

# STATE OF NEW YORK

1679--A

2023-2024 Regular Sessions

## IN SENATE

January 13, 2023

Introduced by Sens. HINCHEY, JACKSON, PALUMBO -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, the limited liability company law, the partnership law and the public health law, in relation to the practice of naturopathy; and to amend the social services law, in relation to the reporting of child abuse

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 138 to  
2 read as follows:

### ARTICLE 138

#### NATUROPATHIC MEDICINE

##### Section 6850. Introduction.

6 6851. Definition of the practice of naturopathic medicine.

7 6852. Practice of naturopathic medicine and use of title "Natu-  
8 ropathic Doctor".

9 6853. Injection therapy and injection therapy privilege.

10 6854. Boundaries of professional competence.

11 6855. State board for naturopathic medicine.

12 6856. Qualifications for licensure.

13 6857. Special provisions.

14 6858. Exempt persons and exemptions.

15 6859. Limited residency permits.

16 6860. Limited permits.

17 6861. Mandatory continuing education.

18 § 6850. Introduction. This article applies to the licensure and regu-  
19 lation of naturopathic doctors to practice naturopathic medicine in this  
20 state. The general provisions for all professions contained in article  
21 one hundred thirty of this title apply to this article.

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

LBD05380-02-3

1     § 6851. Definition of the practice of naturopathic medicine. 1. The  
2 practice of naturopathic medicine, a distinct and comprehensive system  
3 of primary health care, is defined as facilitating wellness and prevent-  
4 ing, diagnosing and treating any human disease, pain, injury, deformity,  
5 physical condition, or maladaptive behavior using methods, including,  
6 but not limited to:

7     a. patient interview.

8     b. comprehensive physical examination.

9     c. ordering and prescribing laboratory tests and procedures with labo-  
10 ratories that hold a permit pursuant to title five of article five of  
11 the public health law.

12     d. administering in-office laboratory tests and provider-performed  
13 microscopy procedures under a clinical laboratory improvement amendment  
14 of 1988 (CLIA) certificate, as an adjunct to the treatment of his or her  
15 own patients.

16     e. specimen collection methods including, patient submission, phlebo-  
17 tomy, hair specimen cutting, nasopharyngeal wash, and procedures for  
18 collecting tissue, secretions, excretions and cytology samples with a  
19 speculum, spatula, swab, brush or container.

20     f. ordering and prescribing diagnostic imaging including radiography,  
21 tomography, magnetic resonance imaging, ultrasonography and thermogra-  
22 phy, and excluding ordering and prescribing nuclear medicine and fluo-  
23 roscopy.

24     g. using ingestible sensors in the alimentary canal for diagnostic  
25 purposes.

26     h. administering and prescribing diet and lifestyle counseling and  
27 patient education as to circumstances of health and illness.

28     i. administering and prescribing counseling, biofeedback, and hypnosis  
29 with the intent of assisting a person to manage stressors, modify mala-  
30 adaptive behavior and maintain wellness.

31     j. administering and prescribing naturopathic manual therapy as the  
32 application of touch, massage, stretching, resistance, joint mobiliza-  
33 tion and joint manipulation.

34     k. administering and prescribing therapeutic exercise.

35     l. administering and prescribing naturopathic physical agent modali-  
36 ties of hydrotherapy, colonic irrigation, electrotherapy, diathermy,  
37 ultrasound and phototherapy.

38     m. administering, prescribing, ordering and dispensing therapeutic  
39 devices that do not require a prescription.

40     n. prescribing, ordering, installing, removing and adjusting barrier  
41 contraceptive devices.

42     o. administering, prescribing, ordering, and dispensing substances  
43 that do not require a prescription under the federal food, drug and  
44 cosmetic act, as amended, including, but not limited to, over-the-coun-  
45 ter drugs, vitamins, minerals, amino acids, botanical preparations,  
46 homeopathic preparations, dietary supplements, food concentrates, food  
47 extracts and other dietary ingredients.

48     p. administering and prescribing the following drugs for which a  
49 prescription is required under the federal food, drug and cosmetic act:

50     (i) epinephrine to treat anaphylaxis; and

51     (ii) natural and synthetic hormones.

52     2. In the practice of naturopathic medicine a naturopathic doctor may  
53 use routes of administration that include oral, sublingual, buccal,  
54 nasal, auricular, ocular, rectal, vaginal, transdermal, and, for  
55 epinephrine, injection by auto-injection device.

3. In the practice of naturopathic medicine a naturopathic doctor may use medical devices that are exempt or are class i or class ii devices identified under title twenty-one of the code of federal regulations.

§ 6852. Practice of naturopathic medicine and use of title "Naturopathic Doctor". 1. Only a person licensed under this article may use the title "naturopathic doctor", "licensed naturopath" or "professional naturopath" and hold herself or himself out as practicing naturopathic medicine.

2. No person licensed under this article shall hold herself or himself out as practicing any other profession regulated by this title, or use a title of any other profession, unless otherwise authorized under this title.

§ 6853. Injection therapy and injection therapy privilege. 1. For issuance of a privilege to practice injection therapy as such term is used in this article, the applicant shall fulfill the following requirements:

a. Application: file an application with the department for the injection therapy privilege;

b. License status: be licensed or hold either a limited residency permit or limited permit to practice the profession of naturopathic medicine in this state;

c. Training: (i) have successfully completed a course in injection therapy having a syllabus and practicum in accordance with regulations promulgated by the commissioner from a course provider approved by the department; (ii) have successfully completed training in injection therapy as part of a program of naturopathic medicine registered with the department or the substantial equivalent thereof; or (iii) provide documentation that he or she has training and experience in injection therapy that is acceptable to the department;

d. Fee: pay a fee to the department of two hundred dollars for the issuance and initial registration of the injection therapy privilege.

