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IN ASSEMBLY

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Introduced by M. of A. LUPARDO, WILLIAMS, COOK, HYNDMAN, BENEDETTO, STECK, EPSTEIN, DE LOS SANTOS, STIRPE, SIMONE, BURDICK, DURSO, BENDETT, SEAWRIGHT, FORREST -- Multi-Sponsored by -- M. of A. BARCLAY, BLANKENBUSH, BRABENEC, COLTON, DAVILA, DINOWITZ, HAWLEY, HEVESI, HUNTER, KIM, LAVINE, MORINELLO, PAULIN, PEOPLES-STOKES, ROSENTHAL, SIMON, WEPRIN -- read once and referred to the Committee on Higher Education

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

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

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

ARTICLE 169

VISION IMPAIRMENT SPECIALISTS

Section 8900. Introduction.

8901. Definitions.

8902. Use of titles.

8903. State board for vision impairment specialists.

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

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

8906. Limited permits.

8907. Exempt persons.

8908. Special provisions.

8909. Separability.

17 § 8900. Introduction. This article applies to the profession of vision
18 impairment specialists, and provides for the licensing of orientation
19 and mobility specialists and vision rehabilitation therapists. The
20 general provisions for all professions contained in article one hundred
21 thirty of this title shall apply to this article.

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

LBD00914-01-5

1 § 8901. Definitions. For purposes of this article, the following terms
2 shall have the following meanings:

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

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

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

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

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

52 5. "Applied settings" means those locations where persons who are
53 visually impaired engage in day-to-day activities utilizing the tools
54 supplied and techniques taught by the licensed practitioners defined in
55 this article.

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

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

16 § 8902. Use of titles. Only a person licensed or otherwise authorized
17 under this article shall be authorized to practice as a vision impair-
18 ment specialist or use the title "licensed orientation and mobility
19 specialist" or "licensed vision rehabilitation therapist" in connection
20 with their name or with any trade name in the conduct of their profes-
21 sion.

22 § 8903. State board for vision impairment specialists. A state board
23 for vision impairment specialists shall be appointed by the board of
24 regents upon the recommendation of the commissioner for the purpose of
25 assisting the board of regents and the department on matters of profes-
26 sional licensing and professional conduct in accordance with section
27 sixty-five hundred eight of this title. The board shall consist of not
28 less than nine individuals, two of whom shall be licensed orientation
29 and mobility specialists, two of whom shall be licensed vision rehabili-
30 tation therapists, one ophthalmologist, one optometrist, one public
31 representative as defined in paragraph b of subdivision one of section
32 sixty-five hundred eight of this title and two of whom shall be blind
33 representatives of the public at large whose names will be placed in
34 nomination for the board from organizations of the blind or visually
35 impaired. Members of the initial board need not be licensed or certified
36 prior to their appointment to the board, so long as they are certified
37 by a national certifying or accrediting board, acceptable to the depart-
38 ment. Of the members first appointed, two shall be appointed for a
39 three-year term, three shall be appointed for a four-year term, and
40 three shall be appointed for a five-year term. Thereafter all members
41 shall serve for five-year terms. In the event that more than eight
42 members are appointed, a majority of the additional members shall be
43 licensed orientation and mobility specialists and licensed vision reha-
44 bilitation therapists. The members of the board shall select one of
45 themselves as chair to serve for a one-year term. An executive secretary
46 shall be appointed by the board of regents upon the recommendation of
47 the commissioner.

48 § 8904. Requirements for a license with a specialization as an orien-
49 tation and mobility specialist. To qualify for a license as an orien-
50 tation and mobility specialist, an applicant shall fulfill the following
51 requirements:

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

53 2. Education: have satisfactorily completed an approved curriculum in
54 orientation and mobility services including visual disabilities, vision
55 education, vision impairment or other equivalent program in a baccalau-

1 reate or graduate level program or a foreign equivalent, satisfactory to
2 the department and in accordance with the commissioner's regulations;

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

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

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

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

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

13 § 8905. Requirements for a license with a specialization as a vision
14 rehabilitation therapist. To qualify for a license as a vision rehabili-
15 tation therapist an applicant shall fulfill the following requirements:

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

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

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

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

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

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

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

32 § 8906. Limited permits. The following requirements for a limited
33 permit shall apply to all professions licensed or certified pursuant to
34 this article:

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

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

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

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

45 § 8907. Exempt persons. This article shall not be construed to affect
46 or prevent the following, provided that no title, sign, card or device
47 shall be used in such manner as to tend to convey the impression that
48 the person rendering such service is a licensed vision impairment
49 specialist:

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

54 2. Nothing contained in this article shall be construed to limit the
55 scopes of practice of any other profession licensed under this title;
56 provided, however, that such practitioners may not hold themselves out

1 under the titles "licensed vision impairment specialist", and/or
2 "licensed vision impairment specialist with a specialization in orien-
3 tation and mobility", and/or "licensed vision impairment specialist with
4 a specialization in vision rehabilitation therapy".

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

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

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

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

23 7. The instruction in the use of Braille.

