

# STATE OF NEW YORK

3763--A

2021-2022 Regular Sessions

## IN SENATE

January 30, 2021

Introduced by Sens. PERSAUD, GRIFFO, AKSHAR, GALLIVAN, JORDAN -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- recommitted to the Committee on Higher Education in accordance with Senate Rule 6, sec. 8 -- 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.

##### 8901. Definitions.

##### 8902. Use of titles.

##### 8903. State board for vision impairment specialists.

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

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

##### 8906. Limited permits.

##### 8907. Exempt persons.

##### 8908. Special provisions.

##### 8909. Separability.

17 § 8900. Introduction. This article applies to the profession of vision  
18 impairment specialists, and provides for the licensing of orientation  
19 and mobility specialists and vision rehabilitation therapists. The

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

LBD05398-03-2

1 general provisions for all professions contained in article one hundred  
2 thirty of this title shall apply to this article.

3 § 8901. Definitions. For purposes of this article, the following terms  
4 shall have the following meanings:

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

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

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

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

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

54 5. "Applied settings" means those locations where persons who are  
55 visually impaired engage in day-to-day activities utilizing the tools

1 supplied and techniques taught by the licensed practitioners defined in  
2 this article.

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

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

18 § 8902. Use of titles. Only a person licensed or otherwise authorized  
19 under this article shall be authorized to practice as a vision impair-  
20 ment specialist or use the title "licensed orientation and mobility  
21 specialist" or "licensed vision rehabilitation therapist" in connection  
22 with his or her name or with any trade name in the conduct of his or her  
23 profession.

24 § 8903. State board for vision impairment specialists. A state board  
25 for vision impairment specialists shall be appointed by the board of  
26 regents upon the recommendation of the commissioner for the purpose of  
27 assisting the board of regents and the department on matters of profes-  
28 sional licensing and professional conduct in accordance with section  
29 sixty-five hundred eight of this title. The board shall consist of not  
30 less than nine individuals, two of whom shall be licensed orientation  
31 and mobility specialists, two of whom shall be licensed vision rehabili-  
32 tation therapists, one ophthalmologist, one optometrist, one public  
33 representative as defined in paragraph b of subdivision one of section  
34 sixty-five hundred eight of this title and two of whom shall be blind  
35 representatives of the public at large whose names will be placed in  
36 nomination for the board from organizations of the blind or visually  
37 impaired. Members of the initial board need not be licensed or certified  
38 prior to their appointment to the board, so long as they are certified  
39 by a national certifying or accrediting board, acceptable to the depart-  
40 ment. Of the members first appointed, two shall be appointed for a  
41 three-year term, three shall be appointed for a four-year term, and  
42 three shall be appointed for a five-year term. Thereafter all members  
43 shall serve for five-year terms. In the event that more than eight  
44 members are appointed, a majority of the additional members shall be  
45 licensed orientation and mobility specialists and licensed vision reha-  
46 bilitation therapists. The members of the board shall select one of  
47 themselves as chair to serve for a one-year term. An executive secretary  
48 shall be appointed by the board of regents upon the recommendation of  
49 the commissioner.

50 § 8904. Requirements for a license with a specialization as an orien-  
51 tation and mobility specialist. To qualify for a license as an orien-  
52 tation and mobility specialist, an applicant shall fulfill the following  
53 requirements:

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

55 2. Education: have satisfactorily completed an approved curriculum in  
56 orientation and mobility services including visual disabilities, vision

1 education, vision impairment or other equivalent program in a baccalau-  
2 reate or graduate level program or a foreign equivalent, satisfactory to  
3 the department and in accordance with the commissioner's regulations;

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

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

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

9 6. Registration: all licensed orientation and mobility specialists  
10 shall register triennially with the department in accordance with the  
11 commissioner's regulation.

