

STATE OF NEW YORK

123

2023-2024 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 4, 2023

Introduced by M. of A. SOLAGES, WOERNER, BRABENEC, BRONSON, MILLER, McMAHON, McDONOUGH -- read once and referred to the Committee on Higher Education

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:

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

3 ARTICLE 163-A

4 MUSIC THERAPY

5 Section 8450. Introduction.

6 8451. Definitions.

7 8452. Authorized practice and the use of the titles "licensed
8 professional music therapist" and "licensed clinical
9 music therapist".

10 8453. State board for music therapy.

11 8454. Requirements for a license.

12 8455. Limited permits.

13 8456. Exemptions.

14 8457. Special provisions.

15 8458. Boundaries of professional competency.

16 8459. Mandatory continuing competency.

17 § 8450. Introduction. This article applies to the profession and prac-
18 tice of music therapy, and to the use of the titles "licensed profes-
19 sional music therapist" and "licensed clinical music therapist". The
20 general provisions for all professions contained in article one hundred
21 thirty of this title apply to this article.

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

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

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

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

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

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

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

32 § 8452. Authorized practice and the use of the titles "licensed
33 professional music therapist" and "licensed clinical music therapist".

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

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

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

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

46 § 8453. State board for music therapy. A state board for music therapy
47 "the board", shall be appointed by the board of regents on recommenda-
48 tion of the commissioner for the purpose of assisting the board of
49 regents and the department on matters of professional licensing, prac-
50 tice, and conduct in accordance with section sixty-five hundred eight of
51 this title. The board shall be composed of not less than twelve members,
52 of which five shall be licensed professional music therapists, five
53 shall be licensed clinical music therapists, and two shall be members of
54 the public. Members of the first board need not be licensed prior to
55 their appointment to the board. The terms of the first appointed members
56 shall be staggered so that four are appointed for three years, four are

1 appointed for four years, and four are appointed for five years. An
2 executive secretary to the board shall be appointed by the board of
3 regents on recommendation of the commissioner and shall be licensed
4 pursuant to this article.

5 § 8454. Requirements for a license. 1. To qualify for a license as a
6 "licensed professional music therapist," an applicant shall fulfill the
7 following requirements:

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

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

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

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

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

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

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

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

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

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

39 (i) human growth and development;

40 (ii) theories in music therapy;

41 (iii) group dynamics;

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

43 (v) research and program evaluation;

44 (vi) professional orientation and ethics;

45 (vii) foundations of music therapy and psychopathology;

46 (viii) clinical instruction;

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

1 er but which has not obtained a waiver from the department or experience
2 that was obtained in good faith by the applicant under the belief that
3 appropriate authorization had been obtained for the experience, provided
4 that such experience meets all other requirements for acceptable experi-
5 ence;

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

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

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

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

18 § 8455. Limited permits. 1. On recommendation of the board, the
19 department may issue a limited permit to practice licensed clinical
20 music therapy and use the title licensed clinical music therapist to an
21 applicant who has met all requirements for licensure as a licensed clin-
22 ical music therapist except those relating to the examination and
23 provided that the individual is under the general supervision of a
24 professional supervisor, as determined by the department. This limited
25 permit shall be valid for a period of not more than twenty-four months;
26 such limited permits may be renewed, at the discretion of the depart-
27 ment, for up to two additional one-year periods.

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

29 § 8456. Exemptions. Nothing contained in this article shall be
30 construed to:

31 1. Apply to the practice, conduct, activities, services or use of any
32 title by any person licensed or otherwise authorized to practice medi-
33 cine within the state pursuant to article one hundred thirty-one of this
34 title or by any person registered to perform services as a physician
35 assistant within the state pursuant to article one hundred thirty-one-B
36 of this title or by any person licensed or otherwise authorized to prac-
37 tice psychology within this state pursuant to article one hundred
38 fifty-three of this title or by any person licensed or otherwise author-
39 ized to practice social work within this state pursuant to article one
40 hundred fifty-four of this title, or by any person licensed or otherwise
41 authorized to practice nursing as a registered professional nurse or
42 nurse practitioner within this state pursuant to article one hundred
43 thirty-nine of this title or by any person licensed or otherwise author-
44 ized to practice applied behavior analysis within the state pursuant to
45 article one hundred sixty-seven of this title, or by any person licensed
46 or otherwise authorized to practice mental health counseling, marriage
47 and family therapy, creative arts therapy, or psychoanalysis within the
48 state pursuant to article one hundred sixty-three of this title;
49 provided, however, that no physician, physician's assistant, registered
50 professional nurse, nurse practitioner, psychologist, licensed master
51 social worker, licensed clinical social worker, licensed behavior
52 analyst, certified behavior analyst assistant, licensed mental health
53 counselor, licensed marriage and family therapist, licensed creative
54 arts therapist, or licensed psychoanalyst may use the titles "licensed
55 professional music therapist," or "licensed clinical music therapist,"
56 unless licensed under this article.