24 § 8908. Special provisions. An individual who meets the requirements
25 for a license as a licensed vision impairment specialist with a special-
26 ization in orientation and mobility and/or vision rehabilitation, except
27 for examination, experience and education, and who is certified or
28 registered by a national certifying body having certification or regis-
29 tration standards acceptable to the commissioner, or an individual who
30 has worked as a vision impairment specialist focused on vision rehabili-
31 tation therapy and/or orientation and mobility in a workplace setting
32 which is primarily devoted to the treatment of individuals with vision
33 loss and blindness for at least three years, may be licensed, without
34 meeting additional requirements as to examination, experience and educa-
35 tion, provided that such individual submits an application to the
36 department within three years of the effective date of this section.

37 § 8909. Separability. If any section of this article, or part thereof,
38 shall be adjudged by any court of competent jurisdiction to be invalid,
39 such judgment shall not affect, impair or invalidate the remainder of
40 any other section or part thereof.

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

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

47 § 3. Paragraph a of subdivision 3 of section 6507 of the education
48 law, as amended by chapter 479 of the laws of 2022, is amended to read
49 as follows:

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

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

30 § 3-a. Paragraph a of subdivision 3 of section 6507 of the education
31 law, as amended by chapter 733 of the laws of 2023, is amended to read
32 as follows:

33 a. Establish standards for preprofessional and professional education,
34 experience and licensing examinations as required to implement the arti-
35 cle for each profession. Notwithstanding any other provision of law, the
36 commissioner shall establish standards requiring that all persons apply-
37 ing, on or after January first, nineteen hundred ninety-one, initially,
38 or for the renewal of, a license, registration or limited permit to be a
39 physician, chiropractor, dentist, registered nurse, podiatrist, optome-
40 trist, psychiatrist, psychologist, licensed master social worker,
41 licensed clinical social worker, licensed creative arts therapist,
42 licensed marriage and family therapist, licensed mental health counse-
43 lor, licensed psychoanalyst, dental hygienist, licensed behavior
44 analyst, certified behavior analyst assistant, [~~or~~] athletic trainer, or
45 licensed vision impairment specialist shall, in addition to all the
46 other licensure, certification or permit requirements, have completed
47 two hours of coursework or training regarding the identification and
48 reporting of child abuse and maltreatment. The coursework or training
49 shall be obtained from an institution or provider which has been
50 approved by the department to provide such coursework or training. The
51 coursework or training shall include information regarding the physical
52 and behavioral indicators of child abuse and maltreatment and the statu-
53 tory reporting requirements set out in sections four hundred thirteen
54 through four hundred twenty of the social services law, including but
55 not limited to, when and how a report must be made, what other actions
56 the reporter is mandated or authorized to take, the legal protections

1 afforded reporters, and the consequences for failing to report. Such
2 coursework or training may also include information regarding the phys-
3 ical and behavioral indicators of the abuse of individuals with develop-
4 mental disabilities and voluntary reporting of abused or neglected
5 adults to the office for people with developmental disabilities or the
6 local adult protective services unit. Each applicant shall provide the
7 department with documentation showing that [~~he or she has~~] they have
8 completed the required training. The department shall provide an
9 exemption from the child abuse and maltreatment training requirements to
10 any applicant who requests such an exemption and who shows, to the
11 department's satisfaction, that there would be no need because of the
12 nature of [~~his or her~~] their practice for [~~him or her~~] them to complete
13 such training;

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

17 (a) The following persons and officials are required to report or
18 cause a report to be made in accordance with this title when they have
19 reasonable cause to suspect that a child coming before them in their
20 professional or official capacity is an abused or maltreated child, or
21 when they have reasonable cause to suspect that a child is an abused or
22 maltreated child where the parent, guardian, custodian or other person
23 legally responsible for such child comes before them in their profes-
24 sional or official capacity and states from personal knowledge facts,
25 conditions or circumstances which, if correct, would render the child an
26 abused or maltreated child: any physician; registered physician assist-
27 ant; surgeon; medical examiner; coroner; dentist; dental hygienist;
28 osteopath; optometrist; chiropractor; podiatrist; resident; intern;
29 psychologist; registered nurse; social worker; emergency medical techni-
30 cian; licensed creative arts therapist; licensed marriage and family
31 therapist; licensed mental health counselor; licensed psychoanalyst;
32 licensed behavior analyst; certified behavior analyst assistant;
33 licensed vision impairment specialist; hospital personnel engaged in the
34 admission, examination, care or treatment of persons; a Christian
35 Science practitioner; school official, which includes but is not limited
36 to school teacher, school guidance counselor, school psychologist,
37 school social worker, school nurse, school administrator or other school
38 personnel required to hold a teaching or administrative license or
39 certificate; full or part-time compensated school employee required to
40 hold a temporary coaching license or professional coaching certificate;
41 social services worker; employee of a publicly-funded emergency shelter
42 for families with children; director of a children's overnight camp,
43 summer day camp or traveling summer day camp, as such camps are defined
44 in section thirteen hundred ninety-two of the public health law; day
45 care center worker; school-age child care worker; provider of family or
46 group family day care; employee or volunteer in a residential care
47 facility for children that is licensed, certified or operated by the
48 office of children and family services; or any other child care or
49 foster care worker; mental health professional; substance abuse counse-
50 lor; alcoholism counselor; all persons credentialed by the office of
51 [~~alcoholism and substance abuse services~~] addiction services and
52 supports; employees, who are expected to have regular and substantial
53 contact with children, of a health home or health home care management
54 agency contracting with a health home as designated by the department of
55 health and authorized under section three hundred sixty-five-1 of this
56 chapter or such employees who provide home and community based services

1 under a demonstration program pursuant to section eleven hundred fifteen
2 of the federal social security act who are expected to have regular and
3 substantial contact with children; peace officer; police officer;
4 district attorney or assistant district attorney; investigator employed
5 in the office of a district attorney; or other law enforcement official.