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

14 § 8905. Requirements for a license with a specialization as a vision  
15 rehabilitation therapist. To qualify for a license as a vision rehabili-  
16 tation therapist an applicant shall fulfill the following requirements:

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

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

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

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

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

28 6. Registration: all licensed vision rehabilitation therapists shall  
29 register triennially with the department in accordance with the commis-  
30 sioner's regulations.

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

33 § 8906. Limited permits. The following requirements for a limited  
34 permit shall apply to all professions licensed or certified pursuant to  
35 this article:

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

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

42 3. The fee for each limited permit and for each renewal shall be  
43 seventy dollars.

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

46 § 8907. Exempt persons. This article shall not be construed to affect  
47 or prevent the following, provided that no title, sign, card or device  
48 shall be used in such manner as to tend to convey the impression that  
49 the person rendering such service is a licensed vision impairment  
50 specialist:

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

55 2. Nothing contained in this article shall be construed to limit the  
56 scopes of practice of any other profession licensed under this title;

1 provided, however, that such practitioners may not hold themselves out  
2 under the titles "licensed vision impairment specialist", and/or  
3 "licensed vision impairment specialist with a specialization in orien-  
4 tation and mobility", and/or "licensed vision impairment specialist with  
5 a specialization in vision rehabilitation therapy".

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

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

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

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

24 7. The instruction in the use of Braille.

25 § 8908. Special provisions. An individual who meets the requirements  
26 for a license as a licensed vision impairment specialist with a special-  
27 ization in orientation and mobility and/or vision rehabilitation, except  
28 for examination, experience and education, and who is certified or  
29 registered by a national certifying body having certification or regis-  
30 tration standards acceptable to the commissioner, or an individual who  
31 has worked as a vision impairment specialist focused on vision rehabili-  
32 tation therapy and/or orientation and mobility in a workplace setting  
33 which is primarily devoted to the treatment of individuals with vision  
34 loss and blindness for at least three years, may be licensed, without  
35 meeting additional requirements as to examination, experience and educa-  
36 tion, provided that such individual submits an application to the  
37 department within three years of the effective date of this section.

38 § 8909. Separability. If any section of this article, or part thereof,  
39 shall be adjudged by any court of competent jurisdiction to be invalid,  
40 such judgment shall not affect, impair or invalidate the remainder of  
41 any other section or part thereof.

42 § 2. Subparagraph (i) of paragraph a of subdivision 1 of section  
43 6503-a of the education law, as amended by chapter 554 of the laws of  
44 2013, is amended to read as follows:

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

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

51 a. Establish standards for preprofessional and professional education,  
52 experience and licensing examinations as required to implement the arti-  
53 cle for each profession. Notwithstanding any other provision of law, the  
54 commissioner shall establish standards requiring that all persons apply-  
55 ing, on or after January first, nineteen hundred ninety-one, initially,  
56 or for the renewal of, a license, registration or limited permit to be a

1 physician, chiropractor, dentist, registered nurse, podiatrist, optome-  
2 trist, psychiatrist, psychologist, licensed master social worker,  
3 licensed clinical social worker, licensed creative arts therapist,  
4 licensed marriage and family therapist, licensed mental health counse-  
5 lor, licensed psychoanalyst, dental hygienist, licensed behavior  
6 analyst, [~~or~~] certified behavior analyst assistant or licensed vision  
7 impairment specialist shall, in addition to all the other licensure,  
8 certification or permit requirements, have completed two hours of  
9 coursework or training regarding the identification and reporting of  
10 child abuse and maltreatment. The coursework or training shall be  
11 obtained from an institution or provider which has been approved by the  
12 department to provide such coursework or training. The coursework or  
13 training shall include information regarding the physical and behavioral  
14 indicators of child abuse and maltreatment and the statutory reporting  
15 requirements set out in sections four hundred thirteen through four  
16 hundred twenty of the social services law, including but not limited to,  
17 when and how a report must be made, what other actions the reporter is  
18 mandated or authorized to take, the legal protections afforded repor-  
19 ters, and the consequences for failing to report. Such coursework or  
20 training may also include information regarding the physical and behav-  
21 ioral indicators of the abuse of individuals with mental retardation and  
22 other developmental disabilities and voluntary reporting of abused or  
23 neglected adults to the office for people with developmental disabili-  
24 ties or the local adult protective services unit. Each applicant shall  
25 provide the department with documentation showing that he or she has  
26 completed the required training. The department shall provide an  
27 exemption from the child abuse and maltreatment training requirements to  
28 any applicant who requests such an exemption and who shows, to the  
29 department's satisfaction, that there would be no need because of the  
30 nature of his or her practice for him or her to complete such training;  
31 § 4. Paragraph (a) of subdivision 1 of section 413 of the social  
32 services law, as amended by section 7 of part C of chapter 57 of the  
33 laws of 2018, is amended to read as follows:

34 (a) The following persons and officials are required to report or  
35 cause a report to be made in accordance with this title when they have  
36 reasonable cause to suspect that a child coming before them in their  
37 professional or official capacity is an abused or maltreated child, or  
38 when they have reasonable cause to suspect that a child is an abused or  
39 maltreated child where the parent, guardian, custodian or other person  
40 legally responsible for such child comes before them in their profes-  
41 sional or official capacity and states from personal knowledge facts,  
42 conditions or circumstances which, if correct, would render the child an  
43 abused or maltreated child: any physician; registered physician assist-  
44 ant; surgeon; medical examiner; coroner; dentist; dental hygienist;  
45 osteopath; optometrist; chiropractor; podiatrist; resident; intern;  
46 psychologist; registered nurse; social worker; emergency medical techni-  
47 cian; licensed creative arts therapist; licensed marriage and family  
48 therapist; licensed mental health counselor; licensed psychoanalyst;  
49 licensed behavior analyst; certified behavior analyst assistant;  
50 licensed vision impairment specialist; hospital personnel engaged in the  
51 admission, examination, care or treatment of persons; a Christian  
52 Science practitioner; school official, which includes but is not limited  
53 to school teacher, school guidance counselor, school psychologist,  
54 school social worker, school nurse, school administrator or other school  
55 personnel required to hold a teaching or administrative license or  
56 certificate; full or part-time compensated school employee required to

1 hold a temporary coaching license or professional coaching certificate;  
2 social services worker; employee of a publicly-funded emergency shelter  
3 for families with children; director of a children's overnight camp,  
4 summer day camp or traveling summer day camp, as such camps are defined  
5 in section thirteen hundred ninety-two of the public health law; day  
6 care center worker; school-age child care worker; provider of family or  
7 group family day care; employee or volunteer in a residential care  
8 facility for children that is licensed, certified or operated by the  
9 office of children and family services; or any other child care or  
10 foster care worker; mental health professional; substance abuse counse-  
11 lor; alcoholism counselor; all persons credentialed by the office of  
12 alcoholism and substance abuse services; employees, who are expected to  
13 have regular and substantial contact with children, of a health home or  
14 health home care management agency contracting with a health home as  
15 designated by the department of health and authorized under section  
16 three hundred sixty-five-1 of this chapter or such employees who provide  
17 home and community based services under a demonstration program pursuant  
18 to section eleven hundred fifteen of the federal social security act who  
19 are expected to have regular and substantial contact with children;  
20 peace officer; police officer; district attorney or assistant district  
21 attorney; investigator employed in the office of a district attorney; or  
22 other law enforcement official.

