

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.

LBD00762-04-2

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

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

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

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

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

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

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

34 § 8452. Authorized practice and the use of the titles "licensed
35 professional music therapist" and "licensed clinical music therapist".

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41 (i) human growth and development;

42 (ii) theories in music therapy;

43 (iii) group dynamics;

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

45 (v) research and program evaluation;

46 (vi) professional orientation and ethics;

47 (vii) foundations of music therapy and psychopathology;

48 (viii) clinical instruction;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 § 8458. Boundaries of professional competency. 1. It shall be deemed
16 practicing outside the boundaries of his or her professional competence
17 for a person licensed pursuant to this article, in the case of treatment
18 of any serious mental illness, to provide any mental health service for
19 such illness on a continuous and sustained basis without a medical eval-
20 uation of the illness by, and in consultation with, a physician regard-
21 ing such illness. Such medical evaluation and consultation shall be to
22 determine and advise whether any medical care is indicated for such
23 illness. For purposes of this section, "serious mental illness" means
24 schizophrenia, schizoaffective disorder, bipolar disorder, major depres-
25 sive disorder, panic disorder, and obsessive-compulsive disorder.

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

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

31 (ii) using invasive procedures as a treatment, therapy, or profes-
32 sional service in the practice of his or her profession. For purposes of
33 this subdivision, "invasive procedure" means any procedure in which
34 human tissue is cut, altered, or otherwise infiltrated by mechanical or
35 other means. Invasive procedure includes surgery, lasers, ionizing radi-
36 ation, therapeutic ultrasound, or electroconvulsive therapy.

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

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

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

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

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

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

9 § 8459. Mandatory continuing competency. 1. (a) Each licensed profes-
10 sional music therapist or licensed clinical music therapist shall regis-
11 ter triennially with the department to practice in the state and must
12 comply with the provisions of the mandatory continuing competency
13 requirements prescribed in this section, except as provided in para-
14 graphs (b) and (c) of this subdivision. Those who do not satisfy the
15 mandatory continuing competency requirements shall not be authorized to
16 practice until they have met such requirements, and they have been
17 issued a registration certificate, except that a person may practice
18 without having met such requirements if he or she is issued a condi-
19 tional registration pursuant to subdivision four of this section.

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

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

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

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

55 (b) Thereafter, a licensee who has not satisfied the mandatory contin-
56 uing 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, ~~[ex]~~ 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, ~~[ex]~~ 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 ~~[ex]~~ 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

1 article one hundred thirty-nine of this title or by any person licensed
2 or otherwise authorized to practice social work within the state pursu-
3 ant 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 by any person licensed or otherwise authorized to practice
8 music therapy within the state pursuant to article one hundred sixty-
9 three-A of this title, or any person licensed or otherwise authorized to
10 practice applied behavior analysis within the state pursuant to article
11 one hundred sixty-seven of this title or any individual who is creden-
12 tialled under any law, including attorneys, rape crisis counselors,
13 certified alcoholism counselors, and certified substance abuse counse-
14 lers from providing mental health services within their respective
15 established authorities.

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

18 1. Apply to the practice, conduct, activities, services or use of any
19 title by any person licensed or otherwise authorized to practice medi-
20 cine within the state pursuant to article one hundred thirty-one of this
21 title or by any person registered to perform services as a physician
22 assistant within the state pursuant to article one hundred thirty-one-B
23 of this title or by any person licensed or otherwise authorized to prac-
24 tice psychology within this state pursuant to article one hundred
25 fifty-three of this title or by any person licensed or otherwise author-
26 ized to practice nursing as a registered professional nurse or nurse
27 practitioner within this state pursuant to article one hundred thirty-
28 nine of this title or by any person licensed or otherwise authorized to
29 practice occupational therapy within this state pursuant to article one
30 hundred fifty-six of this title or by any person licensed or otherwise
31 authorized to practice mental health counseling, marriage and family
32 therapy, creative arts therapy, or psychoanalysis within the state
33 pursuant to article one hundred sixty-three of this title, or by any
34 person licensed or otherwise authorized to practice music therapy within
35 the state pursuant to article one hundred sixty-three-A of this title,
36 or by any person licensed or otherwise authorized to practice applied
37 behavior analysis within the state pursuant to article one hundred
38 sixty-seven of this title; provided, however, that no physician, physi-
39 cian assistant, registered professional nurse, nurse practitioner,
40 psychologist, occupational therapist, licensed mental health counselor,
41 licensed marriage and family therapist, licensed creative arts thera-
42 pist, licensed psychoanalyst, licensed professional music therapist,
43 licensed clinical music therapist, licensed behavior analyst or certi-
44 fied behavior analyst assistant may use the titles "licensed clinical
45 social worker" or "licensed master social worker", unless licensed under
46 this article.

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

49 1. Apply to the practice, conduct, activities, services or use of any
50 title by any person licensed or otherwise authorized to practice medi-
51 cine within the state pursuant to article one hundred thirty-one of this
52 title or by any person registered to perform services as a physician
53 assistant within the state pursuant to article one hundred thirty-one-B
54 of this title or by any person licensed or otherwise authorized to prac-
55 tice psychology within this state pursuant to article one hundred
56 fifty-three of this title or by any person licensed or otherwise author-

1 ized to practice social work within this state pursuant to article one
2 hundred fifty-four of this title, or by any person licensed or otherwise
3 authorized to practice nursing as a registered professional nurse or
4 nurse practitioner within this state pursuant to article one hundred
5 thirty-nine of this title or by any person licensed or otherwise author-
6 ized to practice applied behavior analysis within the state pursuant to
7 article one hundred sixty-seven of this title or by any person licensed
8 or otherwise authorized to practice music therapy within this state
9 pursuant to article one hundred sixty-three-A of this title; provided,
10 however, that no physician, physician's assistant, registered profes-
11 sional nurse, nurse practitioner, psychologist, licensed master social
12 worker, licensed clinical social worker, licensed behavior analyst [ex],
13 certified behavior analyst assistant, licensed professional music thera-
14 pist, or licensed clinical music therapist may use the titles "licensed
15 mental health counselor", "licensed marriage and family therapist",
16 "licensed creative arts therapist", or "licensed psychoanalyst", unless
17 licensed under this article.

18 § 8. 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 profes-
29 sional 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 dental services as such services are defined
35 in article 133 of the education law, each member of such limited liabil-
36 ity company must be licensed pursuant to article 133 of the education
37 law to practice dentistry in this state. With respect to a professional
38 service limited liability company formed to provide veterinary services
39 as such services are defined in article 135 of the education law, each
40 member of such limited liability company must be licensed pursuant to
41 article 135 of the education law to practice veterinary medicine in this
42 state. With respect to a professional service limited liability company
43 formed to provide professional engineering, land surveying, architec-
44 tural, landscape architectural and/or geological services as such
45 services are defined in article 145, article 147 and article 148 of the
46 education law, each member of such limited liability company must be
47 licensed pursuant to article 145, article 147 and/or article 148 of the
48 education law to practice one or more of such professions in this state.
49 With respect to a professional service limited liability company formed
50 to provide licensed clinical social work services as such services are
51 defined in article 154 of the education law, each member of such limited
52 liability company shall be licensed pursuant to article 154 of the
53 education law to practice licensed clinical social work in this state.
54 With respect to a professional service limited liability company formed
55 to provide creative arts therapy services as such services are defined
56 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

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

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

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

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

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

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

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

54 § 12. Subdivision (q) of section 121-1502 of the partnership law, as
55 amended by chapter 475 of the laws of 2014, is amended to read as
56 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.