STATE OF NEW YORK

21--A

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sens. KAPLAN, BROUK, COONEY, SAVINO, THOMAS -- 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 county law, the limited liability company law and the partnership law, in relation to the licensing of professional and clinical music therapists

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

Section 1. The education law is amended by adding a new article 163-A to read as follows:

ARTICLE 163-A
MUSIC THERAPY

Section 8450. Introduction.
8451. Definitions.
8452. Authorized practice and the use of the titles "licensed professional music therapist" and "licensed clinical music therapist".
8453. State board for music therapy.
8454. Requirements for a license.
8455. Limited permits.
8456. Exemptions.
8457. Special provisions.
8458. Boundaries of professional competency.
8459. Mandatory continuing competency.

§ 8450. Introduction. This article applies to the profession and practice of music therapy, and to the use of the titles "licensed professional music therapist" and "licensed clinical music therapist". The

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

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

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

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

(c) The practice of licensed professional music therapy does not include the screening, diagnosis or assessment of any physical, mental, or communication disorder.

2. (a) The practice of licensed clinical music therapy encompasses the scope of practice of licensed professional music therapy and, in addition, includes the assessment, evaluation, and the therapeutic intervention and treatment, which may be either primary, parallel or adjunctive, of mental, emotional, developmental and behavioral disorders through the use of music as approved by the department.

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

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

§ 8452. Authorized practice and the use of the titles "licensed professional music therapist" and "licensed clinical music therapist". 1. (a) Only a person licensed or exempt under this article shall practice "licensed professional music therapy" as defined in subdivision one of section eighty-four hundred fifty-one of this article.

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

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

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

§ 8453. State board for music therapy. A state board for music therapy "the board", shall be appointed by the board of regents on recommendation of the commissioner for the purpose of assisting the board of regents and the department on matters of professional licensing, practice, and conduct in accordance with section sixty-five hundred eight of this title. The board shall be composed of not less than twelve members, of which five shall be licensed professional music therapists, five shall be licensed clinical music therapists, and two shall be members of the public. Members of the first board need not be licensed prior to

their appointment to the board. The terms of the first appointed members shall be staggered so that four are appointed for three years, four are appointed for four years, and four are appointed for five years. An executive secretary to the board shall be appointed by the board of regents on recommendation of the commissioner and shall be licensed pursuant to this article.

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

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

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

(c) Experience: have completed at least twelve hundred hours of supervised clinical training experience in music therapy, with not less than one hundred eighty hours of pre-internship experience and not less than nine hundred hours of internship experience, satisfactory to the department and in accordance with the commissioner's regulations;

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

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

(f) Character: be of good moral character as determined by the department; and

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

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

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

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

(i) human growth and development;

(ii) theories in music therapy;

(iii) group dynamics;

(iv) assessment and appraisal of individuals and groups;

(v) research and program evaluation;

(vi) professional orientation and ethics;

(vii) foundations of music therapy and psychopathology;

(viii) clinical instruction;

(c) Experience: have completed at least fifteen hundred hours of post-master's supervised experience in music therapy satisfactory to the department and in accordance with the commissioner's regulations. Satisfactory experience obtained in an entity operating under a waiver issued by the department pursuant to section sixty-five hundred three-a of this title may be accepted by the department, notwithstanding that such experience may have been obtained prior to the effective date of such section and/or prior to the entity having obtained a waiver. The

department may, for good cause shown, accept satisfactory experience that was obtained in a setting that would have been eligible for a waiver but which has not obtained a waiver from the department or experience that was obtained in good faith by the applicant under the belief that appropriate authorization had been obtained for the experience, provided that such experience meets all other requirements for acceptable experience;

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

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

(f) Character: be of good moral character as determined by the department; and

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

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

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

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

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

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

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

3. Prohibit or limit the practice of a profession licensed pursuant to this article by a student, intern or resident in, and as part of, a supervised educational program in an institution approved by the department.