6 § 4-a. Paragraph (a) of subdivision 1 of section 413 of the social
7 services law, as amended by chapter 733 of the laws of 2023, is amended
8 to read as follows:

9 (a) The following persons and officials are required to report or
10 cause a report to be made in accordance with this title when they have
11 reasonable cause to suspect that a child coming before them in their
12 professional or official capacity is an abused or maltreated child, or
13 when they have reasonable cause to suspect that a child is an abused or
14 maltreated child where the parent, guardian, custodian or other person
15 legally responsible for such child comes before them in their profes-
16 sional or official capacity and states from personal knowledge facts,
17 conditions or circumstances which, if correct, would render the child an
18 abused or maltreated child: any physician; registered physician assist-
19 ant; surgeon; medical examiner; coroner; dentist; dental hygienist;
20 osteopath; optometrist; chiropractor; podiatrist; resident; intern;
21 athletic trainer; psychologist; registered nurse; social worker; emer-
22 gency medical technician; licensed creative arts therapist; licensed
23 marriage and family therapist; licensed mental health counselor;
24 licensed psychoanalyst; licensed behavior analyst; certified behavior
25 analyst assistant; licensed vision impairment specialist; hospital
26 personnel engaged in the admission, examination, care or treatment of
27 persons; a Christian Science practitioner; school official, which
28 includes but is not limited to school teacher, school guidance counse-
29 lor, school psychologist, school social worker, school nurse, school
30 administrator or other school personnel required to hold a teaching or
31 administrative license or certificate; full or part-time compensated
32 school employee required to hold a temporary coaching license or profes-
33 sional coaching certificate; social services worker; employee of a publ-
34 ically-funded emergency shelter for families with children; director of a
35 children's overnight camp, summer day camp or traveling summer day camp,
36 as such camps are defined in section thirteen hundred ninety-two of the
37 public health law; day care center worker; school-age child care worker;
38 provider of family or group family day care; employee or volunteer in a
39 residential care facility for children that is licensed, certified or
40 operated by the office of children and family services; or any other
41 child care or foster care worker; mental health professional; substance
42 abuse counselor; alcoholism counselor; all persons credentialed by the
43 office of [~~alcoholism and substance abuse services~~] addiction services
44 and supports; employees, who are expected to have regular and substan-
45 tial contact with children, of a health home or health home care manage-
46 ment agency contracting with a health home as designated by the depart-
47 ment of health and authorized under section three hundred sixty-five-1
48 of this chapter or such employees who provide home and community based
49 services under a demonstration program pursuant to section eleven
50 hundred fifteen of the federal social security act who are expected to
51 have regular and substantial contact with children; peace officer;
52 police officer; district attorney or assistant district attorney; inves-
53 tigator employed in the office of a district attorney; or other law
54 enforcement official.

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

1 § 6505-b. Course work or training in infection control practices.
2 Every dentist, registered nurse, licensed practical nurse, vision
3 impairment specialist, podiatrist, optometrist and dental hygienist
4 practicing in the state shall, on or before July first, nineteen hundred
5 ninety-four and every four years thereafter, complete course work or
6 training appropriate to the professional's practice approved by the
7 department regarding infection control, which shall include sepsis, and
8 barrier precautions, including engineering and work practice controls,
9 in accordance with regulatory standards promulgated by the department,
10 in consultation with the department of health, which shall be consist-
11 ent, as far as appropriate, with such standards adopted by the depart-
12 ment of health pursuant to section two hundred thirty-nine of the public
13 health law to prevent the transmission of HIV, HBV, HCV and infections
14 that could lead to sepsis in the course of professional practice. Each
15 such professional shall document to the department at the time of regis-
16 tration commencing with the first registration after July first, nine-
17 teen hundred ninety-four that the professional has completed course work
18 or training in accordance with this section, provided, however that a
19 professional subject to the provisions of paragraph (f) of subdivision
20 one of section twenty-eight hundred five-k of the public health law
21 shall not be required to so document. The department shall provide an
22 exemption from this requirement to anyone who requests such an exemption
23 and who (i) clearly demonstrates to the department's satisfaction that
24 there would be no need for [~~him or her~~] them to complete such course
25 work or training because of the nature of [~~his or her~~] their practice or
26 (ii) that [~~he or she has~~] they have completed course work or training
27 deemed by the department to be equivalent to the course work or training
28 approved by the department pursuant to this section. The department
29 shall consult with organizations representative of professions, insti-
30 tutions and those with expertise in infection control and HIV, HBV, HCV
31 and infections that could lead to sepsis with respect to the regulatory
32 standards promulgated pursuant to this section.

