

# STATE OF NEW YORK

5740--A

2021-2022 Regular Sessions

## IN ASSEMBLY

February 24, 2021

Introduced by M. of A. LUPARDO, J. RIVERA, WILLIAMS, COOK, GALEF, GOTTFRIED, GUNTHER, WALLACE, BENEDETTO, ABBATE, DiPIETRO, PALMESANO, MONTESANO, RA, STECK, GRIFFIN, EPSTEIN, McDONALD, DICKENS, WALSH, McDONOUGH -- Multi-Sponsored by -- M. of A. ABINANTI, BARCLAY, BLANKENBUSH, BRABENEC, BYRNE, COLTON, CYMBROWITZ, DAVILA, DINOWITZ, ENGLEBRIGHT, HAWLEY, HEVESI, HUNTER, KIM, LAVINE, MORINELLO, NORRIS, PAULIN, PEOPLES-STOKES, QUART, L. ROSENTHAL, SIMON, THIELE, WEPRIN -- read once and referred to the Committee on Higher Education -- recommended 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 social services law, the limited liability company law and the partnership law, in relation to the licensing of vision impairment specialists; and providing for the repeal of certain provisions upon expiration thereof

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

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

### ARTICLE 169

#### VISION IMPAIRMENT SPECIALISTS

##### Section 8900. Introduction.

6 8901. Definitions.

7 8902. Use of titles.

8 8903. State board for vision impairment specialists.

9 8904. Requirements for a license with a specialization as an  
10 orientation and mobility specialist.

11 8905. Requirements for a license with a specialization as a  
12 vision rehabilitation therapist.

13 8906. Limited permits.

14 8907. Exempt persons.

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

LBD05398-03-2

1           8908. Special provisions.

2           8909. Separability.

3           § 8900. Introduction. This article applies to the profession of vision  
4 impairment specialists, and provides for the licensing of orientation  
5 and mobility specialists and vision rehabilitation therapists. The  
6 general provisions for all professions contained in article one hundred  
7 thirty of this title shall apply to this article.

8           § 8901. Definitions. For purposes of this article, the following terms  
9 shall have the following meanings:

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

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

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

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

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

1 as appropriate, professional referrals; and (d) the evaluation of  
2 persons receiving such specialized training.

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

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

19 7. "Board" shall mean the state board for vision impairment special-  
20 ists as provided for in section eighty-nine hundred three of this arti-  
21 cle.

22 § 8902. Use of titles. Only a person licensed or otherwise authorized  
23 under this article shall be authorized to practice as a vision impair-  
24 ment specialist or use the title "licensed orientation and mobility  
25 specialist" or "licensed vision rehabilitation therapist" in connection  
26 with his or her name or with any trade name in the conduct of his or her  
27 profession.

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

54 § 8904. Requirements for a license with a specialization as an orien-  
55 tation and mobility specialist. To qualify for a license as an orien-

1 tation and mobility specialist, an applicant shall fulfill the following  
2 requirements:

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

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

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

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

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

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

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

19 § 8905. Requirements for a license with a specialization as a vision  
20 rehabilitation therapist. To qualify for a license as a vision rehabili-  
21 tation therapist an applicant shall fulfill the following requirements:

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

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

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

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

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

33 6. Registration: all licensed vision rehabilitation therapists shall  
34 register triennially with the department in accordance with the commis-  
35 sioner's regulations.

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

38 § 8906. Limited permits. The following requirements for a limited  
39 permit shall apply to all professions licensed or certified pursuant to  
40 this article:

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

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

47 3. The fee for each limited permit and for each renewal shall be  
48 seventy dollars.

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

51 § 8907. Exempt persons. This article shall not be construed to affect  
52 or prevent the following, provided that no title, sign, card or device  
53 shall be used in such manner as to tend to convey the impression that  
54 the person rendering such service is a licensed vision impairment  
55 specialist:

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

5 2. Nothing contained in this article shall be construed to limit the  
6 scopes of practice of any other profession licensed under this title;  
7 provided, however, that such practitioners may not hold themselves out  
8 under the titles "licensed vision impairment specialist", and/or  
9 "licensed vision impairment specialist with a specialization in orien-  
10 tation and mobility", and/or "licensed vision impairment specialist with  
11 a specialization in vision rehabilitation therapy".