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

25 § 6505-b. Course work or training in infection control practices.  
26 Every dentist, registered nurse, licensed practical nurse, vision  
27 impairment specialist, podiatrist, optometrist and dental hygienist  
28 practicing in the state shall, on or before July first, nineteen hundred  
29 ninety-four and every four years thereafter, complete course work or  
30 training appropriate to the professional's practice approved by the  
31 department regarding infection control, which shall include sepsis, and  
32 barrier precautions, including engineering and work practice controls,  
33 in accordance with regulatory standards promulgated by the department,  
34 in consultation with the department of health, which shall be consist-  
35 ent, as far as appropriate, with such standards adopted by the depart-  
36 ment of health pursuant to section two hundred thirty-nine of the public  
37 health law to prevent the transmission of HIV, HBV, HCV and infections  
38 that could lead to sepsis in the course of professional practice. Each  
39 such professional shall document to the department at the time of regis-  
40 tration commencing with the first registration after July first, nine-  
41 teen hundred ninety-four that the professional has completed course work  
42 or training in accordance with this section, provided, however that a  
43 professional subject to the provisions of paragraph (f) of subdivision  
44 one of section twenty-eight hundred five-k of the public health law  
45 shall not be required to so document. The department shall provide an  
46 exemption from this requirement to anyone who requests such an exemption  
47 and who (i) clearly demonstrates to the department's satisfaction that  
48 there would be no need for him or her to complete such course work or  
49 training because of the nature of his or her practice or (ii) that he or  
50 she has completed course work or training deemed by the department to be  
51 equivalent to the course work or training approved by the department  
52 pursuant to this section. The department shall consult with organiza-  
53 tions representative of professions, institutions and those with exper-  
54 tise in infection control and HIV, HBV, HCV and infections that could  
55 lead to sepsis with respect to the regulatory standards promulgated  
56 pursuant to this section.

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

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

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

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

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

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

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

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

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

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

55 (q) Each partner of a registered limited liability partnership formed  
56 to provide medical services in this state must be licensed pursuant to

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

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

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

1 the education law to practice licensed clinical social work in this  
2 state. Each partner of a foreign limited liability partnership which  
3 provides creative arts therapy services in this state must be licensed  
4 pursuant to article 163 of the education law to practice creative arts  
5 therapy in this state. Each partner of a foreign limited liability part-  
6 nership which provides marriage and family therapy services in this  
7 state must be licensed pursuant to article 163 of the education law to  
8 practice marriage and family therapy in this state. Each partner of a  
9 foreign limited liability partnership which provides mental health coun-  
10 seling services in this state must be licensed pursuant to article 163  
11 of the education law to practice mental health counseling in this state.  
12 Each partner of a foreign limited liability partnership which provides  
13 psychoanalysis services in this state must be licensed pursuant to arti-  
14 cle 163 of the education law to practice psychoanalysis in this state.  
15 Each partner of a foreign limited liability partnership which provides  
16 applied behavior analysis services in this state must be licensed or  
17 certified pursuant to article 167 of the education law to practice  
18 applied behavior analysis in this state. Each partner of a foreign  
19 limited liability partnership which provides vision impairment special-  
20 ist services in this state must be licensed pursuant to article 169 of  
21 the education law to practice as a vision impairment specialist in this  
22 state.

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

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

48 c. The commissioner of education, after receipt of this data and in  
49 consultation with the offices identified in subdivision a of this  
50 section, in consultation with not-for-profit providers, professional  
51 associations, consumers and other key stakeholders, shall prepare a  
52 report that recommends changes in any laws, rules or regulations neces-  
53 sary to ensure appropriate licensure or other authorization of individ-  
54 uals providing services that are within the restricted practice of  
55 professions licensed or otherwise authorized under article 169 of the  
56 education law. Such report shall include an estimate of the fiscal

1 impact of any such recommended changes and, to the extent practicable,  
2 how such recommendations will result in improved outcomes. The commis-  
3 sioner of education shall submit the report to the governor, the speaker  
4 of the assembly, the temporary president of the senate, and the chairs  
5 of the senate and assembly higher education committees by January 1,  
6 2024. The commissioners of the agencies identified in subdivision a of  
7 this section shall be provided an opportunity to include statements or  
8 alternative recommendations in such report.

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