33 § 5-a. Section 6505-b of the education law, as amended by chapter 733
34 of the laws of 2023, is amended to read as follows:

35 § 6505-b. Course work or training in infection control practices.
36 Every dentist, registered nurse, licensed practical nurse, licensed
37 vision impairment specialist, podiatrist, optometrist, athletic trainer,
38 and dental hygienist practicing in the state shall, on or before July
39 first, nineteen hundred ninety-four and every four years thereafter,
40 complete course work or training appropriate to the professional's prac-
41 tice approved by the department regarding infection control, which shall
42 include sepsis, and barrier precautions, including engineering and work
43 practice controls, in accordance with regulatory standards promulgated
44 by the department, in consultation with the department of health, which
45 shall be consistent, as far as appropriate, with such standards adopted
46 by the department of health pursuant to section two hundred thirty-nine
47 of the public health law to prevent the transmission of HIV, HBV, HCV
48 and infections that could lead to sepsis in the course of professional
49 practice. Each such professional shall document to the department at the
50 time of registration commencing with the first registration after July
51 first, nineteen hundred ninety-four that the professional has completed
52 course work or training in accordance with this section, provided,
53 however that a professional subject to the provisions of paragraph (f)
54 of subdivision one of section twenty-eight hundred five-k of the public
55 health law shall not be required to so document. The department shall
56 provide an exemption from this requirement to anyone who requests such

1 an exemption and who (i) clearly demonstrates to the department's satis-
2 faction that there would be no need for [~~him or her~~] ~~them~~ to complete
3 such course work or training because of the nature of [~~his or her~~] ~~their~~
4 practice or (ii) that [~~he or she has~~] ~~they have~~ completed course work or
5 training deemed by the department to be equivalent to the course work or
6 training approved by the department pursuant to this section. The
7 department shall consult with organizations representative of
8 professions, institutions and those with expertise in infection control
9 and HIV, HBV, HCV and infections that could lead to sepsis with respect
10 to the regulatory standards promulgated pursuant to this section.

11 § 6. Subdivision (a) of section 1203 of the limited liability company
12 law, as amended by chapter 475 of the laws of 2014, is amended to read
13 as follows:

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

1 professional service limited liability company formed to provide mental
2 health counseling services as such services are defined in article 163
3 of the education law, each member of such limited liability company must
4 be licensed pursuant to article 163 of the education law to practice
5 mental health counseling in this state. With respect to a professional
6 service limited liability company formed to provide psychoanalysis
7 services as such services are defined in article 163 of the education
8 law, each member of such limited liability company must be licensed
9 pursuant to article 163 of the education law to practice psychoanalysis
10 in this state. With respect to a professional service limited liability
11 company formed to provide applied behavior analysis services as such
12 services are defined in article 167 of the education law, each member of
13 such limited liability company must be licensed or certified pursuant to
14 article 167 of the education law to practice applied behavior analysis
15 in this state. With respect to a professional service limited liability
16 company formed to provide vision impairment specialist services as such
17 services are defined in article 169 of the education law, each member of
18 such limited liability company must be licensed pursuant to article 169
19 of the education law to practice as a vision impairment specialist in
20 this state. In addition to engaging in such profession or professions, a
21 professional service limited liability company may engage in any other
22 business or activities as to which a limited liability company may be
23 formed under section two hundred one of this chapter. Notwithstanding
24 any other provision of this section, a professional service limited
25 liability company (i) authorized to practice law may only engage in
26 another profession or business or activities or (ii) which is engaged in
27 a profession or other business or activities other than law may only
28 engage in the practice of law, to the extent not prohibited by any other
29 law of this state or any rule adopted by the appropriate appellate divi-
30 sion of the supreme court or the court of appeals.

31 § 7. Subdivision (b) of section 1207 of the limited liability company
32 law, as amended by chapter 701 of the laws of 2023, is amended to read
33 as follows:

34 (b) With respect to a professional service limited liability company
35 formed to provide medical services as such services are defined in arti-
36 cle 131 of the education law, each member of such limited liability
37 company must be licensed pursuant to article 131 of the education law to
38 practice medicine in this state. With respect to a professional service
39 limited liability company formed to provide dental services as such
40 services are defined in article 133 of the education law, each member of
41 such limited liability company must be licensed pursuant to article 133
42 of the education law to practice dentistry in this state. With respect
43 to a professional service limited liability company formed to provide
44 veterinary services as such services are defined in article 135 of the
45 education law, each member of such limited liability company must be
46 licensed pursuant to article 135 of the education law to practice veter-
47 inary medicine in this state. With respect to a professional service
48 limited liability company formed to provide professional engineering,
49 land surveying, architectural, landscape architectural and/or geological
50 services as such services are defined in article 145, article 147 and
51 article 148 of the education law, each member of such limited liability
52 company must be licensed pursuant to article 145, article 147 and/or
53 article 148 of the education law to practice one or more of such
54 professions in this state. With respect to a professional service limit-
55 ed liability company formed to provide public accountancy services as
56 such services are defined in article 149 of the education law each

