and/or landscape architectural services in this state must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions. Each partner of a foreign limited liability partnership which provides licensed clinical social work services in this state must be licensed pursuant to article 154 of the education law to practice licensed clinical social work in this state. Each partner of a foreign limited liability partnership which provides creative arts therapy services in this state must be licensed pursuant to article 163 of the education law to practice creative arts therapy in this state. Each partner of a foreign limited liability partnership which provides marriage and family therapy services in this state must be licensed pursuant to article 163 of the education law to practice marriage and family therapy in this state. Each partner of a foreign limited liability partnership which provides mental health counseling services in this state must be licensed pursuant to article 163 of the education law to practice mental health counseling in this state. Each partner of a foreign limited liability partnership which provides psychoanalysis services in this state must be licensed pursuant to article 163 of the education law to practice psychoanalysis in this state. Each partner of a foreign limited liability partnership which provides applied behavior analysis services in this state must be licensed or certified pursuant to article 167 of the education law to practice applied behavior analysis in this state.

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

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

ant; surgeon; medical examiner; coroner; dentist; dental hygienist; osteopath; optometrist; chiropractor; podiatrist; **naturopathic doctor;** resident; intern; psychologist; registered nurse; social worker; emergency medical technician; licensed creative arts therapist; licensed marriage and family therapist; licensed mental health counselor; licensed psychoanalyst; licensed behavior analyst; certified behavior analyst assistant; hospital personnel engaged in the admission, examination, care or treatment of persons; a Christian Science practitioner; school official, which includes but is not limited to school teacher, school guidance counselor, school psychologist, school social worker, school nurse, school administrator or other school personnel required to hold a teaching or administrative license or certificate; full or part-time compensated school employee required to hold a temporary coaching license or professional coaching certificate; social services worker; employee of a publicly-funded emergency shelter for families with children; director of a children's overnight camp, summer day camp or traveling summer day camp, as such camps are defined in section thirteen hundred ninety-two of the public health law; day care center worker; school-age child care worker; provider of family or group family day care; employee or volunteer in a residential care facility for children that is licensed, certified or operated by the office of children and family services; or any other child care or foster care worker; mental health professional; substance abuse counselor; alcoholism counselor; all persons credentialed by the office of alcoholism and substance abuse services; employees, who are expected to have regular and substantial contact with children, of a health home or health home care management agency contracting with a health home as designated by the department of health and authorized under section three hundred sixty-five-l of this chapter or such employees who provide home and community based services under a demonstration program pursuant to section eleven hundred fifteen of the federal social security act who are expected to have regular and substantial contact with children; peace officer; police officer; district attorney or assistant district attorney; investigator employed in the office of a district attorney; or other law enforcement official.

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

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

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

1. "Health services purveyor" means any person, firm, partnership, group, association, corporation or professional corporation, or any agent, employee, fiduciary, employer or representative thereof, including but not limited to a physician, dentist, podiatrist**, naturopathic doctor** or chiropractor, either in individual practice, group practice or employed in a facility owned by any person, group, association, firm, partnership or corporation hiring any of the aforementioned practitioners, who provide health or health related services.

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

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

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

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

1. Apply to the practice, conduct, activities, services or use of any title by any person licensed or otherwise authorized to practice medicine within the state pursuant to article one hundred thirty-one of this title or by any person registered to perform services as a physician assistant within the state pursuant to article one hundred thirty-one-B of this title or by any person licensed or otherwise authorized to practice psychology within this state pursuant to article one hundred fifty-three of this title or by any person licensed or otherwise authorized to practice social work within this state pursuant to article one hundred fifty-four of this title**, or by any person licensed or otherwise authorized to practice naturopathic medicine care within this state pursuant to article one hundred thirty-eight of this title**, or by any person licensed or otherwise authorized to practice nursing as a registered professional nurse or nurse practitioner within this state pursuant to article one hundred thirty-nine of this title or by any person licensed or otherwise authorized to practice applied behavior analysis within the state pursuant to article one hundred sixty-seven of this title; provided, however, that no physician, physician's assistant**, naturopathic doctor**, registered professional nurse, nurse practitioner, psychologist, licensed master social worker, licensed clinical social worker, licensed behavior analyst or certified behavior analyst assistant may use the titles "licensed mental health counselor", "licensed marriage and family therapist", "licensed creative arts therapist", or "licensed psychoanalyst", unless licensed under this article.

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

1. The practice of massage therapy by any person who is authorized to practice medicine, nursing, osteopathy**, naturopathic medicine**, physiotherapy, chiropractic, or podiatry in accordance with the provisions of this title.

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

1. This title is applicable to all clinical laboratories and blood banks operating within the state, except clinical laboratories and blood banks operated by the federal government and clinical laboratories operated by a licensed physician, osteopath, dentist, midwife, nurse practitioner**, naturopathic doctor solely as an adjunct to the treatment of his**

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

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