

STATE OF NEW YORK

6819

2023-2024 Regular Sessions

IN SENATE

May 10, 2023

Introduced by Sen. SCARCELLA-SPANTON -- read twice and ordered printed,
and when printed to be committed 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 Assem-
bly, 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.

22 § 8451. Definitions. 1. (a) The practice of licensed professional
23 music therapy shall mean the clinical and evidence-based use of music
24 interventions to accomplish individualized goals for people of all ages

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

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1 and ability levels within a therapeutic relationship, through the devel-
2 opment of music therapy treatment plans specific to the needs and
3 strengths of the client who may be seen individually and/or in groups.

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

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

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

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

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

29 § 8452. Authorized practice and the use of the titles "licensed
30 professional music therapist" and "licensed clinical music therapist".

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

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

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

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

43 § 8453. State board for music therapy. A state board for music therapy
44 "the board", shall be appointed by the board of regents on recommenda-
45 tion of the commissioner for the purpose of assisting the board of
46 regents and the department on matters of professional licensing, prac-
47 tice, and conduct in accordance with section sixty-five hundred eight of
48 this title. The board shall be composed of not less than twelve members,
49 of which five shall be licensed professional music therapists, five
50 shall be licensed clinical music therapists, and two shall be members of
51 the public. Members of the first board need not be licensed prior to
52 their appointment to the board. The terms of the first appointed members
53 shall be staggered so that four are appointed for three years, four are
54 appointed for four years, and four are appointed for five years. An
55 executive secretary to the board shall be appointed by the board of

1 regents on recommendation of the commissioner and shall be licensed
2 pursuant to this article.

3 § 8454. Requirements for a license. 1. To qualify for a license as a
4 "licensed professional music therapist," an applicant shall fulfill the
5 following requirements:

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

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

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

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

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

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

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

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

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

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

37 (i) human growth and development;

38 (ii) theories in music therapy;

39 (iii) group dynamics;

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

41 (v) research and program evaluation;

42 (vi) professional orientation and ethics;

43 (vii) foundations of music therapy and psychopathology;

44 (viii) clinical instruction;

45 (c) Experience: have completed at least fifteen hundred hours of post-
46 master's supervised experience in music therapy satisfactory to the
47 department and in accordance with the commissioner's regulations. Satis-
48 factory experience obtained in an entity operating under a waiver issued
49 by the department pursuant to section sixty-five hundred three-a of this
50 title may be accepted by the department, notwithstanding that such expe-
51 rience may have been obtained prior to the effective date of such
52 section and/or prior to the entity having obtained a waiver. The
53 department may, for good cause shown, accept satisfactory experience
54 that was obtained in a setting that would have been eligible for a waiv-
55 er but which has not obtained a waiver from the department or experience
56 that was obtained in good faith by the applicant under the belief that

appropriate authorization had been obtained for the experience, provided that such experience meets all other requirements for acceptable experience;

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

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

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

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

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

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

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

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

2. Prohibit or limit any individual who is credentialed under any law, including attorneys, rape crisis counselors, certified alcoholism coun-

selors and certified substance abuse counselors from providing mental health services within their respective established authorities.

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

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

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

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

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

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

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

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

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

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

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

7. Any person who possesses a master's degree in music therapy or a related field on the effective date of this section, who has five years

1 of post-graduate music therapy employment and holds an active board
2 certification credential in music therapy from a national certification
3 body, and meets the requirements for a license pursuant to this article,
4 except for examination, and who files with the department within one
5 year of the effective date of this section, shall be licensed as a
6 licensed clinical music therapist.

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

11 § 8458. Boundaries of professional competency. 1. It shall be deemed
12 practicing outside the boundaries of his or her professional competence
13 for a person licensed pursuant to this article, in the case of treatment
14 of any serious mental illness, to provide any mental health service for
15 such illness on a continuous and sustained basis without a medical eval-
16 uation of the illness by, and in consultation with, a physician regard-
17 ing such illness. Such medical evaluation and consultation shall be to
18 determine and advise whether any medical care is indicated for such
19 illness. For purposes of this section, "serious mental illness" means
20 schizophrenia, schizoaffective disorder, bipolar disorder, major depres-
21 sive disorder, panic disorder, and obsessive-compulsive disorder.

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

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

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

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

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

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

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

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

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

5 § 8459. Mandatory continuing competency. 1. (a) Each licensed profes-
6 sional music therapist or licensed clinical music therapist shall regis-
7 ter triennially with the department to practice in the state and must
8 comply with the provisions of the mandatory continuing competency
9 requirements prescribed in this section, except as provided in para-
10 graphs (b) and (c) of this subdivision. Those who do not satisfy the
11 mandatory continuing competency requirements shall not be authorized to
12 practice until they have met such requirements, and they have been
13 issued a registration certificate, except that a person may practice
14 without having met such requirements if he or she is issued a condi-
15 tional registration pursuant to subdivision four of this section.

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

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

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

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

51 (b) Thereafter, a licensee who has not satisfied the mandatory contin-
52 uing competency requirements shall not be issued a triennial registra-
53 tion certificate by the department and shall not practice unless and
54 until a conditional registration certificate is issued as provided for
55 in subdivision four of this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 (b) With respect to a professional service limited liability company
39 formed to provide medical services as such services are defined in arti-
40 cle 131 of the education law, each member of such limited liability
41 company must be licensed pursuant to article 131 of the education law to
42 practice medicine in this state. With respect to a professional service
43 limited liability company formed to provide dental services as such
44 services are defined in article 133 of the education law, each member of
45 such limited liability company must be licensed pursuant to article 133
46 of the education law to practice dentistry in this state. With respect
47 to a professional service limited liability company formed to provide
48 veterinary services as such services are defined in article 135 of the
49 education law, each member of such limited liability company must be
50 licensed pursuant to article 135 of the education law to practice veter-
51 inary medicine in this state. With respect to a professional service
52 limited liability company formed to provide professional engineering,
53 land surveying, architectural, landscape architectural and/or geological
54 services as such services are defined in article 145, article 147 and
55 article 148 of the education law, each member of such limited liability
56 company must be licensed pursuant to article 145, article 147 and/or

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

37 § 10. Subdivision (a) of section 1301 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 (a) "Foreign professional service limited liability company" means a
41 professional service limited liability company, whether or not denomi-
42 nated as such, organized under the laws of a jurisdiction other than
43 this state, (i) each of whose members and managers, if any, is a profes-
44 sional authorized by law to render a professional service within this
45 state and who is or has been engaged in the practice of such profession
46 in such professional service limited liability company or a predecessor
47 entity, or will engage in the practice of such profession in the profes-
48 sional service limited liability company within thirty days of the date
49 such professional becomes a member, or each of whose members and manag-
50 ers, if any, is a professional at least one of such members is author-
51 ized by law to render a professional service within this state and who
52 is or has been engaged in the practice of such profession in such
53 professional service limited liability company or a predecessor entity,
54 or will engage in the practice of such profession in the professional
55 service limited liability company within thirty days of the date such
56 professional becomes a member, or (ii) authorized by, or holding a

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

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

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

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

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

(q) Each partner of a foreign limited liability partnership which provides medical services in this state must be licensed pursuant to article 131 of the education law to practice medicine in the state and

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

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