2. An injection therapy privilege issued under this section shall be valid for the life of the holder, unless revoked, annulled, or suspended by the board of regents, or unless expired. Such a privilege shall be subject to the same oversight and disciplinary provisions as licenses issued under this title. The holder of a privilege issued under this section shall register with the department as a privilege holder in the same manner and subject to the same provisions as required of a licensee pursuant to section sixty-five hundred two of this title. The fee for such registration shall be one hundred dollars. The registration period for a privilege holder shall be coterminous with his or her registration by license or permit to practice the profession of naturopathic medicine.

3. A student in a doctoral program of naturopathic medicine acceptable to the department or the substantial equivalent thereof may perform injection therapy in an internship or preceptorship setting when required as part of such program for the purpose of fulfilling such program requirement only under the direct supervision of a physician licensed under this title or a naturopathic doctor licensed under this article having injection therapy privilege who is professionally responsible for the performance of the injection procedure, and is able to be available to furnish assistance and direction throughout the performance of the injection procedure, but need not be present in the room when the injection procedure is performed.

4. a. Injection therapy is administering and prescribing, in compliance with federal and state law, the following: (i) these substances,

1 when such substances are chemically identical to those for sale without  
2 a prescription: vitamins, minerals, amino acids, glutathione, botan-  
3 icals and their extracts, homeopathic preparations, electrolytes, sugars  
4 and diluents; and (ii) natural and synthetic hormones, lidocaine and  
5 plasma.

6 b. Injection therapy is limited to the following routes of adminis-  
7 tration: intravenous, intramuscular, intra-articular, subcutaneous and  
8 intradermal.

9 § 6854. Boundaries of professional competence. The activities encom-  
10 passed within the definition of the practice of naturopathic medicine  
11 shall not include:

12 1. administering or prescribing controlled substances;

13 2. diagnostic and therapeutic methods in which bone, viscera, the  
14 eyeball, the inner ear, the dorsal body cavity, or the ventral body  
15 cavity is penetrated by a physical device;

16 3. surgery as a medical procedure for structurally altering the human  
17 body by cutting into live human tissue for the purpose of localized  
18 alteration, transportation, or destruction of live human tissue using  
19 ionizing radiation or an instrument, such as a laser, scalpel or probe.  
20 Nothing in this delimitation of surgery shall preclude injection;

21 4. administering radiological procedures using ionizing radiation  
22 above background levels;

23 5. administering or prescribing general or spinal anesthetic drugs;

24 6. obstetric services following detection of pregnancy through deliv-  
25 ery or termination, other than prenatal wellness care;

26 7. acupuncture;

27 8. setting fractures;

28 9. treatment for malignancies other than ancillary therapies provided  
29 in collaboration with an oncologist;

30 10. emergency care services for treating injuries or trauma from a  
31 serious accident or a violent crime, except as permitted by article  
32 thirty of the public health law; and

33 11. marital and family therapy, psychoanalysis and creative arts ther-  
34 apy.

35 § 6855. State board for naturopathic medicine. 1. A state board for  
36 naturopathic medicine shall be appointed by the board of regents on the  
37 recommendation of the commissioner for the purpose of assisting the  
38 board of regents and the department on matters of professional licensing  
39 and professional conduct in accordance with section sixty-five hundred  
40 eight of this title. The board shall be composed of two members of the  
41 public who are consumers of naturopathic medicine and not employed by  
42 nor practitioners of naturopathic medicine under this article, two  
43 licensed physicians who are a doctor of medicine or a doctor of osteopa-  
44 thy, and not less than six persons licensed under this article. A  
45 naturopathic doctor member of the board shall have been licensed under  
46 this article for at least two years prior to being appointed, which two  
47 year license requirement is waived for the initial board and replaced  
48 with a requirement that the naturopathic doctor obtain a license under  
49 this article within one year of appointment or one year of the effective  
50 date of this article, whichever comes later. The terms of the first  
51 appointed members shall be staggered so that three are appointed for  
52 three years, three are appointed for four years, and four are appointed  
53 for five years. An executive secretary of the board shall be appointed  
54 by the board of regents on the recommendation of the commissioner.

55 2. Examinations selected or prepared by the board pursuant to subdivi-  
56 sion two of section sixty-five hundred eight of this title shall conform

1 whenever possible to nationally recognized test development standards  
2 and test competencies for naturopathic medicine.

3 § 6856. Qualifications for licensure. To qualify for a license to  
4 practice the profession of naturopathic medicine, an applicant shall  
5 fulfill the following requirements:

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

7 2. Education: have received an education, including a doctoral degree  
8 in naturopathic medicine, granted on the basis of completion of a  
9 program of naturopathic medicine registered with the department or the  
10 substantial equivalent thereof, in accordance with the commissioner's  
11 regulations;

12 3. Experience: have satisfactorily completed a post-graduate residen-  
13 cy program of naturopathic medicine of at least twelve months duration  
14 approved by the department, or the substantial equivalent thereof, and  
15 in accordance with the commissioner's regulations;

16 4. Examination: pass an examination satisfactory to the board and in  
17 accordance with the commissioner's regulations;

18 5. Age: be at least twenty-one years of age;

19 6. Character: be of good moral character as determined by the depart-  
20 ment; and

21 7. Fee: pay a fee of three hundred fifty dollars to the department for  
22 an initial license and a fee of five hundred dollars for each triennial  
23 registration period.

