

# STATE OF NEW YORK

21

2021-2022 Regular Sessions

## IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sens. KAPLAN, SAVINO, THOMAS -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, the county law, the limited liability company law and the partnership law, in relation to the licensing of professional and clinical music therapists

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 163-A  
2 to read as follows:

3 ARTICLE 163-A

4 MUSIC THERAPY

5 Section 8450. Introduction.

6 8451. Definitions.

7 8452. Authorized practice and the use of the titles "licensed  
8 professional music therapist" and "licensed clinical  
9 music therapist".

10 8453. State board for music therapy.

11 8454. Requirements for a license.

12 8455. Limited permits.

13 8456. Exemptions.

14 8457. Special provisions.

15 8458. Boundaries of professional competency.

16 8459. Mandatory continuing competency.

17 § 8450. Introduction. This article applies to the profession and prac-  
18 tice of music therapy, and to the use of the titles "licensed profes-  
19 sional music therapist" and "licensed clinical music therapist". The  
20 general provisions for all professions contained in article one hundred  
21 thirty of this title apply to this article.

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

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1 § 8451. Definitions. 1. (a) The practice of licensed professional  
2 music therapy shall mean the clinical and evidence-based use of music  
3 interventions to accomplish individualized goals for people of all ages  
4 and ability levels within a therapeutic relationship, through the devel-  
5 opment of music therapy treatment plans specific to the needs and  
6 strengths of the client who may be seen individually and/or in groups.

7 (b) A licensed professional music therapist uses interventions that  
8 may include music improvisation, receptive music listening, song writ-  
9 ing, lyric discussion, music and imagery, singing, music performance,  
10 learning through music, music combined with other arts, music-assisted  
11 relaxation, music-based education, electronic music technology, adapted  
12 music interventions and movement to music.

13 (c) The practice of licensed professional music therapy does not  
14 include the diagnosis or assessment of any physical, mental, or communi-  
15 cation disorder.

16 2. (a) The practice of licensed clinical music therapy encompasses the  
17 scope of practice of licensed professional music therapy and, in addi-  
18 tion, includes the assessment, evaluation, and the therapeutic inter-  
19 vention and treatment, which may be either primary, parallel or adjunc-  
20 tive, of mental, emotional, developmental and behavioral disorders  
21 through the use of music as approved by the department.

22 (b) Licensed clinical music therapists use assessment instruments and  
23 mental health counseling and psychotherapy to identify, evaluate and  
24 treat dysfunctions and disorders for purposes of providing appropriate  
25 clinical music therapy services.

26 3. Psychotherapy means the treatment of mental, nervous, emotional,  
27 behavioral and addictive disorders, and ailments by the use of both  
28 verbal and behavioral methods of intervention in interpersonal relation-  
29 ships with the intent of assisting the persons to modify attitudes,  
30 thinking, effect, and behavior which are intellectually, socially and  
31 emotionally maladaptive.

32 § 8452. Authorized practice and the use of the titles "licensed  
33 professional music therapist" and "licensed clinical music therapist".

34 1. (a) Only a person licensed or exempt under this article shall prac-  
35 tice "licensed professional music therapy" as defined in subdivision one  
36 of section eighty-four hundred fifty-one of this article.

37 (b) Only a person licensed pursuant to subdivision one of section  
38 eighty-four hundred fifty-four of this article shall use the title  
39 "licensed professional music therapist" or the designation "LPMT".

40 2. (a) Only a person licensed or exempt under this article shall prac-  
41 tice "licensed clinical music therapy" as defined in subdivision two of  
42 section eighty-four hundred fifty-one of this article.

43 (b) Only a person licensed pursuant to subdivision two of section  
44 eighty-four hundred fifty-four of this article shall use the title  
45 "licensed clinical music therapist" or the designation "LCMT".

46 § 8453. State board for music therapy. A state board for music therapy  
47 "the board", shall be appointed by the board of regents on recommenda-  
48 tion of the commissioner for the purpose of assisting the board of  
49 regents and the department on matters of professional licensing, prac-  
50 tice, and conduct in accordance with section sixty-five hundred eight of  
51 this title. The board shall be composed of not less than twelve members,  
52 of which five shall be licensed professional music therapists, five  
53 shall be licensed clinical music therapists, and two shall be members of  
54 the public. Members of the first board need not be licensed prior to  
55 their appointment to the board. The terms of the first appointed members  
56 shall be staggered so that four are appointed for three years, four are

1 appointed for four years, and four are appointed for five years. An  
2 executive secretary to the board shall be appointed by the board of  
3 regents on recommendation of the commissioner and shall be licensed  
4 pursuant to this article.

