

STATE OF NEW YORK

7371

2021-2022 Regular Sessions

IN SENATE

September 10, 2021

Introduced by Sen. HINCHEY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the education law, the limited liability company law, the partnership law and the public health law, in relation to the practice of naturopathy; and to amend the social services law, in relation to the reporting of child abuse

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

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

ARTICLE 138

NATUROPATHIC MEDICINE

Section 6850. Introduction.

6 6851. Definition of the practice of naturopathic medicine.

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

9 6853. Injection therapy and injection therapy privilege.

10 6854. Boundaries of professional competence.

11 6855. State board for naturopathic medicine.

12 6856. Qualifications for licensure.

13 6857. Special provisions.

14 6858. Exempt persons and exemptions.

15 6859. Limited residency permits.

16 6860. Limited permits.

17 6861. Mandatory continuing education.

18 § 6850. Introduction. This article applies to the licensure and regu-
19 lation of naturopathic doctors to practice naturopathic medicine in this
20 state. The general provisions for all professions contained in article
21 one hundred thirty, as added by chapter nine hundred eighty-seven of the
22 laws of nineteen hundred seventy-one, of this title apply to this arti-
23 cle.

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

LBD08991-01-1

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

7 a. patient interview.

8 b. comprehensive physical examination.

9 c. ordering and prescribing laboratory tests and procedures with labo-
10 raries that hold a permit pursuant to title five of article five of
11 the public health law.

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

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

20 f. ordering and prescribing diagnostic imaging including radiography,
21 tomography, magnetic resonance imaging, ultrasonography and thermogra-
22 phy, and excluding ordering and prescribing nuclear medicine and fluo-
23 roscopy.

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

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

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

31 j. administering and prescribing naturopathic manual therapy as the
32 application of touch, massage, stretching, resistance, joint mobiliza-
33 tion and joint manipulation.

34 k. administering and prescribing therapeutic exercise.

35 l. administering and prescribing naturopathic physical agent modali-
36 ties of hydrotherapy, colonic irrigation, electrotherapy, diathermy,
37 ultrasound and phototherapy.

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

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

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

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

50 (i) epinephrine to treat anaphylaxis; and

51 (ii) natural and synthetic hormones.

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

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

4 § 6852. Practice of naturopathic medicine and use of title "Naturopathic Doctor". 1. Only a person licensed under this article may use the
5 title "naturopathic doctor", "licensed naturopath" or "professional
6 naturopath" and hold herself or himself out as practicing naturopathic
7 medicine.

8
9 2. No person licensed under this article shall hold herself or himself
10 out as practicing any other profession regulated by this title, or use a
11 title of any other profession, unless otherwise authorized under this
12 title.

13 § 6853. Injection therapy and injection therapy privilege. 1. For
14 issuance of a privilege to practice injection therapy as such term is
15 used in this article, the applicant shall fulfill the following require-
16 ments:

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

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

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

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

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

44 3. A student in a doctoral program of naturopathic medicine acceptable
45 to the department or the substantial equivalent thereof may perform
46 injection therapy in an internship or preceptorship setting when
47 required as part of such program for the purpose of fulfilling such
48 program requirement only under the direct supervision of a physician
49 licensed under this title or a naturopathic doctor licensed under this
50 article having injection therapy privilege who is professionally respon-
51 sible for the performance of the injection procedure, and is able to be
52 available to furnish assistance and direction throughout the performance
53 of the injection procedure, but need not be present in the room when the
54 injection procedure is performed.

55 4. (a) Injection therapy is administering and prescribing, in compli-
56 ance with federal and state law, the following: (i) these substances,

1 when such substances are chemically identical to those for sale without
2 a prescription: vitamins, minerals, amino acids, glutathione, botan-
3 icals and their extracts, homeopathic preparations, electrolytes, sugars
4 and diluents; and (ii) natural and synthetic hormones, lidocaine and
5 plasma.

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

9 § 6854. Boundaries of professional competence. The activities encom-
10 passed within the definition of the practice of naturopathic medicine
11 shall not include:

12 1. administering or prescribing controlled substances;

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

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

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

23 5. administering or prescribing general or spinal anesthetic drugs;

24 6. obstetric services following detection of pregnancy through deliv-
25 ery or termination, other than prenatal wellness care;

26 7. acupuncture;

27 8. setting fractures;

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

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

33 11. marital and family therapy, psychoanalysis and creative arts ther-
34 apy.