24 § 6857. Special provisions. 1. Post-effective date graduates. A person  
25 shall qualify for a license to practice the profession of naturopathic  
26 medicine without residency experience, provided that within ten years of  
27 the effective date of this article, the person meets the following  
28 requirements:

29 a. as per section sixty-eight hundred fifty-three of this article,  
30 files an application, meets the education, examination, age and charac-  
31 ter requirements, and pays the appropriate fees; and

32 b. establishes proof of practice by (i) providing satisfactory  
33 evidence of practice of naturopathic medicine to the department of not  
34 less than three years during the five years preceding the filing of the  
35 application, or (ii) practicing under a limited permit in the state for  
36 at least two of the three years preceding the filing of the application.

37 2. Pre-nineteen hundred eighty-eight graduates. A person shall qualify  
38 for a license to practice the profession of naturopathic medicine with-  
39 out residency experience or examination, provided that within ten years  
40 of the effective date of this article, the person meets the following  
41 requirements:

42 a. as per section sixty-eight hundred fifty-three of this article,  
43 files an application, meets the age and character requirements, and pays  
44 the appropriate fees; and

45 b. has graduated prior to January first, nineteen hundred eighty-eight  
46 from a doctoral degree program of naturopathic medical education from  
47 John Bastyr College of Naturopathic Medicine, later renamed Bastyr  
48 University, or National College of Naturopathic Medicine, later renamed  
49 National University of Natural Medicine; and

50 c. establishes proof of practice by (i) providing satisfactory  
51 evidence of practice of naturopathic medicine to the department of not  
52 less than three years during the five years preceding the filing of the  
53 application, or (ii) practicing under a limited permit in the state for  
54 at least two of the three years preceding the filing of the application.

55 3. Post-nineteen hundred eighty-seven pre-effective date graduates. A  
56 person shall qualify for a license to practice the profession of naturo-



1 pathic medicine with or without residency experience, provided that  
2 within ten years of the effective date of this article, the person meets  
3 the following requirements:

4 a. as per section sixty-eight hundred fifty-three of this article,  
5 files an application, meets the age and character requirements, and pays  
6 the appropriate fees; and

7 b. have graduated from a doctoral degree program of naturopathic  
8 medical education that at the time of graduation was accredited by the  
9 council on naturopathic medical education; and

10 c. establish proof of practice by (i) having successfully completed,  
11 no more than three years prior to filing the application, a post-gradu-  
12 ate residency program of naturopathic medicine of at least twelve months  
13 duration sponsored by an institution approved by the council on naturo-  
14 pathic medical education to sponsor residency programs; (ii) providing  
15 satisfactory evidence of practice of naturopathic medicine to the  
16 department of not less than three years during the five years preceding  
17 the filing of the application; or (iii) practicing under a limited  
18 permit in the state for at least two of the three years preceding the  
19 filing of the application; and

20 d. have passed the naturopathic physicians licensing examinations  
21 (NPLEX) administered by the North American board of naturopathic examin-  
22 ers.

23 4. The "practice of naturopathic medicine" as used in this section  
24 includes the practice of naturopathy or naturopathic medicine in a state  
25 or territory of the United States, including New York state, or a Cana-  
26 dian province, while maintaining a professional license in naturopathy  
27 or naturopathic medicine issued by the same or another state or territo-  
28 ry or a Canadian province; and includes practice performed before and  
29 after the effective date of this article.

30 § 6858. Exempt persons and exemptions. Nothing contained in this arti-  
31 cle shall be construed to affect or prevent the following:

32 1. The practice, conduct, activities or services of any person  
33 licensed under this title performed incidental to the practice of his or  
34 her profession, provided, however, that no such person may use the title  
35 naturopathic doctor nor use the words "naturopathic medicine" to  
36 describe his or her services, unless licensed under this article.

37 2. A student, intern or resident from engaging in the practice of  
38 naturopathic medicine while participating in the education or experience  
39 requirements defined in subdivisions two and three of section sixty-  
40 eight hundred fifty-seven of this article.

41 3. The practice of naturopathic medicine by a salaried employee of the  
42 government of the United States while the individual is engaged in the  
43 performance of duties prescribed by the laws and regulations of the  
44 United States.

45 4. The domestic care of the sick, disabled or injured by any family  
46 member, household member or friend, or person employed primarily in a  
47 domestic capacity who does not hold himself or herself out, or accept  
48 employment as a person licensed to practice naturopathic medicine under  
49 the provisions of this article.

50 5. The care of the sick when done in connection with the practice of  
51 the religious tenets of any church.

52 6. The marketing, sale or use of substances or devices governed by the  
53 Federal Food, Drug, and Cosmetic Act that do not require a prescription  
54 from a qualified healthcare provider.

55 7. The conduct, activities, or services of individuals, churches,  
56 schools, teachers, organizations, or not-for-profit businesses in

1 providing instruction, advice, support, encouragement, or information to  
2 individuals, families, and relational groups.

3 8. A person who does not hold himself or herself out to be a licensed  
4 naturopathic doctor from providing general non-medical applications of  
5 air, light, water, food and herbs to the body.