5 § 8454. Requirements for a license. 1. To qualify for a license as a  
6 "licensed professional music therapist," an applicant shall fulfill the  
7 following requirements:

8 (a) Application: file an application with the department;

9 (b) Education: have received an education, including a baccalaureate  
10 degree in music therapy from a program registered by the department or  
11 determined by the department to be the substantial equivalent thereof,  
12 in accordance with the commissioner's regulations;

13 (c) Experience: have completed at least twelve hundred hours of super-  
14 vised clinical training experience in music therapy, with not less than  
15 one hundred eighty hours of pre-internship experience and not less than  
16 nine hundred hours of internship experience, satisfactory to the depart-  
17 ment and in accordance with the commissioner's regulations;

18 (d) Examination: provide proof of passing a national board certifi-  
19 cation examination or provide proof of being transitioned into a  
20 national board certification credential, satisfactory to the board and  
21 in accordance with the commissioner's regulations, currently available  
22 to music therapists who have met the education and clinical training  
23 standards of the profession;

24 (e) Age: be at least twenty-one years of age;

25 (f) Character: be of good moral character as determined by the depart-  
26 ment; and

27 (g) Fees: pay a fee of one hundred seventy-five dollars for an initial  
28 license and a fee of one hundred seventy dollars for each triennial  
29 registration period.

30 2. To qualify for a license as a "licensed clinical music therapist,"  
31 an applicant shall fulfill the following requirements:

32 (a) Application: file an application with the department;

33 (b) Education: have received an education, including a master's degree  
34 or higher in music therapy or a related field from a program registered  
35 by the department or determined by the department to be the substantial  
36 equivalent thereof, in accordance with the commissioner's regulations.  
37 The graduate coursework shall include, but not be limited to, the  
38 following areas:

39 (i) human growth and development;

40 (ii) theories in music therapy;

41 (iii) group dynamics;

42 (iv) assessment and appraisal of individuals and groups;

43 (v) research and program evaluation;

44 (vi) professional orientation and ethics;

45 (vii) foundations of music therapy and psychopathology;

46 (viii) clinical instruction;

47 (c) Experience: have completed at least fifteen hundred hours of post-  
48 master's supervised experience in music therapy satisfactory to the  
49 department and in accordance with the commissioner's regulations. Satis-  
50 factory experience obtained in an entity operating under a waiver issued  
51 by the department pursuant to section sixty-five hundred three-a of this  
52 title may be accepted by the department, notwithstanding that such expe-  
53 rience may have been obtained prior to the effective date of such  
54 section and/or prior to the entity having obtained a waiver. The  
55 department may, for good cause shown, accept satisfactory experience  
56 that was obtained in a setting that would have been eligible for a waiv-

1 er but which has not obtained a waiver from the department or experience  
2 that was obtained in good faith by the applicant under the belief that  
3 appropriate authorization had been obtained for the experience, provided  
4 that such experience meets all other requirements for acceptable experi-  
5 ence;

6 (d) Examination: provide proof of passing a national board certifi-  
7 cation examination or provide proof of being transitioned into a  
8 national board certification credential, satisfactory to the board and  
9 in accordance with the commissioner's regulations, currently available  
10 to music therapists who have met the education and clinical training  
11 standards of the profession;

12 (e) Age: be at least twenty-one years of age;

13 (f) Character: be of good moral character as determined by the depart-  
14 ment; and

15 (g) Fees: pay a fee of one hundred seventy-five dollars for an initial  
16 license and a fee of one hundred seventy dollars for each triennial  
17 registration period.

18 § 8455. Limited permits. 1. On recommendation of the board, the  
19 department may issue a limited permit to practice licensed professional  
20 music therapy and use the title licensed professional music therapist,  
21 or to practice licensed clinical music therapy and use the title  
22 licensed clinical music therapist to an applicant who has met all  
23 requirements for licensure as a licensed professional music therapist or  
24 licensed clinical music therapist except those relating to the examina-  
25 tion and provided that the individual is under the general supervision  
26 of a professional supervisor, as determined by the department. This  
27 limited permit shall be valid for a period of not more than twenty-four  
28 months; such limited permits may be renewed, at the discretion of the  
29 department, for up to two additional one-year periods.

30 2. The fee for each limited permit shall be seventy dollars.

31 § 8456. Exemptions. Nothing contained in this article shall be  
32 construed to:

33 1. Apply to the practice, conduct, activities, services or use of any  
34 title by any person licensed or otherwise authorized to practice medi-  
35 cine within the state pursuant to article one hundred thirty-one of this  
36 title or by any person registered to perform services as a physician  
37 assistant within the state pursuant to article one hundred thirty-one-B  
38 of this title or by any person licensed or otherwise authorized to prac-  
39 tice psychology within this state pursuant to article one hundred  
40 fifty-three of this title or by any person licensed or otherwise author-  
41 ized to practice social work within this state pursuant to article one  
42 hundred fifty-four of this title, or by any person licensed or otherwise  
43 authorized to practice nursing as a registered professional nurse or  
44 nurse practitioner within this state pursuant to article one hundred  
45 thirty-nine of this title or by any person licensed or otherwise author-  
46 ized to practice applied behavior analysis within the state pursuant to  
47 article one hundred sixty-seven of this title, or by any person licensed  
48 or otherwise authorized to practice mental health counseling, marriage  
49 and family therapy, creative arts therapy, or psychoanalysis within the  
50 state pursuant to article one hundred sixty-three of this title;  
51 provided, however, that no physician, physician's assistant, registered  
52 professional nurse, nurse practitioner, psychologist, licensed master  
53 social worker, licensed clinical social worker, licensed behavior  
54 analyst, certified behavior analyst assistant, licensed mental health  
55 counselor, licensed marriage and family therapist, licensed creative  
56 arts therapist, or licensed psychoanalyst may use the titles "licensed

1 professional music therapist," or "licensed clinical music therapist,"  
2 unless licensed under this article.

3 2. Prohibit or limit any individual who is credentialed under any law,  
4 including attorneys, rape crisis counselors, certified alcoholism coun-  
5 selors and certified substance abuse counselors from providing mental  
6 health services within their respective established authorities.

7 3. Prohibit or limit the practice of a profession licensed pursuant to  
8 this article by a student, intern or resident in, and as part of, a  
9 supervised educational program in an institution approved by the depart-  
10 ment.

11 4. Prohibit or limit the provision of pastoral counseling services by  
12 any member of the clergy or Christian Science practitioner, within the  
13 context of his or her ministerial charge or obligation.

14 5. Prohibit or limit individuals, churches, schools, teachers, organ-  
15 izations, or not-for-profit businesses, from providing instruction,  
16 advice, support, encouragement, or information to individuals, families,  
17 and relational groups.

18 6. Prohibit or limit an occupational therapist from performing work  
19 consistent with article one hundred fifty-six of this title.

20 7. Prohibit or limit any individual whose training and national  
21 certification attests to the individual's preparation and ability to  
22 practice his or her certified profession or occupation, if that person  
23 does not represent himself or herself as a licensed professional music  
24 therapist or licensed clinical music therapist.

25 § 8457. Special provisions. 1. This section shall apply to all  
26 professions licensed pursuant to this article, unless otherwise  
27 provided.

28 2. Any nonexempt person practicing a profession to be licensed pursu-  
29 ant to this article shall apply for a license under this article within  
30 one year of the effective date of this article. If such person does not  
31 meet the requirements for a license established within this article,  
32 such person may meet alternative criteria determined by the department  
33 to be the substantial equivalent of such criteria.

34 3. Any person who holds an active board certification credential in  
35 music therapy from a national certification body having certification  
36 standards acceptable to the commissioner shall be licensed as a licensed  
37 professional music therapist on the effective date of this section with-  
38 out meeting any additional education, experience, or examination  
39 requirements.

40 4. Any person who holds an active board certification credential in  
41 music therapy from a national certification body having certification  
42 standards acceptable to the commissioner and a master's degree in music  
43 therapy or a related field shall be licensed as a licensed clinical  
44 music therapist on the effective date of this section without meeting  
45 any additional education, experience, or examination requirements.

46 5. Any person who is licensed as a creative arts therapist and who  
47 possesses a minimum of a bachelor's degree in music therapy or its  
48 equivalent on the effective date of this section shall be licensed as a  
49 licensed clinical music therapist without meeting any additional educa-  
50 tion, experience, or examination requirements.

51 6. Any person who possesses a minimum of a baccalaureate degree in  
52 music therapy on the effective date of this section, who has ten years  
53 of post-graduate music therapy employment and holds an active board  
54 certification credential in music therapy from a national certification  
55 body or holds an active certification or registration in music therapy  
56 from a national certifying or registering body having certification or

1 registration standards acceptable to the commissioner, and meets the  
2 requirements for a license pursuant to this article, except for examina-  
3 tion, and who files with the department within one year of the effective  
4 date of this section, shall be licensed as a licensed clinical music  
5 therapist.

6 7. Any person who possesses a master's degree in music therapy or a  
7 related field on the effective date of this section, who has five years  
8 of post-graduate music therapy employment and holds an active board  
9 certification credential in music therapy from a national certification  
10 body or holds an active certification or registration in music therapy  
11 from a national certifying or registering body having certification or  
12 registration standards acceptable to the commissioner, and meets the  
13 requirements for a license pursuant to this article, except for examina-  
14 tion, and who files with the department within one year of the effective  
15 date of this section, shall be licensed as a licensed clinical music  
16 therapist.

17 8. Any person licensed pursuant to this article may use accepted clas-  
18 sifications of signs, symptoms, dysfunctions and disorders, as approved  
19 in accordance with regulations promulgated by the department, in the  
20 practice of such licensed profession.