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

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

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

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

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

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

23 § 8457. Special provisions. 1. This section shall apply to all
24 professions licensed pursuant to this article, unless otherwise
25 provided.

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

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

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

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

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

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

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

13 § 8458. Boundaries of professional competency. 1. It shall be deemed
14 practicing outside the boundaries of his or her professional competence
15 for a person licensed pursuant to this article, in the case of treatment
16 of any serious mental illness, to provide any mental health service for
17 such illness on a continuous and sustained basis without a medical eval-
18 uation of the illness by, and in consultation with, a physician regard-
19 ing such illness. Such medical evaluation and consultation shall be to
20 determine and advise whether any medical care is indicated for such
21 illness. For purposes of this section, "serious mental illness" means
22 schizophrenia, schizoaffective disorder, bipolar disorder, major depres-
23 sive disorder, panic disorder, and obsessive-compulsive disorder.

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

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

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

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

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

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

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

55 (v) During the provision of music therapy services to a client, the
56 licensee shall collaborate, as applicable, with the client's treatment

1 team, including physicians, psychologists, licensed clinical social
2 workers, or other mental health professionals.

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

7 § 8459. Mandatory continuing competency. 1. (a) Each licensed profes-
8 sional music therapist or licensed clinical music therapist shall regis-
9 ter triennially with the department to practice in the state and must
10 comply with the provisions of the mandatory continuing competency
11 requirements prescribed in this section, except as provided in para-
12 graphs (b) and (c) of this subdivision. Those who do not satisfy the
13 mandatory continuing competency requirements shall not be authorized to
14 practice until they have met such requirements, and they have been
15 issued a registration certificate, except that a person may practice
16 without having met such requirements if he or she is issued a condi-
17 tional registration pursuant to subdivision four of this section.

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

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

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

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

53 (b) Thereafter, a licensee who has not satisfied the mandatory contin-
54 uing competency requirements shall not be issued a triennial registra-
55 tion certificate by the department and shall not practice unless and

1 until a conditional registration certificate is issued as provided for
2 in subdivision four of this section.

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

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

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

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

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

43 (d) or an equivalent organization as determined by the department.
44 Organizations that fall under the first three paragraphs listed above do
45 not have to submit a fee or an application for approval as a provider of
46 continuing education for music therapists. However, they must register
47 with the state board for music therapy by completing an approved provid-
48 er registration form. Educational institutions which provide education
49 as part of a licensure qualifying program or sponsors who have had their
50 course approved by the Certification Board for Music Therapists, Inc.
51 (CBMT) do not need to submit an application. Courses approved by the
52 CBMT automatically qualify for approval in New York state. The depart-
53 ment may, in its discretion and as needed to contribute to the health
54 and welfare of the public, require the completion of continuing compe-
55 tency learning activities in specific subjects to fulfill this mandatory
56 continuing competency requirement. Learning activities must be taken

1 from a sponsor approved by the department, pursuant to the regulations
2 of the commissioner.

3 6. A licensed professional music therapist or licensed clinical music
4 therapist shall maintain adequate documentation of completion of accept-
5 able continuing competency activities and shall provide such documenta-
6 tion at the request of the department. Failure to provide such documen-
7 tation upon request of the department shall be an act of misconduct
8 subject to the disciplinary proceedings pursuant to section sixty-five
9 hundred ten of this title.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40 (b) With respect to a professional service limited liability company
41 formed to provide medical services as such services are defined in arti-
42 cle 131 of the education law, each member of such limited liability
43 company must be licensed pursuant to article 131 of the education law to
44 practice medicine in this state. With respect to a professional service
45 limited liability company formed to provide dental services as such
46 services are defined in article 133 of the education law, each member of
47 such limited liability company must be licensed pursuant to article 133
48 of the education law to practice dentistry in this state. With respect
49 to a professional service limited liability company formed to provide
50 veterinary services as such services are defined in article 135 of the
51 education law, each member of such limited liability company must be
52 licensed pursuant to article 135 of the education law to practice veter-
53 inary medicine in this state. With respect to a professional service
54 limited liability company formed to provide professional engineering,
55 land surveying, architectural, landscape architectural and/or geological
56 services as such services are defined in article 145, article 147 and

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

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

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

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

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

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

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

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

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

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