6 § 6859. Limited residency permits. 1. Eligibility: For issuance of a  
7 limited residency permit, the applicant shall fulfill the following  
8 requirements:

9 a. Application: file an application with the department for a limited  
10 residency permit;

11 b. Education: have received an education, including a doctoral degree  
12 in naturopathic medicine, granted on the basis of completion of a  
13 program of naturopathic medicine registered with the department or the  
14 substantial equivalent thereof;

15 c. Acceptance: have been accepted into a post-graduate residency  
16 program of naturopathic medicine approved by the department;

17 d. Character: be of good moral character as determined by the depart-  
18 ment; and

19 e. Age: be at least twenty-one years of age.

20 2. Limits of practice: All practices under a limited residency permit  
21 shall be limited to facilities encompassed by the post-graduate residen-  
22 cy program of the permit holder, such as a hospital, an incorporated  
23 hospital or clinic, a licensed proprietary hospital, a licensed nursing  
24 home, a public health agency, a recognized public or non-public school  
25 setting, the office of a licensed naturopathic doctor, the office of a  
26 licensed physician, or in the civil service of the state or political  
27 subdivision thereof. Practice supervision of a permit holder's practice  
28 activities shall be direct supervision by a licensed naturopathic doctor  
29 or a licensed physician who is professionally responsible for the  
30 performance of the procedure, and is capable of responding to a request  
31 for assistance within a timeframe that poses no risk to the patient.

32 3. Duration: A limited residency permit shall be valid for one year  
33 and may be renewed at the discretion of the department for up to two  
34 years at the discretion of the department.

35 4. Fee: The fee for each limited residency permit shall be one hundred  
36 dollars. The fee for each renewal shall be fifty dollars.

37 § 6860. Limited permits. 1. Eligibility: A limited permit is issued  
38 for the purpose of permitting an applicant to establish proof of prac-  
39 tice for purposes of meeting the requirements for licensure under the  
40 special provisions of section sixty-eight hundred fifty-eight of this  
41 article. For issuance of a limited permit, the applicant shall fulfill  
42 the following requirements:

43 a. Application: file an application with the department for a limited  
44 permit within nine years of the effective date of this article;

45 b. Character: be of good moral character as determined by the depart-  
46 ment;

47 c. Age: be at least twenty-one years of age; and

48 d. Special provision applicability:

49 (i) meet the education and examination requirements of section sixty-  
50 eight hundred fifty-three of this article;

51 (ii) have graduated prior to January first, nineteen hundred eighty-  
52 eight from a doctoral degree program of naturopathic medical education  
53 from John Bastyr College of Naturopathic Medicine, later renamed Bastyr  
54 University, or National College of Naturopathic Medicine, later renamed  
55 National University of Natural Medicine; or

1 (iii) have graduated from a doctoral degree program of naturopathic  
2 medical education that at the time of graduation was accredited by the  
3 council on naturopathic medical education, and have passed the naturo-  
4 pathic physicians licensing examinations (NPLEX) administered by the  
5 North American board of naturopathic examiners.

6 2. Limit of practice: Such limited permit shall authorize the practice  
7 of naturopathic medicine only under the supervision of a licensed natu-  
8 ropathic doctor or a licensed physician. Supervision of the limited  
9 permit holder's practice activities shall be on-site supervision by a  
10 licensed naturopathic doctor or a licensed physician.

11 3. Duration: A limited permit shall be valid for a period of two  
12 years, and may be renewed periodically at the discretion of the depart-  
13 ment for one year periods.

14 4. Fee: The fee for each limited permit shall be two hundred dollars.  
15 The fee for each renewal shall be one hundred dollars.

16 § 6861. Mandatory continuing education. 1. a. Each naturopathic doctor  
17 licensed pursuant to this article, required to register triennially with  
18 the department to practice in this state shall comply with the  
19 provisions of the mandatory continuing education requirements prescribed  
20 in subdivision two of this section, except as provided in paragraphs b  
21 and c of this subdivision. Naturopathic doctors who do not satisfy the  
22 mandatory continuing education requirements shall not practice until  
23 they have met such requirements, and they have been issued a registra-  
24 tion certificate, except that a naturopathic doctor may practice without  
25 having met such requirements if he or she is issued a conditional regis-  
26 tration pursuant to subdivision three of this section.

27 b. Naturopathic doctors shall be exempt from the mandatory continuing  
28 education requirement for the triennial registration period during which  
29 they are first licensed. In accord with the intent of this section,  
30 adjustments to the mandatory continuing education requirements may be  
31 granted by the department for reasons of health certified by an appro-  
32 priate health care professional, for extended active duty with the armed  
33 forces of the United States, or for other good cause acceptable to the  
34 department, which may prevent compliance.

35 c. A licensed naturopathic doctor not engaged in professional prac-  
36 tice, as determined by the department, shall be exempt from the mandato-  
37 ry continuing education requirement upon the filing of a statement with  
38 the department declaring such status. Any licensee who returns to the  
39 practice of naturopathic medicine during the triennial registration  
40 period shall notify the department prior to reentering the profession  
41 and shall meet such mandatory education requirements as shall be  
42 prescribed by regulations of the commissioner.