12 3. Nothing in this article shall be construed as prohibiting a person  
13 from performing the duties of a licensed vision impairment specialist,  
14 in the course of such employment, if such person is employed by a feder-  
15 al, state, county, town, city or village agency or other political  
16 subdivision except that this exception from licensure shall not apply to  
17 persons employed by institutions regulated primarily by the education  
18 department.

19 4. This article shall not be construed to prohibit care delivered by  
20 any family member, household member or friend, or person employed prima-  
21 rily in a domestic capacity who does not hold himself or herself out, or  
22 accept employment, as a person licensed to practice as a vision impair-  
23 ment specialist under the provisions of this article; provided, however,  
24 that if such person is remunerated, the person does not hold himself or  
25 herself out as one who accepts employment for performing such care.

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

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

30 7. The instruction in the use of Braille.

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

44 § 8909. Separability. If any section of this article, or part thereof,  
45 shall be adjudged by any court of competent jurisdiction to be invalid,  
46 such judgment shall not affect, impair or invalidate the remainder of  
47 any other section or part thereof.

48 § 2. Subparagraph (i) of paragraph a of subdivision 1 of section  
49 6503-a of the education law, as amended by chapter 554 of the laws of  
50 2013, is amended to read as follows:

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

54 § 3. Paragraph a of subdivision 3 of section 6507 of the education  
55 law, as amended by chapter 672 of the laws of 2019, is amended to read  
56 as follows:



1 a. Establish standards for preprofessional and professional education,  
2 experience and licensing examinations as required to implement the arti-  
3 cle for each profession. Notwithstanding any other provision of law, the  
4 commissioner shall establish standards requiring that all persons apply-  
5 ing, on or after January first, nineteen hundred ninety-one, initially,  
6 or for the renewal of, a license, registration or limited permit to be a  
7 physician, chiropractor, dentist, registered nurse, podiatrist, optome-  
8 trist, psychiatrist, psychologist, licensed master social worker,  
9 licensed clinical social worker, licensed creative arts therapist,  
10 licensed marriage and family therapist, licensed mental health counse-  
11 lor, licensed psychoanalyst, dental hygienist, licensed behavior  
12 analyst, [~~or~~] certified behavior analyst assistant or licensed vision  
13 impairment specialist shall, in addition to all the other licensure,  
14 certification or permit requirements, have completed two hours of  
15 coursework or training regarding the identification and reporting of  
16 child abuse and maltreatment. The coursework or training shall be  
17 obtained from an institution or provider which has been approved by the  
18 department to provide such coursework or training. The coursework or  
19 training shall include information regarding the physical and behavioral  
20 indicators of child abuse and maltreatment and the statutory reporting  
21 requirements set out in sections four hundred thirteen through four  
22 hundred twenty of the social services law, including but not limited to,  
23 when and how a report must be made, what other actions the reporter is  
24 mandated or authorized to take, the legal protections afforded repor-  
25 ters, and the consequences for failing to report. Such coursework or  
26 training may also include information regarding the physical and behav-  
27 ioral indicators of the abuse of individuals with mental retardation and  
28 other developmental disabilities and voluntary reporting of abused or  
29 neglected adults to the office for people with developmental disabili-  
30 ties or the local adult protective services unit. Each applicant shall  
31 provide the department with documentation showing that he or she has  
32 completed the required training. The department shall provide an  
33 exemption from the child abuse and maltreatment training requirements to  
34 any applicant who requests such an exemption and who shows, to the  
35 department's satisfaction, that there would be no need because of the  
36 nature of his or her practice for him or her to complete such training;