35 § 6855. State board for naturopathic medicine. 1. A state board for
36 naturopathic medicine shall be appointed by the board of regents on the
37 recommendation of the commissioner for the purpose of assisting the
38 board of regents and the department on matters of professional licensing
39 and professional conduct in accordance with section sixty-five hundred
40 eight of this title. The board shall be composed of two members of the
41 public who are consumers of naturopathic medicine and not employed by
42 nor practitioners of naturopathic medicine under this article, two
43 licensed physicians who are a doctor of medicine or a doctor of osteopa-
44 thy, and not less than six persons licensed under this article. A
45 naturopathic doctor member of the board shall have been licensed under
46 this article for at least two years prior to being appointed, which two
47 year license requirement is waived for the initial board and replaced
48 with a requirement that the naturopathic doctor obtain a license under
49 this article within one year of appointment or one year of the effective
50 date of this article, whichever comes later. The terms of the first
51 appointed members shall be staggered so that three are appointed for
52 three years, three are appointed for four years, and four are appointed
53 for five years. An executive secretary of the board shall be appointed
54 by the board of regents on the recommendation of the commissioner.

55 2. Examinations selected or prepared by the board pursuant to subdivi-
56 sion two of section sixty-five hundred eight of this title shall conform

1 whenever possible to nationally recognized test development standards
2 and test competencies for naturopathic medicine.

3 § 6856. Qualifications for licensure. To qualify for a license to
4 practice the profession of naturopathic medicine, an applicant shall
5 fulfill the following requirements:

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

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

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

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

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

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

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

24 § 6857. Special provisions. 1. Post-effective date graduates. A person
25 shall qualify for a license to practice the profession of naturopathic
26 medicine without residency experience, provided that within ten years of
27 the effective date of this article, the person meets the following
28 requirements:

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

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

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

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

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

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

55 3. Post-nineteen hundred eighty-seven pre-effective date graduates. A
56 person shall qualify for a license to practice the profession of naturo-

1 pathic medicine with or without residency experience, provided that
2 within ten years of the effective date of this article, the person meets
3 the following requirements:

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

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

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

20 d. have passed the naturopathic physicians licensing examinations
21 (NPLEX) administered by the North American board of naturopathic examin-
22 ers.

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

30 § 6858. Exempt persons and exemptions. Nothing contained in this arti-
31 cle shall be construed to affect or prevent the following:

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

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

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

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

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

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

55 7. The conduct, activities, or services of individuals, churches,
56 schools, teachers, organizations, or not-for-profit businesses in

1 providing instruction, advice, support, encouragement, or information to
2 individuals, families, and relational groups.

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

6 § 6859. Limited residency permits. 1. Eligibility: For issuance of a
7 limited residency permit, the applicant shall fulfill the following
8 requirements:

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

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

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

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

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

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

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

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

37 § 6860. Limited permits. 1. Eligibility: A limited permit is issued
38 for the purpose of permitting an applicant to establish proof of prac-
39 tice for purposes of meeting the requirements for licensure under the
40 special provisions of section sixty-eight hundred fifty-eight of this
41 article. For issuance of a limited permit, the applicant shall fulfill
42 the following requirements:

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

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

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

48 d. Special provision applicability:

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

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

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

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

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

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

16 § 6861. Mandatory continuing education. 1. a. Each naturopathic doctor
17 licensed pursuant to this article, required to register triennially with
18 the department to practice in this state shall comply with the
19 provisions of the mandatory continuing education requirements prescribed
20 in subdivision two of this section, except as provided in paragraphs b
21 and c of this subdivision. Naturopathic doctors who do not satisfy the
22 mandatory continuing education requirements shall not practice until
23 they have met such requirements, and they have been issued a registra-
24 tion certificate, except that a naturopathic doctor may practice without
25 having met such requirements if he or she is issued a conditional regis-
26 tration pursuant to subdivision three of this section.