43 2. During each triennial registration period an applicant for regis-  
44 tration shall complete sixty hours of acceptable formal continuing  
45 education. Any licensed naturopathic doctor whose first registration  
46 date following the effective date of this section occurs less than three  
47 years from such effective date, shall complete continuing education  
48 hours on a prorated basis at the rate of one and one-half hours per  
49 month for the number of months between the effective date and the first  
50 registration date. Thereafter, a licensee who has not satisfied the  
51 mandatory continuing education requirements shall not be issued a trien-  
52 niel registration certificate by the department and shall not practice  
53 unless and until a conditional registration certificate is issued as  
54 provided in subdivision three of this section. Continuing education  
55 hours taken during one triennium may not be carried over or otherwise  
56 credited or transferred to a subsequent triennium.



1 3. The department, in its discretion, may issue a conditional regis-  
2 tration to a licensee who fails to meet the continuing education  
3 requirements established in subdivision two of this section but who  
4 agrees to make up any deficiencies and take any additional education  
5 which the department may require. The fee for such a conditional regis-  
6 tration shall be the same as, and in addition to, the fee for the trien-  
7 niennial registration. The duration of such conditional registration shall  
8 be determined by the department but shall not exceed one year. Any  
9 licensee who is notified of the denial of registration for failure to  
10 complete the required continued education and who continues to practice  
11 naturopathic medicine without such registration, shall be subject to  
12 disciplinary proceedings pursuant to section sixty-five hundred ten of  
13 this title.

14 4. The mandatory continuing education fee shall be fifty dollars. Such  
15 fee shall be payable on or before the first day of each triennial regis-  
16 tration period in addition to the triennial registration fee required by  
17 section sixty-eight hundred fifty-six of this article.

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

21 (a) Notwithstanding the education law or any other provision of law,  
22 one or more professionals each of whom is authorized by law to render a  
23 professional service within the state, or one or more professionals, at  
24 least one of whom is authorized by law to render a professional service  
25 within the state, may form, or cause to be formed, a professional  
26 service limited liability company for pecuniary profit under this arti-  
27 cle for the purpose of rendering the professional service or services as  
28 such professionals are authorized to practice. With respect to a  
29 professional service limited liability company formed to provide medical  
30 services as such services are defined in article 131 of the education  
31 law, each member of such limited liability company must be licensed  
32 pursuant to article 131 of the education law to practice medicine in  
33 this state. With respect to a professional service limited liability  
34 company formed to provide naturopathic services as such services are  
35 defined in article 138 of the education law, each member of such limited  
36 liability company must be licensed pursuant to article 138 of the educa-  
37 tion law to practice naturopathy in this state. With respect to a  
38 professional service limited liability company formed to provide dental  
39 services as such services are defined in article 133 of the education  
40 law, each member of such limited liability company must be licensed  
41 pursuant to article 133 of the education law to practice dentistry in  
42 this state. With respect to a professional service limited liability  
43 company formed to provide veterinary services as such services are  
44 defined in article 135 of the education law, each member of such limited  
45 liability company must be licensed pursuant to article 135 of the educa-  
46 tion law to practice veterinary medicine in this state. With respect to  
47 a professional service limited liability company formed to provide  
48 professional engineering, land surveying, architectural, landscape  
49 architectural and/or geological services as such services are defined in  
50 article 145, article 147 and article 148 of the education law, each  
51 member of such limited liability company must be licensed pursuant to  
52 article 145, article 147 and/or article 148 of the education law to  
53 practice one or more of such professions in this state. With respect to  
54 a professional service limited liability company formed to provide  
55 licensed clinical social work services as such services are defined in  
56 article 154 of the education law, each member of such limited liability

1 company shall be licensed pursuant to article 154 of the education law  
2 to practice licensed clinical social work in this state. With respect to  
3 a professional service limited liability company formed to provide crea-  
4 tive arts therapy services as such services are defined in article 163  
5 of the education law, each member of such limited liability company must  
6 be licensed pursuant to article 163 of the education law to practice  
7 creative arts therapy in this state. With respect to a professional  
8 service limited liability company formed to provide marriage and family  
9 therapy services as such services are defined in article 163 of the  
10 education law, each member of such limited liability company must be  
11 licensed pursuant to article 163 of the education law to practice  
12 marriage and family therapy in this state. With respect to a profes-  
13 sional service limited liability company formed to provide mental health  
14 counseling services as such services are defined in article 163 of the  
15 education law, each member of such limited liability company must be  
16 licensed pursuant to article 163 of the education law to practice mental  
17 health counseling in this state. With respect to a professional service  
18 limited liability company formed to provide psychoanalysis services as  
19 such services are defined in article 163 of the education law, each  
20 member of such limited liability company must be licensed pursuant to  
21 article 163 of the education law to practice psychoanalysis in this  
22 state. With respect to a professional service limited liability company  
23 formed to provide applied behavior analysis services as such services  
24 are defined in article 167 of the education law, each member of such  
25 limited liability company must be licensed or certified pursuant to  
26 article 167 of the education law to practice applied behavior analysis  
27 in this state. In addition to engaging in such profession or  
28 professions, a professional service limited liability company may engage  
29 in any other business or activities as to which a limited liability  
30 company may be formed under section two hundred one of this chapter.  
31 Notwithstanding any other provision of this section, a professional  
32 service limited liability company (i) authorized to practice law may  
33 only engage in another profession or business or activities or (ii)  
34 which is engaged in a profession or other business or activities other  
35 than law may only engage in the practice of law, to the extent not  
36 prohibited by any other law of this state or any rule adopted by the  
37 appropriate appellate division of the supreme court or the court of  
38 appeals.