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

40 (a) The following persons and officials are required to report or  
41 cause a report to be made in accordance with this title when they have  
42 reasonable cause to suspect that a child coming before them in their  
43 professional or official capacity is an abused or maltreated child, or  
44 when they have reasonable cause to suspect that a child is an abused or  
45 maltreated child where the parent, guardian, custodian or other person  
46 legally responsible for such child comes before them in their profes-  
47 sional or official capacity and states from personal knowledge facts,  
48 conditions or circumstances which, if correct, would render the child an  
49 abused or maltreated child: any physician; registered physician assist-  
50 ant; surgeon; medical examiner; coroner; dentist; dental hygienist;  
51 osteopath; optometrist; chiropractor; podiatrist; resident; intern;  
52 psychologist; registered nurse; social worker; emergency medical techni-  
53 cian; licensed creative arts therapist; licensed marriage and family  
54 therapist; licensed mental health counselor; licensed psychoanalyst;  
55 licensed behavior analyst; certified behavior analyst assistant;  
56 licensed vision impairment specialist; hospital personnel engaged in the

1 admission, examination, care or treatment of persons; a Christian  
2 Science practitioner; school official, which includes but is not limited  
3 to school teacher, school guidance counselor, school psychologist,  
4 school social worker, school nurse, school administrator or other school  
5 personnel required to hold a teaching or administrative license or  
6 certificate; full or part-time compensated school employee required to  
7 hold a temporary coaching license or professional coaching certificate;  
8 social services worker; employee of a publicly-funded emergency shelter  
9 for families with children; director of a children's overnight camp,  
10 summer day camp or traveling summer day camp, as such camps are defined  
11 in section thirteen hundred ninety-two of the public health law; day  
12 care center worker; school-age child care worker; provider of family or  
13 group family day care; employee or volunteer in a residential care  
14 facility for children that is licensed, certified or operated by the  
15 office of children and family services; or any other child care or  
16 foster care worker; mental health professional; substance abuse counse-  
17 lor; alcoholism counselor; all persons credentialed by the office of  
18 alcoholism and substance abuse services; employees, who are expected to  
19 have regular and substantial contact with children, of a health home or  
20 health home care management agency contracting with a health home as  
21 designated by the department of health and authorized under section  
22 three hundred sixty-five-1 of this chapter or such employees who provide  
23 home and community based services under a demonstration program pursuant  
24 to section eleven hundred fifteen of the federal social security act who  
25 are expected to have regular and substantial contact with children;  
26 peace officer; police officer; district attorney or assistant district  
27 attorney; investigator employed in the office of a district attorney; or  
28 other law enforcement official.

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

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

1 equivalent to the course work or training approved by the department  
2 pursuant to this section. The department shall consult with organiza-  
3 tions representative of professions, institutions and those with exper-  
4 tise in infection control and HIV, HBV, HCV and infections that could  
5 lead to sepsis with respect to the regulatory standards promulgated  
6 pursuant to this section.

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

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



1 mental health counseling in this state. With respect to a professional  
2 service limited liability company formed to provide psychoanalysis  
3 services as such services are defined in article 163 of the education  
4 law, each member of such limited liability company must be licensed  
5 pursuant to article 163 of the education law to practice psychoanalysis  
6 in this state. With respect to a professional service limited liability  
7 company formed to provide applied behavior analysis services as such  
8 services are defined in article 167 of the education law, each member of  
9 such limited liability company must be licensed or certified pursuant to  
10 article 167 of the education law to practice applied behavior analysis  
11 in this state. With respect to a professional service limited liability  
12 company formed to provide vision impairment specialist services as such  
13 services are defined in article 169 of the education law, each member of  
14 such limited liability company must be licensed pursuant to article 169  
15 of the education law to practice as a vision impairment specialist in  
16 this state. In addition to engaging in such profession or professions, a  
17 professional service limited liability company may engage in any other  
18 business or activities as to which a limited liability company may be  
19 formed under section two hundred one of this chapter. Notwithstanding  
20 any other provision of this section, a professional service limited  
21 liability company (i) authorized to practice law may only engage in  
22 another profession or business or activities or (ii) which is engaged in  
23 a profession or other business or activities other than law may only  
24 engage in the practice of law, to the extent not prohibited by any other  
25 law of this state or any rule adopted by the appropriate appellate divi-  
26 sion of the supreme court or the court of appeals.