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

5. Prohibit or limit individuals, churches, schools, teachers, organizations, or not-for-profit businesses, from providing instruction, advice, support, encouragement, or information to individuals, families, and relational groups.

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

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

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

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

3. Any person who holds an active board certification credential in music therapy from a national certification body having certification standards acceptable to the commissioner shall be licensed as a licensed professional music therapist on the effective date of this section without meeting any additional education, experience, or examination requirements.

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

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

6. Any person who possesses a minimum of a baccalaureate degree in music therapy on the effective date of this section, who has ten years of post-graduate music therapy employment and holds an active board certification credential in music therapy from a national certification body, and meets the requirements for a license pursuant to this article, except for examination, and who files with the department within one

year of the effective date of this section, shall be licensed as a licensed clinical music therapist.

7. Any person who possesses a master's degree in music therapy or a related field on the effective date of this section, who has five years of post-graduate music therapy employment and holds an active board certification credential in music therapy from a national certification body, and meets the requirements for a license pursuant to this article, except for examination, and who files with the department within one year of the effective date of this section, shall be licensed as a licensed clinical music therapist.

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

§ 8458. Boundaries of professional competency. 1. It shall be deemed practicing outside the boundaries of his or her professional competence for a person licensed pursuant to this article, in the case of treatment of any serious mental illness, to provide any mental health service for such illness on a continuous and sustained basis without a medical evaluation of the illness by, and in consultation with, a physician regarding such illness. Such medical evaluation and consultation shall be to determine and advise whether any medical care is indicated for such illness. For purposes of this section, "serious mental illness" means schizophrenia, schizoaffective disorder, bipolar disorder, major depressive disorder, panic disorder, and obsessive-compulsive disorder.

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

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

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

(b) (i) Unless authorized to practice speech-language pathology, music therapists shall not evaluate, examine, instruct, or counsel on speech, language, communication, and swallowing disorders and conditions. When providing educational or healthcare services, a music therapist shall not replace the services provided by an audiologist or a speech-language pathologist.

(ii) An individual licensed as a professional music therapist shall not represent to the public that the individual is authorized to treat a communication disorder. This shall not prohibit an individual licensed as a professional music therapist from representing to the public that the individual may work with clients who have a communication disorder and address communication skills.

(iii) Before providing music therapy services to a client for an identified clinical or developmental need, the licensee shall review with the healthcare provider or providers involved in the client's care, the client's diagnosis, treatment needs, and treatment plan.

(iv) Before providing music therapy services to a student for an identified educational need, the licensee shall review with the individual family support plan or individualized education program team, the student's diagnosis, treatment needs, and treatment plan.

(v) During the provision of music therapy services to a client, the licensee shall collaborate, as applicable, with the client's treatment team, including physicians, psychologists, licensed clinical social workers, or other mental health professionals.

(vi) During the provision of music therapy services to a client with a communication disorder, the licensed professional music therapist shall collaborate and discuss the music therapy treatment plan with the client's audiologist or speech-language pathologist.

§ 8459. Mandatory continuing competency. 1. (a) Each licensed professional music therapist or licensed clinical music therapist shall register triennially with the department to practice in the state and must comply with the provisions of the mandatory continuing competency requirements prescribed in this section, except as provided in paragraphs (b) and (c) of this subdivision. Those who do not satisfy the mandatory continuing competency requirements shall not be authorized to practice until they have met such requirements, and they have been issued a registration certificate, except that a person may practice without having met such requirements if he or she is issued a conditional registration pursuant to subdivision four of this section.

(b) Each licensed professional music therapist or licensed clinical music therapist shall be exempt from the mandatory continuing competency requirement for the triennial registration period during which they are first licensed. Adjustment to the mandatory continuing competency requirements may be granted by the department for reasons of health of the licensee where certified by an appropriate health care professional, for extended active duty with the armed forces of the United States, or for other good cause acceptable to the department which may prevent compliance.