1 member of such limited liability company whose principal place of busi-
2 ness is in this state and who provides public accountancy services, must
3 be licensed pursuant to article 149 of the education law to practice
4 public accountancy in this state. With respect to a professional service
5 limited liability company formed to provide licensed clinical social
6 work services as such services are defined in article 154 of the educa-
7 tion law, each member of such limited liability company shall be
8 licensed pursuant to article 154 of the education law to practice
9 licensed clinical social work in this state. With respect to a profes-
10 sional service limited liability company formed to provide creative arts
11 therapy services as such services are defined in article 163 of the
12 education law, each member of such limited liability company must be
13 licensed pursuant to article 163 of the education law to practice crea-
14 tive arts therapy in this state. With respect to a professional service
15 limited liability company formed to provide marriage and family therapy
16 services as such services are defined in article 163 of the education
17 law, each member of such limited liability company must be licensed
18 pursuant to article 163 of the education law to practice marriage and
19 family therapy in this state. With respect to a professional service
20 limited liability company formed to provide mental health counseling
21 services as such services are defined in article 163 of the education
22 law, each member of such limited liability company must be licensed
23 pursuant to article 163 of the education law to practice mental health
24 counseling in this state. With respect to a professional service limited
25 liability company formed to provide psychoanalysis services as such
26 services are defined in article 163 of the education law, each member of
27 such limited liability company must be licensed pursuant to article 163
28 of the education law to practice psychoanalysis in this state. With
29 respect to a professional service limited liability company formed to
30 provide applied behavior analysis services as such services are defined
31 in article 167 of the education law, each member of such limited liabil-
32 ity company must be licensed or certified pursuant to article 167 of the
33 education law to practice applied behavior analysis in this state. A
34 professional service limited liability company formed to lawfully engage
35 in the practice of public accountancy as a firm, as such practice is
36 defined under article 149 of the education law shall be required to show
37 (1) that a simple majority of the ownership of the firm, in terms of
38 financial interests and voting rights held by the firm's owners, belongs
39 to individuals licensed to practice public accountancy in some state,
40 and (2) that all members of a limited professional service limited
41 liability company, whose principal place of business is in this state,
42 and who are engaged in the practice of public accountancy in this state,
43 hold a valid license issued under section seventy-four hundred four of
44 the education law. For purposes of this subdivision, "financial inter-
45 est" means capital stock, capital accounts, capital contributions, capi-
46 tal interest, or interest in undistributed earnings of a business enti-
47 ty. Although firms registered with the education department may include
48 non-licensee owners, a registered firm and its owners must comply with
49 rules promulgated by the state board of regents. Notwithstanding the
50 foregoing, a firm registered with the education department may not have
51 non-licensee owners if the firm's name includes the words "certified
52 public accountant," or "certified public accountants," or the abbrevi-
53 ations "CPA" or "CPAs". Each non-licensee owner of a firm that is regis-
54 tered under this section shall be (1) a natural person who actively
55 participates in the business of the firm or its affiliated entities, or
56 (2) an entity, including, but not limited to, a partnership or profes-

1 sional corporation, provided each beneficial owner of an equity interest
2 in such entity is a natural person who actively participates in the
3 business conducted by the firm or its affiliated entities. For purposes
4 of this subdivision, "actively participate" means to provide services to
5 clients or to otherwise individually take part in the day-to-day busi-
6 ness or management of the firm or an affiliated entity. With respect to
7 a professional service limited liability company formed to provide
8 vision impairment specialist services as such services are defined in
9 article 169 of the education law, each member of such limited liability
10 company must be licensed pursuant to article 169 of the education law to
11 practice as a vision impairment specialist in this state.

12 § 8. Subdivision (a) of section 1301 of the limited liability company
13 law, as amended by chapter 701 of the laws of 2023, is amended to read
14 as follows:

15 (a) "Foreign professional service limited liability company" means a
16 professional service limited liability company, whether or not denomi-
17 nated as such, organized under the laws of a jurisdiction other than
18 this state, (i) each of whose members and managers, if any, is a profes-
19 sional authorized by law to render a professional service within this
20 state and who is or has been engaged in the practice of such profession
21 in such professional service limited liability company or a predecessor
22 entity, or will engage in the practice of such profession in the profes-
23 sional service limited liability company within thirty days of the date
24 such professional becomes a member, or each of whose members and manag-
25 ers, if any, is a professional at least one of such members is author-
26 ized by law to render a professional service within this state and who
27 is or has been engaged in the practice of such profession in such
28 professional service limited liability company or a predecessor entity,
29 or will engage in the practice of such profession in the professional
30 service limited liability company within thirty days of the date such
31 professional becomes a member, or (ii) authorized by, or holding a
32 license, certificate, registration or permit issued by the licensing
33 authority pursuant to, the education law to render a professional
34 service within this state; except that all members and managers, if any,
35 of a foreign professional service limited liability company that
36 provides health services in this state shall be licensed in this state.
37 With respect to a foreign professional service limited liability company
38 which provides veterinary services as such services are defined in arti-
39 cle 135 of the education law, each member of such foreign professional
40 service limited liability company shall be licensed pursuant to article
41 135 of the education law to practice veterinary medicine. With respect
42 to a foreign professional service limited liability company which
43 provides medical services as such services are defined in article 131 of
44 the education law, each member of such foreign professional service
45 limited liability company must be licensed pursuant to article 131 of
46 the education law to practice medicine in this state. With respect to a
47 foreign professional service limited liability company which provides
48 dental services as such services are defined in article 133 of the
49 education law, each member of such foreign professional service limited
50 liability company must be licensed pursuant to article 133 of the educa-
51 tion law to practice dentistry in this state. With respect to a foreign
52 professional service limited liability company which provides profes-
53 sional engineering, land surveying, geologic, architectural and/or land-
54 scape architectural services as such services are defined in article
55 145, article 147 and article 148 of the education law, each member of
56 such foreign professional service limited liability company must be