21 § 8458. Boundaries of professional competency. 1. It shall be deemed  
22 practicing outside the boundaries of his or her professional competence  
23 for a person licensed pursuant to this article, in the case of treatment  
24 of any serious mental illness, to provide any mental health service for  
25 such illness on a continuous and sustained basis without a medical eval-  
26 uation of the illness by, and in consultation with, a physician regard-  
27 ing such illness. Such medical evaluation and consultation shall be to  
28 determine and advise whether any medical care is indicated for such  
29 illness. For purposes of this section, "serious mental illness" means  
30 schizophrenia, schizoaffective disorder, bipolar disorder, major depres-  
31 sive disorder, panic disorder, obsessive-compulsive disorder, atten-  
32 tion-deficit hyperactivity disorder and autism spectrum disorder.

33 2. Any individual whose license or authority to practice derives from  
34 the provisions of this article shall be prohibited from:

35 (a) prescribing or administering drugs as defined in this chapter as a  
36 treatment, therapy, or professional service in the practice of his or  
37 her profession; or

38 (b) using invasive procedures as a treatment, therapy, or professional  
39 service in the practice of his or her profession. For purposes of this  
40 subdivision, "invasive procedure" means any procedure in which human  
41 tissue is cut, altered, or otherwise infiltrated by mechanical or other  
42 means. Invasive procedure includes surgery, lasers, ionizing radiation,  
43 therapeutic ultrasound, or electroconvulsive therapy.

44 § 8459. Mandatory continuing competency. 1. (a) Each licensed profes-  
45 sional music therapist or licensed clinical music therapist shall regis-  
46 ter triennially with the department to practice in the state and must  
47 comply with the provisions of the mandatory continuing competency  
48 requirements prescribed in this section, except as provided in para-  
49 graphs (b) and (c) of this subdivision. Those who do not satisfy the  
50 mandatory continuing competency requirements shall not be authorized to  
51 practice until they have met such requirements, and they have been  
52 issued a registration certificate, except that a person may practice  
53 without having met such requirements if he or she is issued a condi-  
54 tional registration pursuant to subdivision four of this section.

55 (b) Each licensed professional music therapist or licensed clinical  
56 music therapist shall be exempt from the mandatory continuing competency

1 requirement for the triennial registration period during which they are  
2 first licensed. Adjustment to the mandatory continuing competency  
3 requirements may be granted by the department for reasons of health of  
4 the licensee where certified by an appropriate health care professional,  
5 for extended active duty with the armed forces of the United States, or  
6 for other good cause acceptable to the department which may prevent  
7 compliance.

8 (c) A licensed professional music therapist or licensed clinical music  
9 therapist not engaged in practice, as determined by the department,  
10 shall be exempt from the mandatory continuing competency requirement  
11 upon the filing of a statement with the department declaring such  
12 status. Any licensee who returns to the practice of music therapy during  
13 the triennial registration period shall notify the department prior to  
14 reentering the profession and shall meet such mandatory continuing  
15 competency requirements as shall be prescribed by regulations of the  
16 commissioner.

17 2. At the end of each triennial registration period, an applicant for  
18 re-registration as a licensed professional music therapist or licensed  
19 clinical music therapist must provide proof of holding an active board  
20 certification credential in music therapy from a national certification  
21 body having certification standards acceptable to the commissioner.

22 3. (a) During each triennial registration period an applicant for  
23 registration as a licensed professional music therapist or licensed  
24 clinical music therapist shall complete a minimum of thirty-six hours of  
25 acceptable learning activities which contribute to continuing compe-  
26 tence, as specified in subdivision four of this section. A maximum of  
27 twelve hours of the thirty-six hours may be self-instructional course-  
28 work acceptable to the department. At least twenty-four hours of the  
29 thirty-six hours shall be in areas of study pertinent to the scope of  
30 practice of music therapy. With the exception of continuing education  
31 hours taken during the registration period immediately preceding the  
32 effective date of this section, continuing education hours taken during  
33 one triennium may not be transferred to a subsequent triennium.

34 (b) Thereafter, a licensee who has not satisfied the mandatory contin-  
35 uing competency requirements shall not be issued a triennial registra-  
36 tion certificate by the department and shall not practice unless and  
37 until a conditional registration certificate is issued as provided for  
38 in subdivision four of this section.

39 4. The department, in its discretion, may issue a conditional regis-  
40 tration to a licensee who fails to meet the continuing competency  
41 requirements established in subdivision three of this section, but who  
42 agrees to make up any deficiencies and complete any additional learning  
43 activities which the department may require. The fee for such a condi-  
44 tional registration shall be the same as, and in addition to, the fee  
45 for the triennial registration. The duration of such conditional regis-  
46 tration shall be determined by the department but shall not exceed one  
47 year. Any licensee who is notified of the denial of registration for  
48 failure to submit evidence, satisfactory to the department, of required  
49 continuing competency learning activities and who practices without such  
50 registration may be subject to disciplinary proceedings pursuant to  
51 section sixty-five hundred ten of this title.