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

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

1 services as such services are defined in article 163 of the education  
2 law, each member of such limited liability company must be licensed  
3 pursuant to article 163 of the education law to practice creative arts  
4 therapy in this state. With respect to a professional service limited  
5 liability company formed to provide marriage and family therapy services  
6 as such services are defined in article 163 of the education law, each  
7 member of such limited liability company must be licensed pursuant to  
8 article 163 of the education law to practice marriage and family therapy  
9 in this state. With respect to a professional service limited liability  
10 company formed to provide mental health counseling services as such  
11 services are defined in article 163 of the education law, each member of  
12 such limited liability company must be licensed pursuant to article 163  
13 of the education law to practice mental health counseling in this state.  
14 With respect to a professional service limited liability company formed  
15 to provide psychoanalysis services as such services are defined in arti-  
16 cle 163 of the education law, each member of such limited liability  
17 company must be licensed pursuant to article 163 of the education law to  
18 practice psychoanalysis in this state. With respect to a professional  
19 service limited liability company formed to provide applied behavior  
20 analysis services as such services are defined in article 167 of the  
21 education law, each member of such limited liability company must be  
22 licensed or certified pursuant to article 167 of the education law to  
23 practice applied behavior analysis in this state. With respect to a  
24 professional service limited liability company formed to provide vision  
25 impairment specialist services as such services are defined in article  
26 169 of the education law, each member of such limited liability company  
27 must be licensed pursuant to article 169 of the education law to prac-  
28 tice as a vision impairment specialist in this state.

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

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

1 service limited liability company shall be licensed pursuant to article  
2 135 of the education law to practice veterinary medicine. With respect  
3 to a foreign professional service limited liability company which  
4 provides medical services as such services are defined in article 131 of  
5 the education law, each member of such foreign professional service  
6 limited liability company must be licensed pursuant to article 131 of  
7 the education law to practice medicine in this state. With respect to a  
8 foreign professional service limited liability company which provides  
9 dental services as such services are defined in article 133 of the  
10 education law, each member of such foreign professional service limited  
11 liability company must be licensed pursuant to article 133 of the educa-  
12 tion law to practice dentistry in this state. With respect to a foreign  
13 professional service limited liability company which provides profes-  
14 sional engineering, land surveying, geologic, architectural and/or land-  
15 scape architectural services as such services are defined in article  
16 145, article 147 and article 148 of the education law, each member of  
17 such foreign professional service limited liability company must be  
18 licensed pursuant to article 145, article 147 and/or article 148 of the  
19 education law to practice one or more of such professions in this state.  
20 With respect to a foreign professional service limited liability company  
21 which provides licensed clinical social work services as such services  
22 are defined in article 154 of the education law, each member of such  
23 foreign professional service limited liability company shall be licensed  
24 pursuant to article 154 of the education law to practice clinical social  
25 work in this state. With respect to a foreign professional service  
26 limited liability company which provides creative arts therapy services  
27 as such services are defined in article 163 of the education law, each  
28 member of such foreign professional service limited liability company  
29 must be licensed pursuant to article 163 of the education law to prac-  
30 tice creative arts therapy in this state. With respect to a foreign  
31 professional service limited liability company which provides marriage  
32 and family therapy services as such services are defined in article 163  
33 of the education law, each member of such foreign professional service  
34 limited liability company must be licensed pursuant to article 163 of  
35 the education law to practice marriage and family therapy in this state.  
36 With respect to a foreign professional service limited liability company  
37 which provides mental health counseling services as such services are  
38 defined in article 163 of the education law, each member of such foreign  
39 professional service limited liability company must be licensed pursuant  
40 to article 163 of the education law to practice mental health counseling  
41 in this state. With respect to a foreign professional service limited  
42 liability company which provides psychoanalysis services as such  
43 services are defined in article 163 of the education law, each member of  
44 such foreign professional service limited liability company must be  
45 licensed pursuant to article 163 of the education law to practice  
46 psychoanalysis in this state. With respect to a foreign professional  
47 service limited liability company which provides applied behavior analy-  
48 sis services as such services are defined in article 167 of the educa-  
49 tion law, each member of such foreign professional service limited  
50 liability company must be licensed or certified pursuant to article 167  
51 of the education law to practice applied behavior analysis in this  
52 state. With respect to a foreign professional service limited liability  
53 company which provides vision impairment specialist services as such  
54 services are defined in article 169 of the education law, each member of  
55 such foreign professional service limited liability company must be