1 licensed pursuant to article 145, article 147 and/or article 148 of the
2 education law to practice one or more of such professions in this state.
3 With respect to a foreign professional service limited liability company
4 which provides public accountancy services as such services are defined
5 in article 149 of the education law, each member of such foreign profes-
6 sional service limited liability company whose principal place of busi-
7 ness is in this state and who provides public accountancy services,
8 shall be licensed pursuant to article 149 of the education law to prac-
9 tice public accountancy in this state. With respect to a foreign profes-
10 sional service limited liability company which provides licensed clin-
11 ical social work services as such services are defined in article 154 of
12 the education law, each member of such foreign professional service
13 limited liability company shall be licensed pursuant to article 154 of
14 the education law to practice clinical social work in this state. With
15 respect to a foreign professional service limited liability company
16 which provides creative arts therapy services as such services are
17 defined in article 163 of the education law, each member of such foreign
18 professional service limited liability company must be licensed pursuant
19 to article 163 of the education law to practice creative arts therapy in
20 this state. With respect to a foreign professional service limited
21 liability company which provides marriage and family therapy services as
22 such services are defined in article 163 of the education law, each
23 member of such foreign professional service limited liability company
24 must be licensed pursuant to article 163 of the education law to prac-
25 tice marriage and family therapy in this state. With respect to a
26 foreign professional service limited liability company which provides
27 mental health counseling services as such services are defined in arti-
28 cle 163 of the education law, each member of such foreign professional
29 service limited liability company must be licensed pursuant to article
30 163 of the education law to practice mental health counseling in this
31 state. With respect to a foreign professional service limited liability
32 company which provides psychoanalysis services as such services are
33 defined in article 163 of the education law, each member of such foreign
34 professional service limited liability company must be licensed pursuant
35 to article 163 of the education law to practice psychoanalysis in this
36 state. With respect to a foreign professional service limited liability
37 company which provides applied behavior analysis services as such
38 services are defined in article 167 of the education law, each member of
39 such foreign professional service limited liability company must be
40 licensed or certified pursuant to article 167 of the education law to
41 practice applied behavior analysis in this state. A foreign professional
42 service limited liability company formed to lawfully engage in the prac-
43 tice of public accountancy as a firm, as such practice is defined under
44 article 149 of the education law shall be required to show (1) that a
45 simple majority of the ownership of the firm, in terms of financial
46 interests and voting rights held by the firm's owners, belongs to indi-
47 viduals licensed to practice public accountancy in some state, and (2)
48 that all members of a foreign limited professional service limited
49 liability company, whose principal place of business is in this state,
50 and who are engaged in the practice of public accountancy in this state,
51 hold a valid license issued under section seventy-four hundred four of
52 the education law. For purposes of this subdivision, "financial inter-
53 est" means capital stock, capital accounts, capital contributions, capi-
54 tal interest, or interest in undistributed earnings of a business enti-
55 ty. Although firms registered with the education department may include
56 non-licensee owners, a registered firm and its owners must comply with

1 rules promulgated by the state board of regents. Notwithstanding the
2 foregoing, a firm registered with the education department may not have
3 non-licensee owners if the firm's name includes the words "certified
4 public accountant," or "certified public accountants," or the abbrevi-
5 ations "CPA" or "CPAs". Each non-licensee owner of a firm that is regis-
6 tered under this section shall be (1) a natural person who actively
7 participates in the business of the firm or its affiliated entities, or
8 (2) an entity, including, but not limited to, a partnership or profes-
9 sional corporation, provided each beneficial owner of an equity interest
10 in such entity is a natural person who actively participates in the
11 business conducted by the firm or its affiliated entities. For purposes
12 of this subdivision, "actively participate" means to provide services to
13 clients or to otherwise individually take part in the day-to-day busi-
14 ness or management of the firm or an affiliated entity. With respect to
15 a foreign professional service limited liability company which provides
16 vision impairment specialist services as such services are defined in
17 article 169 of the education law, each member of such foreign profes-
18 sional service limited liability company must be licensed pursuant to
19 article 169 of the education law to practice as a vision impairment
20 specialist in this state.