52 5. As used in subdivision three of this section, "acceptable learning  
53 activities" shall mean activities which contribute to professional prac-  
54 tice in music therapy, and which meet the standards prescribed in the  
55 regulations of the commissioner. Such learning activities shall include,  
56 but not be limited to, collegiate level credit and non-credit courses,

1 self-study activities, independent study, formal mentoring activities,  
2 professional development programs and technical sessions, publications  
3 in professional journals and professional development programs; such  
4 learning activities may be offered and sponsored by national, state,  
5 regional, and local professional associations and other organizations or  
6 parties acceptable to the department, and any other organized educa-  
7 tional and technical learning activities acceptable to the department.  
8 Providers (other than those indicated below as exempt from the approval  
9 process) must submit an application to the state board for music thera-  
10 py. Types of approved providers include:

11 (a) any higher education institution that offers programs that are  
12 registered in New York state as leading to licensure in music therapy;

13 (b) a national, regional, state, or local sponsor or provider of  
14 coursework or training that is approved by the American Music Therapy  
15 Association (AMTA) or the Certification Board for Music Therapists, Inc.  
16 (CBMT); postsecondary institutions, or a consortium of such insti-  
17 tutions, that offer programs that are registered as leading to either  
18 licensure in music therapy or authorization to practice as a music ther-  
19 apist, or equivalent professional education programs accredited by an  
20 acceptable accrediting agency, for credit and non-credit offerings;

21 (c) an entity, hospital or health facility defined in section two  
22 thousand eight hundred one of the public health law;

23 (d) or an equivalent organization as determined by the department.

24 Organizations that fall under the first three paragraphs listed above do  
25 not have to submit a fee or an application for approval as a provider of  
26 continuing education for music therapists. However, they must register  
27 with the state board for music therapy by completing an approved provid-  
28 er registration form. Educational institutions which provide education  
29 as part of a licensure qualifying program or sponsors who have had their  
30 course approved by the Certification Board for Music Therapists, Inc.  
31 (CBMT) do not need to submit an application. Courses approved by the  
32 CBMT automatically qualify for approval in New York state. The depart-  
33 ment may, in its discretion and as needed to contribute to the health  
34 and welfare of the public, require the completion of continuing compe-  
35 tency learning activities in specific subjects to fulfill this mandatory  
36 continuing competency requirement. Learning activities must be taken  
37 from a sponsor approved by the department, pursuant to the regulations  
38 of the commissioner.

39 6. A licensed professional music therapist or licensed clinical music  
40 therapist shall maintain adequate documentation of completion of accept-  
41 able continuing competency activities and shall provide such documenta-  
42 tion at the request of the department. Failure to provide such documen-  
43 tation upon request of the department shall be an act of misconduct  
44 subject to the disciplinary proceedings pursuant to section sixty-five  
45 hundred ten of this title.

46 7. The mandatory continuing competency fee shall be forty-five  
47 dollars, payable on or before the first day of each triennial registra-  
48 tion period, and shall be paid in addition to the triennial registration  
49 fee.

50 § 2. Subdivision 13 of section 700 of the county law, as added by  
51 chapter 358 of the laws of 2012, is amended to read as follows:

52 13. In order to provide services to crime victims, witnesses, and  
53 other persons involved in the criminal justice system, and to support  
54 crime prevention programs, the district attorney may employ or contract  
55 with persons licensed and registered to practice or otherwise authorized  
56 under article one hundred fifty-three, one hundred fifty-four, [~~or~~] one



1 hundred sixty-three, or one hundred sixty-three-A of the education law,  
2 or contract with entities authorized to provide the services specified  
3 in such articles, in connection with the provision of any services that  
4 such persons or entities are authorized to provide and that are author-  
5 ized by the district attorney.

6 § 3. Subparagraph (i) of paragraph a and paragraph d of subdivision 1  
7 of section 6503-a of the education law, subparagraph (i) of paragraph a  
8 as amended by chapter 554 of the laws of 2013, and paragraph d as added  
9 by chapter 130 of the laws of 2010, are amended to read as follows:

10 (i) services provided under article one hundred fifty-four, one  
11 hundred sixty-three, one hundred sixty-three-A, or one hundred sixty-  
12 seven of this title for which licensure would be required, or

13 d. Such waiver shall provide that services rendered pursuant to this  
14 section, directly or indirectly, shall be provided only by a person  
15 appropriately licensed to provide such services pursuant to article one  
16 hundred thirty-one, one hundred thirty-nine, one hundred fifty-three,  
17 one hundred fifty-four, [~~ex~~] one hundred sixty-three, or one hundred  
18 sixty-three-A of this title, or by a person otherwise authorized to  
19 provide such services under such articles, or by a professional entity  
20 authorized by law to provide such services.