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

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

43 2. During each triennial registration period an applicant for regis-
44 tration shall complete sixty hours of acceptable formal continuing
45 education. Any licensed naturopathic doctor whose first registration
46 date following the effective date of this section occurs less than three
47 years from such effective date, shall complete continuing education
48 hours on a prorated basis at the rate of one and one-half hours per
49 month for the number of months between the effective date and the first
50 registration date. Thereafter, a licensee who has not satisfied the
51 mandatory continuing education requirements shall not be issued a trien-
52 niennial registration certificate by the department and shall not practice
53 unless and until a conditional registration certificate is issued as
54 provided in subdivision three of this section. Continuing education
55 hours taken during one triennium may not be carried over or otherwise
56 credited or transferred to a subsequent triennium.

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

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

18 § 2. Subdivision (a) of section 1203 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 (a) Notwithstanding the education law or any other provision of law,
22 one or more professionals each of whom is authorized by law to render a
23 professional service within the state, or one or more professionals, at
24 least one of whom is authorized by law to render a professional service
25 within the state, may form, or cause to be formed, a professional
26 service limited liability company for pecuniary profit under this arti-
27 cle for the purpose of rendering the professional service or services as
28 such professionals are authorized to practice. With respect to a
29 professional service limited liability company formed to provide medical
30 services as such services are defined in article 131 of the education
31 law, each member of such limited liability company must be licensed
32 pursuant to article 131 of the education law to practice medicine in
33 this state. With respect to a professional service limited liability
34 company formed to provide naturopathic services as such services are
35 defined in article 138 of the education law, each member of such limited
36 liability company must be licensed pursuant to article 138 of the educa-
37 tion law to practice naturopathy in this state. With respect to a
38 professional service limited liability company formed to provide dental
39 services as such services are defined in article 133 of the education
40 law, each member of such limited liability company must be licensed
41 pursuant to article 133 of the education law to practice dentistry in
42 this state. With respect to a professional service limited liability
43 company formed to provide veterinary services as such services are
44 defined in article 135 of the education law, each member of such limited
45 liability company must be licensed pursuant to article 135 of the educa-
46 tion law to practice veterinary medicine in this state. With respect to
47 a professional service limited liability company formed to provide
48 professional engineering, land surveying, architectural, landscape
49 architectural and/or geological services as such services are defined in
50 article 145, article 147 and article 148 of the education law, each
51 member of such limited liability company must be licensed pursuant to
52 article 145, article 147 and/or article 148 of the education law to
53 practice one or more of such professions in this state. With respect to
54 a professional service limited liability company formed to provide
55 licensed clinical social work services as such services are defined in
56 article 154 of the education law, each member of such limited liability

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

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

42 (b) With respect to a professional service limited liability company
43 formed to provide medical services as such services are defined in arti-
44 cle 131 of the education law, each member of such limited liability
45 company must be licensed pursuant to article 131 of the education law to
46 practice medicine in this state. With respect to a professional service
47 limited liability company formed to provide naturopathic services as
48 such services are defined in article 138 of the education law, each
49 member of such limited liability company must be licensed pursuant to
50 article 138 of the education law to practice naturopathy in this state.
51 With respect to a professional service limited liability company formed
52 to provide dental services as such services are defined in article 133
53 of the education law, each member of such limited liability company must
54 be licensed pursuant to article 133 of the education law to practice
55 dentistry in this state. With respect to a professional service limited
56 liability company formed to provide veterinary services as such services

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

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

44 (a) "Foreign professional service limited liability company" means a
45 professional service limited liability company, whether or not denomi-
46 nated as such, organized under the laws of a jurisdiction other than
47 this state, (i) each of whose members and managers, if any, is a profes-
48 sional authorized by law to render a professional service within this
49 state and who is or has been engaged in the practice of such profession
50 in such professional service limited liability company or a predecessor
51 entity, or will engage in the practice of such profession in the profes-
52 sional service limited liability company within thirty days of the date
53 such professional becomes a member, or each of whose members and manag-
54 ers, if any, is a professional at least one of such members is author-
55 ized by law to render a professional service within this state and who
56 is or has been engaged in the practice of such profession in such