39 § 3. Subdivision (b) of section 1207 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 (b) With respect to a professional service limited liability company  
43 formed to provide medical services as such services are defined in arti-  
44 cle 131 of the education law, each member of such limited liability  
45 company must be licensed pursuant to article 131 of the education law to  
46 practice medicine in this state. With respect to a professional service  
47 limited liability company formed to provide naturopathic services as  
48 such services are defined in article 138 of the education law, each  
49 member of such limited liability company must be licensed pursuant to  
50 article 138 of the education law to practice naturopathy in this state.  
51 With respect to a professional service limited liability company formed  
52 to provide dental services as such services are defined in article 133  
53 of the education law, each member of such limited liability company must  
54 be licensed pursuant to article 133 of the education law to practice  
55 dentistry in this state. With respect to a professional service limited  
56 liability company formed to provide veterinary services as such services

are defined in article 135 of the education law, each member of such limited liability company must be licensed pursuant to article 135 of the education law to practice veterinary medicine in this state. With respect to a professional service limited liability company formed to provide professional engineering, land surveying, architectural, landscape architectural and/or geological services as such services are defined in article 145, article 147 and article 148 of the education law, each member of such limited liability company must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions in this state. With respect to a professional service limited liability company formed to provide licensed clinical social work services as such services are defined in article 154 of the education law, each member of such limited liability company shall be licensed pursuant to article 154 of the education law to practice licensed clinical social work in this state. With respect to a professional service limited liability company formed to provide creative arts therapy services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice creative arts therapy in this state. With respect to a professional service limited liability company formed to provide marriage and family therapy services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice marriage and family therapy in this state. With respect to a professional service limited liability company formed to provide mental health counseling services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice mental health counseling in this state. With respect to a professional service limited liability company formed to provide psychoanalysis services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice psychoanalysis in this state. With respect to a professional service limited liability company formed to provide applied behavior analysis services as such services are defined in article 167 of the education law, each member of such limited liability company must be licensed or certified pursuant to article 167 of the education law to practice applied behavior analysis in this state.

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

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

1 professional service limited liability company or a predecessor entity,  
2 or will engage in the practice of such profession in the professional  
3 service limited liability company within thirty days of the date such  
4 professional becomes a member, or (ii) authorized by, or holding a  
5 license, certificate, registration or permit issued by the licensing  
6 authority pursuant to, the education law to render a professional  
7 service within this state; except that all members and managers, if any,  
8 of a foreign professional service limited liability company that  
9 provides health services in this state shall be licensed in this state.

10 With respect to a professional service limited liability company formed  
11 to provide naturopathic services as such services are defined in article  
12 138 of the education law, each member of such limited liability company  
13 must be licensed pursuant to article 138 of the education law to prac-  
14 tice naturopathy in this state. With respect to a foreign professional

15 service limited liability company which provides veterinary services as  
16 such services are defined in article 135 of the education law, each  
17 member of such foreign professional service limited liability company  
18 shall be licensed pursuant to article 135 of the education law to prac-  
19 tice veterinary medicine. With respect to a foreign professional service  
20 limited liability company which provides medical services as such  
21 services are defined in article 131 of the education law, each member of  
22 such foreign professional service limited liability company must be  
23 licensed pursuant to article 131 of the education law to practice medi-  
24 cine in this state. With respect to a foreign professional service  
25 limited liability company which provides dental services as such  
26 services are defined in article 133 of the education law, each member of  
27 such foreign professional service limited liability company must be  
28 licensed pursuant to article 133 of the education law to practice  
29 dentistry in this state. With respect to a foreign professional service  
30 limited liability company which provides professional engineering, land  
31 surveying, geologic, architectural and/or landscape architectural  
32 services as such services are defined in article 145, article 147 and  
33 article 148 of the education law, each member of such foreign profes-  
34 sional service limited liability company must be licensed pursuant to  
35 article 145, article 147 and/or article 148 of the education law to  
36 practice one or more of such professions in this state. With respect to  
37 a foreign professional service limited liability company which provides  
38 licensed clinical social work services as such services are defined in  
39 article 154 of the education law, each member of such foreign profes-  
40 sional service limited liability company shall be licensed pursuant to  
41 article 154 of the education law to practice clinical social work in  
42 this state. With respect to a foreign professional service limited  
43 liability company which provides creative arts therapy services as such  
44 services are defined in article 163 of the education law, each member of  
45 such foreign professional service limited liability company must be  
46 licensed pursuant to article 163 of the education law to practice crea-  
47 tive arts therapy in this state. With respect to a foreign professional  
48 service limited liability company which provides marriage and family  
49 therapy services as such services are defined in article 163 of the  
50 education law, each member of such foreign professional service limited  
51 liability company must be licensed pursuant to article 163 of the educa-  
52 tion law to practice marriage and family therapy in this state. With  
53 respect to a foreign professional service limited liability company  
54 which provides mental health counseling services as such services are  
55 defined in article 163 of the education law, each member of such foreign  
56 professional service limited liability company must be licensed pursuant