1 licensed pursuant to article 169 of the education law to practice as a  
2 vision impairment specialist in this state.

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

6 (q) Each partner of a registered limited liability partnership formed  
7 to provide medical services in this state must be licensed pursuant to  
8 article 131 of the education law to practice medicine in this state and  
9 each partner of a registered limited liability partnership formed to  
10 provide dental services in this state must be licensed pursuant to arti-  
11 cle 133 of the education law to practice dentistry in this state. Each  
12 partner of a registered limited liability partnership formed to provide  
13 veterinary services in this state must be licensed pursuant to article  
14 135 of the education law to practice veterinary medicine in this state.  
15 Each partner of a registered limited liability partnership formed to  
16 provide professional engineering, land surveying, geological services,  
17 architectural and/or landscape architectural services in this state must  
18 be licensed pursuant to article 145, article 147 and/or article 148 of  
19 the education law to practice one or more of such professions in this  
20 state. Each partner of a registered limited liability partnership formed  
21 to provide licensed clinical social work services in this state must be  
22 licensed pursuant to article 154 of the education law to practice clin-  
23 ical social work in this state. Each partner of a registered limited  
24 liability partnership formed to provide creative arts therapy services  
25 in this state must be licensed pursuant to article 163 of the education  
26 law to practice creative arts therapy in this state. Each partner of a  
27 registered limited liability partnership formed to provide marriage and  
28 family therapy services in this state must be licensed pursuant to arti-  
29 cle 163 of the education law to practice marriage and family therapy in  
30 this state. Each partner of a registered limited liability partnership  
31 formed to provide mental health counseling services in this state must  
32 be licensed pursuant to article 163 of the education law to practice  
33 mental health counseling in this state. Each partner of a registered  
34 limited liability partnership formed to provide psychoanalysis services  
35 in this state must be licensed pursuant to article 163 of the education  
36 law to practice psychoanalysis in this state. Each partner of a regis-  
37 tered limited liability partnership formed to provide applied behavior  
38 analysis service in this state must be licensed or certified pursuant to  
39 article 167 of the education law to practice applied behavior analysis  
40 in this state. Each partner of a registered limited liability partner-  
41 ship formed to provide vision impairment specialist services in this  
42 state must be licensed or certified pursuant to article 169 of the  
43 education law to practice as a vision impairment specialist in this  
44 state.

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

48 (q) Each partner of a foreign limited liability partnership which  
49 provides medical services in this state must be licensed pursuant to  
50 article 131 of the education law to practice medicine in the state and  
51 each partner of a foreign limited liability partnership which provides  
52 dental services in the state must be licensed pursuant to article 133 of  
53 the education law to practice dentistry in this state. Each partner of a  
54 foreign limited liability partnership which provides veterinary service  
55 in the state shall be licensed pursuant to article 135 of the education  
56 law to practice veterinary medicine in this state. Each partner of a