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

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

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

17 (q) Each partner of a registered limited liability partnership formed
18 to provide medical services in this state must be licensed pursuant to
19 article 131 of the education law to practice medicine in this state and
20 each partner of a registered limited liability partnership formed to
21 provide dental services in this state must be licensed pursuant to arti-
22 cle 133 of the education law to practice dentistry in this state. Each
23 partner of a registered limited liability partnership formed to provide
24 naturopathic services in this state must be licensed pursuant to article
25 138 of the education law to practice naturopathy in this state. Each
26 partner of a registered limited liability partnership formed to provide
27 veterinary services in this state must be licensed pursuant to article
28 135 of the education law to practice veterinary medicine in this state.
29 Each partner of a registered limited liability partnership formed to
30 provide professional engineering, land surveying, geological services,
31 architectural and/or landscape architectural services in this state must
32 be licensed pursuant to article 145, article 147 and/or article 148 of
33 the education law to practice one or more of such professions in this
34 state. Each partner of a registered limited liability partnership formed
35 to provide licensed clinical social work services in this state must be
36 licensed pursuant to article 154 of the education law to practice clin-
37 ical social work in this state. Each partner of a registered limited
38 liability partnership formed to provide creative arts therapy services
39 in this state must be licensed pursuant to article 163 of the education
40 law to practice creative arts therapy in this state. Each partner of a
41 registered limited liability partnership formed to provide marriage and
42 family therapy services in this state must be licensed pursuant to arti-
43 cle 163 of the education law to practice marriage and family therapy in
44 this state. Each partner of a registered limited liability partnership
45 formed to provide mental health counseling services in this state must
46 be licensed pursuant to article 163 of the education law to practice
47 mental health counseling in this state. Each partner of a registered
48 limited liability partnership formed to provide psychoanalysis services
49 in this state must be licensed pursuant to article 163 of the education
50 law to practice psychoanalysis in this state. Each partner of a regis-
51 tered limited liability partnership formed to provide applied behavior
52 analysis service in this state must be licensed or certified pursuant to
53 article 167 of the education law to practice applied behavior analysis
54 in this state.

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

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

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

44 (a) The following persons and officials are required to report or
45 cause a report to be made in accordance with this title when they have
46 reasonable cause to suspect that a child coming before them in their
47 professional or official capacity is an abused or maltreated child, or
48 when they have reasonable cause to suspect that a child is an abused or
49 maltreated child where the parent, guardian, custodian or other person
50 legally responsible for such child comes before them in their profes-
51 sional or official capacity and states from personal knowledge facts,
52 conditions or circumstances which, if correct, would render the child an
53 abused or maltreated child: any physician; registered physician assist-
54 ant; surgeon; medical examiner; coroner; dentist; dental hygienist;
55 osteopath; optometrist; chiropractor; podiatrist; naturopathic doctor;
56 resident; intern; psychologist; registered nurse; social worker; emer-

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

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

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

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

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

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

52 4. The practice, conduct, activities, or services by any person
53 licensed or otherwise authorized to practice nursing as a registered
54 professional nurse or nurse practitioner within the state pursuant to
55 article one hundred thirty-nine of this title, or by any person licensed
56 to practice naturopathic medicine within the state pursuant to article

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

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

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

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

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

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

49 1. This title is applicable to all clinical laboratories and blood
50 banks operating within the state, except clinical laboratories and blood
51 banks operated by the federal government and clinical laboratories oper-
52 ated by a licensed physician, osteopath, dentist, midwife, nurse practi-
53 tioner, naturopathic doctor solely as an adjunct to the treatment of his
54 or her own patients, optometrist performing a clinical laboratory test
55 that does not use an invasive modality as defined in section seventy-one
56 hundred one of the education law or podiatrist who performs laboratory

1 tests or procedures, personally or through his or her employees, solely
2 as an adjunct to the treatment of his or her own patients; to the extent
3 authorized by federal and state law, including the education law.
4 § 14. This act shall take effect on the five hundred fortieth day
5 after it shall have become a law. Effective immediately, the addition,
6 amendment and/or repeal of any rule or regulation necessary for the
7 implementation of this act on its effective date are authorized to be
8 made and completed by the commissioner of education and the board of
9 regents on or before such effective date, including appointment of the
10 state board for naturopathic medicine.