21 § 9. Subdivision (q) of section 121-1500 of the partnership law, as
22 amended by chapter 701 of the laws of 2023, is amended to read as
23 follows:

24 (q) Each partner of a registered limited liability partnership formed
25 to provide medical services in this state must be licensed pursuant to
26 article 131 of the education law to practice medicine in this state and
27 each partner of a registered limited liability partnership formed to
28 provide dental services in this state must be licensed pursuant to arti-
29 cle 133 of the education law to practice dentistry in this state. Each
30 partner of a registered limited liability partnership formed to provide
31 veterinary services in this state must be licensed pursuant to article
32 135 of the education law to practice veterinary medicine in this state.
33 Each partner of a registered limited liability partnership formed to
34 provide public accountancy services as a firm, whose principal place of
35 business is in this state and who provides public accountancy services,
36 must be licensed pursuant to article 149 of the education law to prac-
37 tice public accountancy in this state. Each partner of a registered
38 limited liability partnership formed to provide professional engineer-
39 ing, land surveying, geological services, architectural and/or landscape
40 architectural services in this state must be licensed pursuant to arti-
41 cle 145, article 147 and/or article 148 of the education law to practice
42 one or more of such professions in this state. Each partner of a regis-
43 tered limited liability partnership formed to provide licensed clinical
44 social work services in this state must be licensed pursuant to article
45 154 of the education law to practice clinical social work in this state.
46 Each partner of a registered limited liability partnership formed to
47 provide creative arts therapy services in this state must be licensed
48 pursuant to article 163 of the education law to practice creative arts
49 therapy in this state. Each partner of a registered limited liability
50 partnership formed to provide marriage and family therapy services in
51 this state must be licensed pursuant to article 163 of the education law
52 to practice marriage and family therapy in this state. Each partner of a
53 registered limited liability partnership formed to provide mental health
54 counseling services in this state must be licensed pursuant to article
55 163 of the education law to practice mental health counseling in this
56 state. Each partner of a registered limited liability partnership formed

1 to provide psychoanalysis services in this state must be licensed pursu-
2 ant to article 163 of the education law to practice psychoanalysis in
3 this state. Each partner of a registered limited liability partnership
4 formed to provide applied behavior analysis service in this state must
5 be licensed or certified pursuant to article 167 of the education law to
6 practice applied behavior analysis in this state. A registered limited
7 liability partnership formed to lawfully engage in the practice of
8 public accountancy as a firm, as such practice is defined in article
9 149 of the education law, shall be required to show (1) that a simple
10 majority of the ownership of the firm, in terms of financial interests
11 and voting rights held by the firm's owners, belongs to individuals
12 licensed to practice public accountancy in some state, and (2) that all
13 partners of a limited liability partnership whose principal place of
14 business is in this state, and who are engaged in the practice of public
15 accountancy in this state, hold a valid license issued under section
16 seventy-four hundred four of the education law. For purposes of this
17 subdivision, "financial interest" means capital stock, capital accounts,
18 capital contributions, capital interest, or interest in undistributed
19 earnings of a business entity. Although firms registered with the educa-
20 tion department may include non-licensee owners, the firm and its owners
21 must comply with rules promulgated by the state board of regents.
22 Notwithstanding the foregoing, a firm registered with the education
23 department may not have non-licensee owners if the firm's name includes
24 the words "certified public accountant," or "certified public accounts,"
25 or the abbreviations "CPA" or "CPAs". Each non-licensee owner of a firm
26 that is formed under this section shall be (1) a natural person who
27 actively participates in the business of the firm or its affiliated
28 entities, or (2) an entity, including, but not limited to, a partnership
29 or professional corporation, provided each beneficial owner of an equity
30 interest in such entity is a natural person who actively participates in
31 the business conducted by the firm or its affiliated entities. For
32 purposes of this subdivision, "actively participate" means to provide
33 services to clients or to otherwise individually take part in the day-
34 to-day business or management of the firm or an affiliated entity. Each
35 partner of a registered limited liability partnership formed to provide
36 vision impairment specialist services in this state must be licensed or
37 certified pursuant to article 169 of the education law to practice as a
38 vision impairment specialist in this state.

39 § 10. Subdivision (q) of section 121-1502 of the partnership law, as
40 amended by chapter 701 of the laws of 2023, is amended to read as
41 follows:

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

1 services as a firm, whose principal place of business is in this state
2 and who provides public accountancy services, must be licensed pursuant
3 to article 149 of the education law to practice public accountancy in
4 this state. Each partner of a foreign limited liability partnership
5 which provides licensed clinical social work services in this state must
6 be licensed pursuant to article 154 of the education law to practice
7 licensed clinical social work in this state. Each partner of a foreign
8 limited liability partnership which provides creative arts therapy
9 services in this state must be licensed pursuant to article 163 of the
10 education law to practice creative arts therapy in this state. Each
11 partner of a foreign limited liability partnership which provides
12 marriage and family therapy services in this state must be licensed
13 pursuant to article 163 of the education law to practice marriage and
14 family therapy in this state. Each partner of a foreign limited liabil-
15 ity partnership which provides mental health counseling services in this
16 state must be licensed pursuant to article 163 of the education law to
17 practice mental health counseling in this state. Each partner of a
18 foreign limited liability partnership which provides psychoanalysis
19 services in this state must be licensed pursuant to article 163 of the
20 education law to practice psychoanalysis in this state. Each partner of
21 a foreign limited liability partnership which provides applied behavior
22 analysis services in this state must be licensed or certified pursuant
23 to article 167 of the education law to practice applied behavior analy-
24 sis in this state. A foreign limited liability partnership formed to
25 lawfully engage in the practice of public accountancy as a firm, as such
26 practice is defined under article 149 of the education law, shall be
27 required to show (1) that a simple majority of the ownership of the
28 firm, in terms of financial interests and voting rights held by the
29 firm's owners, belongs to individuals licensed to practice public
30 accountancy in some state, and (2) that all partners of the foreign
31 limited liability partnership whose principal place of business is in
32 this state, and who are engaged in the practice of public accountancy in
33 this state, hold a valid license issued under section seventy-four
34 hundred four of the education law. For purposes of this subdivision,
35 "financial interest" means capital stock, capital accounts, capital
36 contributions, capital interest, or interest in undistributed earnings
37 of a business entity. Although firms registered with the education
38 department may include non-licensee owners, a registered firm and its
39 owners must comply with rules promulgated by the state board of regents.
40 Notwithstanding the foregoing, a firm registered with the education
41 department may not have non-licensee owners if the firm's name includes
42 the words "certified public accountant," or "certified public account-
43 ants," or the abbreviations "CPA" or "CPAs". Each non-licensee owner of
44 a firm that is formed under this section shall be (1) a natural person
45 who actively participates in the business of the firm or its affiliated
46 entities, or (2) an entity, including, but not limited to, a partnership
47 or professional corporation, provided that each beneficial owner of an
48 equity interest in such entity is a natural person who actively partic-
49 ipates in the business conducted by the firm or its affiliated entities.
50 For purposes of this subdivision, "actively participate" means to
51 provide services to clients or to otherwise individually take part in
52 the day-to-day business or management of the firm or an affiliated enti-
53 ty. Each partner of a foreign limited liability partnership which
54 provides vision impairment specialist services in this state must be
55 licensed pursuant to article 169 of the education law to practice as a
56 vision impairment specialist in this state.

1 § 11. a. Nothing in this act shall be construed as prohibiting a
2 person from performing the duties of a licensed vision impairment
3 specialist, in the course of such employment, if such person is employed
4 by programs licensed, certified, operated, or funded and regulated by
5 the office of children and family services including the commission for
6 the blind and visually impaired, the state education department or the
7 department of health; provided, however, that this section shall not
8 authorize the use of any title authorized pursuant to article 169 of the
9 education law.

10 b. On or before September 1, 2026, each office identified in subdivi-
11 sion a of this section that licenses, certifies, operates or funds and
12 regulates programs that employ individuals to provide services that
13 would otherwise be restricted to individuals licensed or authorized
14 under article 169 of the education law, shall submit to the commissioner
15 of education, in such form and detail as requested by such commissioner,
16 data in relation to: the number of individuals employed in exempt
17 programs licensed, certified, operated, or funded and regulated by each
18 office identified in subdivision a of this section on September 1, 2025
19 who are providing services that would otherwise be restricted to those
20 licensed or authorized under article 169 of the education law; and the
21 occupational title of individuals who on July 1, 2026 are not licensed
22 or otherwise authorized under title 8 of the education law, and who are
23 engaged in the practice of vision impairment specialist for the purpose
24 of providing vision impairment specialist services to persons who are
25 blind or visually impaired.

26 c. The commissioner of education, after receipt of this data and in
27 consultation with the offices identified in subdivision a of this
28 section, in consultation with not-for-profit providers, professional
29 associations, consumers and other key stakeholders, shall prepare a
30 report that recommends changes in any laws, rules or regulations neces-
31 sary to ensure appropriate licensure or other authorization of individ-
32 uals providing services that are within the restricted practice of
33 professions licensed or otherwise authorized under article 169 of the
34 education law. Such report shall include an estimate of the fiscal
35 impact of any such recommended changes and, to the extent practicable,
36 how such recommendations will result in improved outcomes. The commis-
37 sioner of education shall submit the report to the governor, the speaker
38 of the assembly, the temporary president of the senate, and the chairs
39 of the senate and assembly higher education committees by January 1,
40 2027. The commissioners of the agencies identified in subdivision a of
41 this section shall be provided an opportunity to include statements or
42 alternative recommendations in such report.

43 § 12. This act shall take effect eighteen months after it shall have
44 become a law; provided, however, that if chapter 733 of the laws of 2023
45 shall not have taken effect on or before such date then sections
46 three-a, four-a and five-a of this act shall take effect on the same
47 date and in the same manner as such chapter of the laws of 2023 takes
48 effect; provided, further, that the provisions of subdivision a of
49 section eleven of this act shall expire July 1, 2027 when upon such date
50 the provisions of such subdivision shall be deemed repealed. The
51 commissioner of education and the board of regents are authorized to
52 promulgate such rules and regulations and take any other measures as may
53 be necessary for the timely implementation of this act on or before its
54 effective date, including but not limited to the appointment of the
55 state board for vision rehabilitation services, the acceptance and proc-
56 essing of applications for licensure, and the issuance of licenses.