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

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

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

(b) Thereafter, a licensee who has not satisfied the mandatory continuing competency requirements shall not be issued a triennial registra-

tion certificate by the department and shall not practice unless and until a conditional registration certificate is issued as provided for in subdivision four of this section.

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

5. As used in subdivision three of this section, "acceptable learning activities" shall mean activities which contribute to professional practice in music therapy, and which meet the standards prescribed in the regulations of the commissioner. Such learning activities shall include, but not be limited to, collegiate level credit and non-credit courses, self-study activities, independent study, formal mentoring activities, professional development programs and technical sessions, publications in professional journals and professional development programs; such learning activities may be offered and sponsored by national, state, regional, and local professional associations and other organizations or parties acceptable to the department, and any other organized educational and technical learning activities acceptable to the department. Providers (other than those indicated below as exempt from the approval process) must submit an application to the state board for music therapy. Types of approved providers include:

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

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

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

(d) or an equivalent organization as determined by the department. Organizations that fall under the first three paragraphs listed above do not have to submit a fee or an application for approval as a provider of continuing education for music therapists. However, they must register with the state board for music therapy by completing an approved provider registration form. Educational institutions which provide education as part of a licensure qualifying program or sponsors who have had their course approved by the Certification Board for Music Therapists, Inc. (CBMT) do not need to submit an application. Courses approved by the CBMT automatically qualify for approval in New York state. The department may, in its discretion and as needed to contribute to the health and welfare of the public, require the completion of continuing competency learning activities in specific subjects to fulfill this mandatory

continuing competency requirement. Learning activities must be taken from a sponsor approved by the department, pursuant to the regulations of the commissioner.

6. A licensed professional music therapist or licensed clinical music therapist shall maintain adequate documentation of completion of acceptable continuing competency activities and shall provide such documentation at the request of the department. Failure to provide such documentation upon request of the department shall be an act of misconduct subject to the disciplinary proceedings pursuant to section sixty-five hundred ten of this title.

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

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

13. In order to provide services to crime victims, witnesses, and other persons involved in the criminal justice system, and to support crime prevention programs, the district attorney may employ or contract with persons licensed and registered to practice or otherwise authorized under article one hundred fifty-three, one hundred fifty-four, [~~or~~] one hundred sixty-three, or one hundred sixty-three-A of the education law, or contract with entities authorized to provide the services specified in such articles, in connection with the provision of any services that such persons or entities are authorized to provide and that are authorized by the district attorney.

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

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

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

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

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

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

4. The practice, conduct, activities, or services by any person licensed or otherwise authorized to practice nursing as a registered professional nurse or nurse practitioner within the state pursuant to

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

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

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

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

1. Apply to the practice, conduct, activities, services or use of any title by any person licensed or otherwise authorized to practice medicine within the state pursuant to article one hundred thirty-one of this title or by any person registered to perform services as a physician assistant within the state pursuant to article one hundred thirty-one-B of this title or by any person licensed or otherwise authorized to practice psychology within this state pursuant to article one hundred fifty-three of this title or by any person licensed or otherwise author-

ized to practice social work within this state pursuant to article one hundred fifty-four of this title, or by any person licensed or otherwise authorized to practice nursing as a registered professional nurse or nurse practitioner within this state pursuant to article one hundred thirty-nine of this title or by any person licensed or otherwise authorized to practice applied behavior analysis within the state pursuant to article one hundred sixty-seven of this title **or by any person licensed or otherwise authorized to practice music therapy within this state pursuant to article one hundred sixty-three-A of this title**; provided, however, that no physician, physician's assistant, registered professional nurse, nurse practitioner, psychologist, licensed master social worker, licensed clinical social worker, licensed behavior analyst [~~or~~], certified behavior analyst assistant**, licensed professional music therapist, or licensed clinical music therapist** may use the titles "licensed mental health counselor", "licensed marriage and family therapist", "licensed creative arts therapist", or "licensed psychoanalyst", unless licensed under this article.