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

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

17 (q) Each partner of a registered limited liability partnership formed  
18 to provide medical services in this state must be licensed pursuant to  
19 article 131 of the education law to practice medicine in this state and  
20 each partner of a registered limited liability partnership formed to  
21 provide dental services in this state must be licensed pursuant to arti-  
22 cle 133 of the education law to practice dentistry in this state. Each  
23 partner of a registered limited liability partnership formed to provide  
24 naturopathic services in this state must be licensed pursuant to article  
25 138 of the education law to practice naturopathy in this state. Each  
26 partner of a registered limited liability partnership formed to provide  
27 veterinary services in this state must be licensed pursuant to article  
28 135 of the education law to practice veterinary medicine in this state.  
29 Each partner of a registered limited liability partnership formed to  
30 provide professional engineering, land surveying, geological services,  
31 architectural and/or landscape architectural services in this state must  
32 be licensed pursuant to article 145, article 147 and/or article 148 of  
33 the education law to practice one or more of such professions in this  
34 state. Each partner of a registered limited liability partnership formed  
35 to provide licensed clinical social work services in this state must be  
36 licensed pursuant to article 154 of the education law to practice clin-  
37 ical social work in this state. Each partner of a registered limited  
38 liability partnership formed to provide creative arts therapy services  
39 in this state must be licensed pursuant to article 163 of the education  
40 law to practice creative arts therapy in this state. Each partner of a  
41 registered limited liability partnership formed to provide marriage and  
42 family therapy services in this state must be licensed pursuant to arti-  
43 cle 163 of the education law to practice marriage and family therapy in  
44 this state. Each partner of a registered limited liability partnership  
45 formed to provide mental health counseling services in this state must  
46 be licensed pursuant to article 163 of the education law to practice  
47 mental health counseling in this state. Each partner of a registered  
48 limited liability partnership formed to provide psychoanalysis services  
49 in this state must be licensed pursuant to article 163 of the education  
50 law to practice psychoanalysis in this state. Each partner of a regis-  
51 tered limited liability partnership formed to provide applied behavior  
52 analysis service in this state must be licensed or certified pursuant to  
53 article 167 of the education law to practice applied behavior analysis  
54 in this state.



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

(q) Each partner of a foreign limited liability partnership which provides medical services in this state must be licensed pursuant to article 131 of the education law to practice medicine in the state and each partner of a foreign limited liability partnership which provides dental services in the state must be licensed pursuant to article 133 of the education law to practice dentistry in this state. Each partner of a foreign limited liability partnership which provides naturopathic services in this state must be licensed pursuant to article 138 of the education law to practice naturopathy in this state. Each partner of a foreign limited liability partnership which provides veterinary service in the state shall be licensed pursuant to article 135 of the education law to practice veterinary medicine in this state. Each partner of a foreign limited liability partnership which provides professional engineering, land surveying, geological services, architectural and/or landscape architectural services in this state must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions. Each partner of a foreign limited liability partnership which provides licensed clinical social work services in this state must be licensed pursuant to article 154 of the education law to practice licensed clinical social work in this state. Each partner of a foreign limited liability partnership which provides creative arts therapy services in this state must be licensed pursuant to article 163 of the education law to practice creative arts therapy in this state. Each partner of a foreign limited liability partnership which provides marriage and family therapy services in this state must be licensed pursuant to article 163 of the education law to practice marriage and family therapy in this state. Each partner of a foreign limited liability partnership which provides mental health counseling services in this state must be licensed pursuant to article 163 of the education law to practice mental health counseling in this state. Each partner of a foreign limited liability partnership which provides psychoanalysis services in this state must be licensed pursuant to article 163 of the education law to practice psychoanalysis in this state. Each partner of a foreign limited liability partnership which provides applied behavior analysis services in this state must be licensed or certified pursuant to article 167 of the education law to practice applied behavior analysis in this state.

§ 7. Paragraph (a) of subdivision 1 of section 413 of the social services law, as amended by section 7 of part C of chapter 57 of the laws of 2018, is amended to read as follows:

(a) The following persons and officials are required to report or cause a report to be made in accordance with this title when they have reasonable cause to suspect that a child coming before them in their professional or official capacity is an abused or maltreated child, or when they have reasonable cause to suspect that a child is an abused or maltreated child where the parent, guardian, custodian or other person legally responsible for such child comes before them in their professional or official capacity and states from personal knowledge facts, conditions or circumstances which, if correct, would render the child an abused or maltreated child: any physician; registered physician assistant; surgeon; medical examiner; coroner; dentist; dental hygienist; osteopath; optometrist; chiropractor; podiatrist; naturopathic doctor; resident; intern; psychologist; registered nurse; social worker; emer-

1 agency medical technician; licensed creative arts therapist; licensed  
2 marriage and family therapist; licensed mental health counselor;  
3 licensed psychoanalyst; licensed behavior analyst; certified behavior  
4 analyst assistant; hospital personnel engaged in the admission, examina-  
5 tion, care or treatment of persons; a Christian Science practitioner;  
6 school official, which includes but is not limited to school teacher,  
7 school guidance counselor, school psychologist, school social worker,  
8 school nurse, school administrator or other school personnel required to  
9 hold a teaching or administrative license or certificate; full or part-  
10 time compensated school employee required to hold a temporary coaching  
11 license or professional coaching certificate; social services worker;  
12 employee of a publicly-funded emergency shelter for families with chil-  
13 dren; director of a children's overnight camp, summer day camp or trav-  
14 eling summer day camp, as such camps are defined in section thirteen  
15 hundred ninety-two of the public health law; day care center worker;  
16 school-age child care worker; provider of family or group family day  
17 care; employee or volunteer in a residential care facility for children  
18 that is licensed, certified or operated by the office of children and  
19 family services; or any other child care or foster care worker; mental  
20 health professional; substance abuse counselor; alcoholism counselor;  
21 all persons credentialed by the office of alcoholism and substance abuse  
22 services; employees, who are expected to have regular and substantial  
23 contact with children, of a health home or health home care management  
24 agency contracting with a health home as designated by the department of  
25 health and authorized under section three hundred sixty-five-1 of this  
26 chapter or such employees who provide home and community based services  
27 under a demonstration program pursuant to section eleven hundred fifteen  
28 of the federal social security act who are expected to have regular and  
29 substantial contact with children; peace officer; police officer;  
30 district attorney or assistant district attorney; investigator employed  
31 in the office of a district attorney; or other law enforcement official.