1 foreign limited liability partnership which provides professional engi-  
2 neering, land surveying, geological services, architectural and/or land-  
3 scape architectural services in this state must be licensed pursuant to  
4 article 145, article 147 and/or article 148 of the education law to  
5 practice one or more of such professions. Each partner of a foreign  
6 limited liability partnership which provides licensed clinical social  
7 work services in this state must be licensed pursuant to article 154 of  
8 the education law to practice licensed clinical social work in this  
9 state. Each partner of a foreign limited liability partnership which  
10 provides creative arts therapy services in this state must be licensed  
11 pursuant to article 163 of the education law to practice creative arts  
12 therapy in this state. Each partner of a foreign limited liability part-  
13 nership which provides marriage and family therapy services in this  
14 state must be licensed pursuant to article 163 of the education law to  
15 practice marriage and family therapy in this state. Each partner of a  
16 foreign limited liability partnership which provides mental health coun-  
17 seling services in this state must be licensed pursuant to article 163  
18 of the education law to practice mental health counseling in this state.  
19 Each partner of a foreign limited liability partnership which provides  
20 psychoanalysis services in this state must be licensed pursuant to arti-  
21 cle 163 of the education law to practice psychoanalysis in this state.  
22 Each partner of a foreign limited liability partnership which provides  
23 applied behavior analysis services in this state must be licensed or  
24 certified pursuant to article 167 of the education law to practice  
25 applied behavior analysis in this state. Each partner of a foreign  
26 limited liability partnership which provides vision impairment special-  
27 ist services in this state must be licensed pursuant to article 169 of  
28 the education law to practice as a vision impairment specialist in this  
29 state.

30 § 11. a. Nothing in this act shall be construed as prohibiting a  
31 person from performing the duties of a licensed vision impairment  
32 specialist, in the course of such employment, if such person is employed  
33 by programs licensed, certified, operated, or funded and regulated by  
34 the office of children and family services including the commission for  
35 the blind and visually impaired, the state education department or the  
36 department of health; provided, however, that this section shall not  
37 authorize the use of any title authorized pursuant to article 169 of the  
38 education law.

39 b. On or before September 1, 2023, each office identified in subdivi-  
40 sion a of this section that licenses, certifies, operates or funds and  
41 regulates programs that employ individuals to provide services that  
42 would otherwise be restricted to individuals licensed or authorized  
43 under article 169 of the education law, shall submit to the commissioner  
44 of education, in such form and detail as requested by such commissioner,  
45 data in relation to: the number of individuals employed in exempt  
46 programs licensed, certified, operated, or funded and regulated by each  
47 office identified in subdivision a of this section on September 1, 2022  
48 who are providing services that would otherwise be restricted to those  
49 licensed or authorized under article 169 of the education law; and the  
50 occupational title of individuals who on July 1, 2023 are not licensed  
51 or otherwise authorized under title 8 of the education law, and who are  
52 engaged in the practice of vision impairment specialist for the purpose  
53 of providing vision impairment specialist services to persons who are  
54 blind or visually impaired.

55 c. The commissioner of education, after receipt of this data and in  
56 consultation with the offices identified in subdivision a of this

1 section, in consultation with not-for-profit providers, professional  
2 associations, consumers and other key stakeholders, shall prepare a  
3 report that recommends changes in any laws, rules or regulations neces-  
4 sary to ensure appropriate licensure or other authorization of individ-  
5 uals providing services that are within the restricted practice of  
6 professions licensed or otherwise authorized under article 169 of the  
7 education law. Such report shall include an estimate of the fiscal  
8 impact of any such recommended changes and, to the extent practicable,  
9 how such recommendations will result in improved outcomes. The commis-  
10 sioner of education shall submit the report to the governor, the speaker  
11 of the assembly, the temporary president of the senate, and the chairs  
12 of the senate and assembly higher education committees by January 1,  
13 2024. The commissioners of the agencies identified in subdivision a of  
14 this section shall be provided an opportunity to include statements or  
15 alternative recommendations in such report.

16 § 12. This act shall take effect eighteen months after it shall have  
17 become a law; provided, further, that the provisions of subdivision a of  
18 section eleven of this act shall expire July 1, 2024 when upon such date  
19 the provisions of such subdivision shall be deemed repealed. The  
20 commissioner of education and the board of regents are authorized to  
21 promulgate such rules and regulations and take any other measures as may  
22 be necessary for the timely implementation of this act on or before its  
23 effective date, including but not limited to the appointment of the  
24 state board for vision rehabilitation services, the acceptance and proc-  
25 essing of applications for licensure, and the issuance of licenses.