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

(a) Notwithstanding the education law or any other provision of law, one or more professionals each of whom is authorized by law to render a professional service within the state, or one or more professionals, at least one of whom is authorized by law to render a professional service within the state, may form, or cause to be formed, a professional service limited liability company for pecuniary profit under this article for the purpose of rendering the professional service or services as such professionals are authorized to practice. With respect to a professional service limited liability company formed to provide medical services as such services are defined in article 131 of the education law, each member of such limited liability company must be licensed pursuant to article 131 of the education law to practice medicine in this state. With respect to a professional service limited liability company formed to provide dental services as such services are defined in article 133 of the education law, each member of such limited liability company must be licensed pursuant to article 133 of the education law to practice dentistry in this state. With respect to a professional service limited liability company formed to provide veterinary services as such services are defined in article 135 of the education law, each member of such limited liability company must be licensed pursuant to article 135 of the education law to practice veterinary medicine in this state. With respect to a professional service limited liability company formed to provide professional engineering, land surveying, architectural, landscape architectural and/or geological services as such services are defined in article 145, article 147 and article 148 of the education law, each member of such limited liability company must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions in this state. With respect to a professional service limited liability company formed to provide licensed clinical social work services as such services are defined in article 154 of the education law, each member of such limited liability company shall be licensed pursuant to article 154 of the education law to practice licensed clinical social work in this state. With respect to a professional service limited liability company formed to provide creative arts therapy services as such services are defined in article 163 of the education law, each member of such limited liabil-

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

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

(b) With respect to a professional service limited liability company formed to provide medical services as such services are defined in article 131 of the education law, each member of such limited liability company must be licensed pursuant to article 131 of the education law to practice medicine in this state. With respect to a professional service limited liability company formed to provide dental services as such services are defined in article 133 of the education law, each member of such limited liability company must be licensed pursuant to article 133 of the education law to practice dentistry in this state. With respect to a professional service limited liability company formed to provide veterinary services as such services are defined in article 135 of the education law, each member of such limited liability company must be licensed pursuant to article 135 of the education law to practice veterinary medicine in this state. With respect to a professional service limited liability company formed to provide professional engineering, land surveying, architectural, landscape architectural and/or geological

services as such services are defined in article 145, article 147 and article 148 of the education law, each member of such limited liability company must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions in this state. With respect to a professional service limited liability company formed to provide licensed clinical social work services as such services are defined in article 154 of the education law, each member of such limited liability company shall be licensed pursuant to article 154 of the education law to practice licensed clinical social work in this state. With respect to a professional service limited liability company formed to provide creative arts therapy services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice creative arts therapy in this state. With respect to a professional service limited liability company formed to provide marriage and family therapy services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice marriage and family therapy in this state. With respect to a professional service limited liability company formed to provide mental health counseling services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice mental health counseling in this state. With respect to a professional service limited liability company formed to provide psychoanalysis services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice psychoanalysis in this state. **With respect to a professional service limited liability company formed to provide music therapy services as such services are defined in article 163-A of the education law, each member of such limited liability company must be licensed pursuant to article 163-A of the education law to practice music therapy in this state.** With respect to a professional service limited liability company formed to provide applied behavior analysis services as such services are defined in article 167 of the education law, each member of such limited liability company must be licensed or certified pursuant to article 167 of the education law to practice applied behavior analysis in this state.

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

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

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

psychoanalysis in this state. **With respect to a foreign professional service limited liability company which provides music therapy services as such services are defined in article 163-A of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 163-A of the education law to practice music therapy in this state.** With respect to a foreign professional service limited liability company which provides applied behavior analysis services as such services are defined in article 167 of the education law, each member of such foreign professional service limited liability company must be licensed or certified pursuant to article 167 of the education law to practice applied behavior analysis in this state.

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

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

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

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

§ 13. This act shall take effect twenty-four months after it shall have become a law. Effective immediately the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such date.