32 § 8. Subdivision 6 of section 571 of the public health law, as amended  
33 section 1 of part C of chapter 57 of the laws of 2022, is amended to  
34 read as follows:

35 6. "Qualified health care professional" means a physician, dentist,  
36 podiatrist, naturopathic doctor, optometrist performing a clinical labo-  
37 ratory test that does not use an invasive modality as defined in section  
38 seventy-one hundred one of the education law, pharmacist administering  
39 COVID-19 and influenza tests pursuant to subdivision seven of section  
40 sixty-eight hundred one of the education law, physician assistant,  
41 specialist assistant, nurse practitioner, or midwife, who is licensed  
42 and registered with the state education department.

43 § 9. Subdivision 6 of section 571 of the public health law, as amended  
44 by chapter 444 of the laws of 2013, is amended to read as follows:

45 6. "Qualified health care professional" means a physician, dentist,  
46 podiatrist, naturopathic doctor, optometrist performing a clinical labo-  
47 ratory test that does not use an invasive modality as defined in section  
48 seventy-one hundred one of the education law, physician assistant,  
49 specialist assistant, nurse practitioner, or midwife, who is licensed  
50 and registered with the state education department.

51 § 10. Subdivision 1 of section 585 of the public health law, as added  
52 by chapter 803 of the laws of 1992, is amended to read as follows:

53 1. "Health services purveyor" means any person, firm, partnership,  
54 group, association, corporation or professional corporation, or any  
55 agent, employee, fiduciary, employer or representative thereof, includ-  
56 ing but not limited to a physician, dentist, podiatrist, naturopathic

1 doctor or chiropractor, either in individual practice, group practice or  
2 employed in a facility owned by any person, group, association, firm,  
3 partnership or corporation hiring any of the aforementioned practition-  
4 ers, who provide health or health related services.

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

7 4. The practice, conduct, activities, or services by any person  
8 licensed or otherwise authorized to practice nursing as a registered  
9 professional nurse or nurse practitioner within the state pursuant to  
10 article one hundred thirty-nine of this title, or by any person licensed  
11 to practice naturopathic medicine within the state pursuant to article  
12 one hundred thirty-eight of this title or by any person licensed or  
13 otherwise authorized to practice social work within the state pursuant  
14 to article one hundred fifty-four of this title, or by any person  
15 licensed or otherwise authorized to practice mental health counseling,  
16 marriage and family therapy, creative arts therapy, or psychoanalysis  
17 within the state pursuant to article one hundred sixty-three of this  
18 title, or any person licensed or otherwise authorized to practice  
19 applied behavior analysis within the state pursuant to article one  
20 hundred sixty-seven of this title or any individual who is credentialed  
21 under any law, including attorneys, rape crisis counselors, certified  
22 alcoholism counselors, and certified substance abuse counselors from  
23 providing mental health services within their respective established  
24 authorities.

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

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

51 § 13. Subdivision 1 of section 7805 of the education law, as amended  
52 by chapter 230 of the laws of 1997, is amended to read as follows:

53 1. The practice of massage therapy by any person who is authorized to  
54 practice medicine, nursing, osteopathy, naturopathic medicine, physioth-  
55 erapy, chiropractic, or podiatry in accordance with the provisions of  
56 this title.

1     § 14. Subdivision 1 of section 579 of the public health law, as  
2 amended by chapter 376 of the laws of 2015, is amended to read as  
3 follows:

4     1. This title is applicable to all clinical laboratories and blood  
5 banks operating within the state, except clinical laboratories and blood  
6 banks operated by the federal government and clinical laboratories oper-  
7 ated by a licensed physician, osteopath, dentist, midwife, nurse practi-  
8 tioner, naturopathic doctor solely as an adjunct to the treatment of his  
9 or her own patients, optometrist performing a clinical laboratory test  
10 that does not use an invasive modality as defined in section seventy-one  
11 hundred one of the education law or podiatrist who performs laboratory  
12 tests or procedures, personally or through his or her employees, solely  
13 as an adjunct to the treatment of his or her own patients; to the extent  
14 authorized by federal and state law, including the education law.

15     § 15. This act shall take effect on the five hundred fortieth day  
16 after it shall have become a law; provided, however, that the amendments  
17 to subdivision 6 of section 571 of the public health law made by section  
18 eight of this act shall be subject to the expiration and reversion of  
19 such subdivision pursuant to section 8 of part C of chapter 57 of the  
20 laws of 2022, as amended, when upon such date the provisions of section  
21 nine of this act shall take effect. Effective immediately, the addition,  
22 amendment and/or repeal of any rule or regulation necessary for the  
23 implementation of this act on its effective date are authorized to be  
24 made and completed on or before such effective date.