

STATE OF NEW YORK

3763--A

2021-2022 Regular Sessions

IN SENATE

January 30, 2021

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

AN ACT to amend the education law, the social services law, the limited liability company law and the partnership law, in relation to the licensing of vision impairment specialists; and providing for the repeal of certain provisions upon expiration thereof

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

1 Section 1. The education law is amended by adding a new article 169 to
2 read as follows:

ARTICLE 169

VISION IMPAIRMENT SPECIALISTS

Section 8900. Introduction.

8901. Definitions.

8902. Use of titles.

8903. State board for vision impairment specialists.

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

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

8906. Limited permits.

8907. Exempt persons.

8908. Special provisions.

8909. Separability.

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

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

LBD05398-03-2

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 7. The instruction in the use of Braille.

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

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

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

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

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

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

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

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

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

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

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

§ 6. 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 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

1 company formed to provide applied behavior analysis services as such
2 services are defined in article 167 of the education law, each member of
3 such limited liability company must be licensed or certified pursuant to
4 article 167 of the education law to practice applied behavior analysis
5 in this state.

6 With respect to a professional service limited liability
7 company formed to provide vision impairment specialist services as such
8 services are defined in article 169 of the education law, each member of
9 such limited liability company must be licensed pursuant to article 169
10 of the education law to practice as a vision impairment specialist in
11 this state.

In addition to engaging in such profession or professions, a
12 professional service limited liability company may engage in any other
13 business or activities as to which a limited liability company may be
14 formed under section two hundred one of this chapter. Notwithstanding
15 any other provision of this section, a professional service limited
16 liability company (i) authorized to practice law may only engage in
17 another profession or business or activities or (ii) which is engaged in
18 a profession or other business or activities other than law may only
19 engage in the practice of law, to the extent not prohibited by any other
20 law of this state or any rule adopted by the appropriate appellate divi-
21 sion of the supreme court or the court of appeals.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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