21 § 4. Paragraph c of subdivision 2 of section 6503-a of the education  
22 law, as added by chapter 130 of the laws of 2010, is amended to read as  
23 follows:

24 c. an institution of higher education authorized to provide a program  
25 leading to licensure in a profession defined under article one hundred  
26 thirty-one, one hundred thirty-nine, one hundred fifty-three, one  
27 hundred fifty-four [~~ex~~] one hundred sixty-three, or one hundred sixty-  
28 three-A of this title, to the extent that the scope of such services is  
29 limited to the services authorized to be provided within such registered  
30 program; or

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

33 4. The practice, conduct, activities, or services by any person  
34 licensed or otherwise authorized to practice nursing as a registered  
35 professional nurse or nurse practitioner within the state pursuant to  
36 article one hundred thirty-nine of this title or by any person licensed  
37 or otherwise authorized to practice social work within the state pursu-  
38 ant to article one hundred fifty-four of this title, or by any person  
39 licensed or otherwise authorized to practice mental health counseling,  
40 marriage and family therapy, creative arts therapy, or psychoanalysis  
41 within the state pursuant to article one hundred sixty-three of this  
42 title, or by any person licensed or otherwise authorized to practice  
43 music therapy within the state pursuant to article one hundred sixty-  
44 three-A of this title, or any person licensed or otherwise authorized to  
45 practice applied behavior analysis within the state pursuant to article  
46 one hundred sixty-seven of this title or any individual who is creden-  
47 tialled under any law, including attorneys, rape crisis counselors,  
48 certified alcoholism counselors, and certified substance abuse counse-  
49 lers from providing mental health services within their respective  
50 established authorities.

51 § 6. Subdivision 1 of section 7706 of the education law, as amended by  
52 chapter 554 of the laws of 2013, is amended to read as follows:

53 1. Apply to the practice, conduct, activities, services or use of any  
54 title by any person licensed or otherwise authorized to practice medi-  
55 cine within the state pursuant to article one hundred thirty-one of this  
56 title or by any person registered to perform services as a physician

1 assistant within the state pursuant to article one hundred thirty-one-B  
2 of this title or by any person licensed or otherwise authorized to prac-  
3 tice psychology within this state pursuant to article one hundred  
4 fifty-three of this title or by any person licensed or otherwise author-  
5 ized to practice nursing as a registered professional nurse or nurse  
6 practitioner within this state pursuant to article one hundred thirty-  
7 nine of this title or by any person licensed or otherwise authorized to  
8 practice occupational therapy within this state pursuant to article one  
9 hundred fifty-six of this title or by any person licensed or otherwise  
10 authorized to practice mental health counseling, marriage and family  
11 therapy, creative arts therapy, or psychoanalysis within the state  
12 pursuant to article one hundred sixty-three of this title, or by any  
13 person licensed or otherwise authorized to practice music therapy within  
14 the state pursuant to article one hundred sixty-three-A of this title,  
15 or by any person licensed or otherwise authorized to practice applied  
16 behavior analysis within the state pursuant to article one hundred  
17 sixty-seven of this title; provided, however, that no physician, physi-  
18 cian assistant, registered professional nurse, nurse practitioner,  
19 psychologist, occupational therapist, licensed mental health counselor,  
20 licensed marriage and family therapist, licensed creative arts thera-  
21 pist, licensed psychoanalyst, licensed professional music therapist,  
22 licensed clinical music therapist, licensed behavior analyst or certi-  
23 fied behavior analyst assistant may use the titles "licensed clinical  
24 social worker" or "licensed master social worker", unless licensed under  
25 this article.

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

28 1. Apply to the practice, conduct, activities, services or use of any  
29 title by any person licensed or otherwise authorized to practice medi-  
30 cine within the state pursuant to article one hundred thirty-one of this  
31 title or by any person registered to perform services as a physician  
32 assistant within the state pursuant to article one hundred thirty-one-B  
33 of this title or by any person licensed or otherwise authorized to prac-  
34 tice psychology within this state pursuant to article one hundred  
35 fifty-three of this title or by any person licensed or otherwise author-  
36 ized to practice social work within this state pursuant to article one  
37 hundred fifty-four of this title, or by any person licensed or otherwise  
38 authorized to practice nursing as a registered professional nurse or  
39 nurse practitioner within this state pursuant to article one hundred  
40 thirty-nine of this title or by any person licensed or otherwise author-  
41 ized to practice applied behavior analysis within the state pursuant to  
42 article one hundred sixty-seven of this title or by any person licensed  
43 or otherwise authorized to practice music therapy within this state  
44 pursuant to article one hundred sixty-three-A of this title; provided,  
45 however, that no physician, physician's assistant, registered profes-  
46 sional nurse, nurse practitioner, psychologist, licensed master social  
47 worker, licensed clinical social worker, licensed behavior analyst [~~or~~],  
48 certified behavior analyst assistant, licensed professional music thera-  
49 pist, or licensed clinical music therapist may use the titles "licensed  
50 mental health counselor", "licensed marriage and family therapist",  
51 "licensed creative arts therapist", or "licensed psychoanalyst", unless  
52 licensed under this article.

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

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

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

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

21 (b) With respect to a professional service limited liability company  
22 formed to provide medical services as such services are defined in arti-  
23 cle 131 of the education law, each member of such limited liability  
24 company must be licensed pursuant to article 131 of the education law to  
25 practice medicine in this state. With respect to a professional service  
26 limited liability company formed to provide dental services as such  
27 services are defined in article 133 of the education law, each member of  
28 such limited liability company must be licensed pursuant to article 133  
29 of the education law to practice dentistry in this state. With respect  
30 to a professional service limited liability company formed to provide  
31 veterinary services as such services are defined in article 135 of the  
32 education law, each member of such limited liability company must be  
33 licensed pursuant to article 135 of the education law to practice veter-  
34 inary medicine in this state. With respect to a professional service  
35 limited liability company formed to provide professional engineering,  
36 land surveying, architectural, landscape architectural and/or geological  
37 services as such services are defined in article 145, article 147 and  
38 article 148 of the education law, each member of such limited liability  
39 company must be licensed pursuant to article 145, article 147 and/or  
40 article 148 of the education law to practice one or more of such  
41 professions in this state. With respect to a professional service limit-  
42 ed liability company formed to provide licensed clinical social work  
43 services as such services are defined in article 154 of the education  
44 law, each member of such limited liability company shall be licensed  
45 pursuant to article 154 of the education law to practice licensed clin-  
46 ical social work in this state. With respect to a professional service  
47 limited liability company formed to provide creative arts therapy  
48 services as such services are defined in article 163 of the education  
49 law, each member of such limited liability company must be licensed  
50 pursuant to article 163 of the education law to practice creative arts  
51 therapy in this state. With respect to a professional service limited  
52 liability company formed to provide marriage and family therapy services  
53 as such services are defined in article 163 of the education law, each  
54 member of such limited liability company must be licensed pursuant to  
55 article 163 of the education law to practice marriage and family therapy  
56 in this state. With respect to a professional service limited liability

1 company formed to provide mental health counseling services as such  
2 services are defined in article 163 of the education law, each member of  
3 such limited liability company must be licensed pursuant to article 163  
4 of the education law to practice mental health counseling in this state.  
5 With respect to a professional service limited liability company formed  
6 to provide psychoanalysis services as such services are defined in arti-  
7 cle 163 of the education law, each member of such limited liability  
8 company must be licensed pursuant to article 163 of the education law to  
9 practice psychoanalysis in this state. With respect to a professional  
10 service limited liability company formed to provide music therapy  
11 services as such services are defined in article 163-A of the education  
12 law, each member of such limited liability company must be licensed  
13 pursuant to article 163-A of the education law to practice music therapy  
14 in this state. With respect to a professional service limited liability  
15 company formed to provide applied behavior analysis services as such  
16 services are defined in article 167 of the education law, each member of  
17 such limited liability company must be licensed or certified pursuant to  
18 article 167 of the education law to practice applied behavior analysis  
19 in this state.

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

23 (a) "Foreign professional service limited liability company" means a  
24 professional service limited liability company, whether or not denomi-  
25 nated as such, organized under the laws of a jurisdiction other than  
26 this state, (i) each of whose members and managers, if any, is a profes-  
27 sional authorized by law to render a professional service within this  
28 state and who is or has been engaged in the practice of such profession  
29 in such professional service limited liability company or a predecessor  
30 entity, or will engage in the practice of such profession in the profes-  
31 sional service limited liability company within thirty days of the date  
32 such professional becomes a member, or each of whose members and manag-  
33 ers, if any, is a professional at least one of such members is author-  
34 ized by law to render a professional service within this state and who  
35 is or has been engaged in the practice of such profession in such  
36 professional service limited liability company or a predecessor entity,  
37 or will engage in the practice of such profession in the professional  
38 service limited liability company within thirty days of the date such  
39 professional becomes a member, or (ii) authorized by, or holding a  
40 license, certificate, registration or permit issued by the licensing  
41 authority pursuant to, the education law to render a professional  
42 service within this state; except that all members and managers, if any,  
43 of a foreign professional service limited liability company that  
44 provides health services in this state shall be licensed in this state.  
45 With respect to a foreign professional service limited liability company  
46 which provides veterinary services as such services are defined in arti-  
47 cle 135 of the education law, each member of such foreign professional  
48 service limited liability company shall be licensed pursuant to article  
49 135 of the education law to practice veterinary medicine. With respect  
50 to a foreign professional service limited liability company which  
51 provides medical services as such services are defined in article 131 of  
52 the education law, each member of such foreign professional service  
53 limited liability company must be licensed pursuant to article 131 of  
54 the education law to practice medicine in this state. With respect to a  
55 foreign professional service limited liability company which provides  
56 dental services as such services are defined in article 133 of the

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

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

52 (q) Each partner of a registered limited liability partnership formed  
53 to provide medical services in this state must be licensed pursuant to  
54 article 131 of the education law to practice medicine in this state and  
55 each partner of a registered limited liability partnership formed to  
56 provide dental services in this state must be licensed pursuant to arti-

1 cle 133 of the education law to practice dentistry in this state. Each  
2 partner of a registered limited liability partnership formed to provide  
3 veterinary services in this state must be licensed pursuant to article  
4 135 of the education law to practice veterinary medicine in this state.  
5 Each partner of a registered limited liability partnership formed to  
6 provide professional engineering, land surveying, geological services,  
7 architectural and/or landscape architectural services in this state must  
8 be licensed pursuant to article 145, article 147 and/or article 148 of  
9 the education law to practice one or more of such professions in this  
10 state. Each partner of a registered limited liability partnership formed  
11 to provide licensed clinical social work services in this state must be  
12 licensed pursuant to article 154 of the education law to practice clin-  
13 ical social work in this state. Each partner of a registered limited  
14 liability partnership formed to provide creative arts therapy services  
15 in this state must be licensed pursuant to article 163 of the education  
16 law to practice creative arts therapy in this state. Each partner of a  
17 registered limited liability partnership formed to provide marriage and  
18 family therapy services in this state must be licensed pursuant to arti-  
19 cle 163 of the education law to practice marriage and family therapy in  
20 this state. Each partner of a registered limited liability partnership  
21 formed to provide mental health counseling services in this state must  
22 be licensed pursuant to article 163 of the education law to practice  
23 mental health counseling in this state. Each partner of a registered  
24 limited liability partnership formed to provide psychoanalysis services  
25 in this state must be licensed pursuant to article 163 of the education  
26 law to practice psychoanalysis in this state. Each partner of a regis-  
27 tered limited liability partnership formed to provide music therapy  
28 services in this state must be licensed pursuant to article 163-A of the  
29 education law to practice music therapy in this state. Each partner of a  
30 registered limited liability partnership formed to provide applied  
31 behavior analysis service in this state must be licensed or certified  
32 pursuant to article 167 of the education law to practice applied behav-  
33 ior analysis in this state.

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

37 (q) Each partner of a foreign limited liability partnership which  
38 provides medical services in this state must be licensed pursuant to  
39 article 131 of the education law to practice medicine in the state and  
40 each partner of a foreign limited liability partnership which provides  
41 dental services in the state must be licensed pursuant to article 133 of  
42 the education law to practice dentistry in this state. Each partner of a  
43 foreign limited liability partnership which provides veterinary service  
44 in the state shall be licensed pursuant to article 135 of the education  
45 law to practice veterinary medicine in this state. Each partner of a  
46 foreign limited liability partnership which provides professional engi-  
47 neering, land surveying, geological services, architectural and/or land-  
48 scape architectural services in this state must be licensed pursuant to  
49 article 145, article 147 and/or article 148 of the education law to  
50 practice one or more of such professions. Each partner of a foreign  
51 limited liability partnership which provides licensed clinical social  
52 work services in this state must be licensed pursuant to article 154 of  
53 the education law to practice licensed clinical social work in this  
54 state. Each partner of a foreign limited liability partnership which  
55 provides creative arts therapy services in this state must be licensed  
56 pursuant to article 163 of the education law to practice creative arts

1 therapy in this state. Each partner of a foreign limited liability part-  
2 nership which provides marriage and family therapy services in this  
3 state must be licensed pursuant to article 163 of the education law to  
4 practice marriage and family therapy in this state. Each partner of a  
5 foreign limited liability partnership which provides mental health coun-  
6 seling services in this state must be licensed pursuant to article 163  
7 of the education law to practice mental health counseling in this state.  
8 Each partner of a foreign limited liability partnership which provides  
9 psychoanalysis services in this state must be licensed pursuant to arti-  
10 cle 163 of the education law to practice psychoanalysis in this state.  
11 Each partner of a registered limited liability partnership formed to  
12 provide music therapy services in this state must be licensed pursuant  
13 to article 163-A of the education law to practice music therapy in this  
14 state. Each partner of a foreign limited liability partnership which  
15 provides applied behavior analysis services in this state must be  
16 licensed or certified pursuant to article 167 of the education law to  
17 practice applied behavior analysis in this state.  
18 § 13. This act shall take effect twenty-four months after it shall  
19 have become a law. Effective immediately the addition, amendment and/or  
20 repeal of any rule or regulation necessary for the implementation of  
21 this act on its effective date are authorized to be made and completed  
22 on or before such date.