

S T A T E O F N E W Y O R K

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2013-2014 Regular Sessions

I N A S S E M B L Y

April 26, 2013

Introduced by M. of A. MORELLE, ZEBROWSKI -- read once and referred 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 social services law, in relation to applied behavior analysis

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 167 to  
2 read as follows:

3 ARTICLE 167

4 APPLIED BEHAVIOR ANALYSIS

5 SECTION 8800. INTRODUCTION.

6 8801. DEFINITIONS.

7 8802. DEFINITION OF THE PRACTICE OF "APPLIED BEHAVIOR ANALYSIS".

8 8803. THE PRACTICE OF AND USE OF THE TITLE "LICENSED BEHAVIOR  
9 ANALYST" OR "CERTIFIED BEHAVIOR ANALYST ASSISTANT".

10 8804. REQUIREMENTS AND PROCEDURES FOR PROFESSIONAL LICENSURE.

11 8805. SPECIAL PROVISIONS.

12 8806. LIMITED PERMITS.

13 8807. EXEMPTIONS.

14 8808. STATE BOARD FOR APPLIED BEHAVIOR ANALYSIS.

15 S 8800. INTRODUCTION. THIS ARTICLE APPLIES TO THE PROFESSION AND PRAC-  
16 TICE OF APPLIED BEHAVIOR ANALYSIS AND TO THE USE OF THE TITLES "LICENSED  
17 BEHAVIOR ANALYST" AND "CERTIFIED BEHAVIOR ANALYST ASSISTANT". THE GENER-  
18 AL PROVISIONS FOR ALL PROFESSIONS CONTAINED IN ARTICLE ONE HUNDRED THIR-  
19 TY OF THIS TITLE APPLY TO THIS ARTICLE.

20 S 8801. DEFINITIONS. AS USED IN THIS ARTICLE, THE FOLLOWING TERM SHALL  
21 HAVE THE FOLLOWING MEANING:

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

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1 "APPLIED BEHAVIOR ANALYSIS" OR "ABA" MEANS THE DESIGN, IMPLEMENTATION,  
2 AND EVALUATION OF ENVIRONMENTAL MODIFICATIONS, USING BEHAVIORAL STIMULI  
3 AND CONSEQUENCES, TO PRODUCE SOCIALLY SIGNIFICANT IMPROVEMENT IN HUMAN  
4 BEHAVIOR, INCLUDING THE USE OF DIRECT OBSERVATION, MEASUREMENT, AND  
5 FUNCTIONAL ANALYSIS OF THE RELATIONSHIP BETWEEN ENVIRONMENT AND BEHAV-

6 IOR.

7 S 8802. DEFINITION OF THE PRACTICE OF "APPLIED BEHAVIOR ANALYSIS". 1.  
8 THE PRACTICE OF APPLIED BEHAVIOR ANALYSIS BY A "LICENSED BEHAVIOR  
9 ANALYST" SHALL MEAN THE DESIGN, IMPLEMENTATION AND EVALUATION OF ENVI-  
10 RONMENTAL MODIFICATIONS, USING BEHAVIORAL STIMULI AND CONSEQUENCES, TO  
11 PRODUCE SOCIALLY SIGNIFICANT IMPROVEMENT IN HUMAN BEHAVIOR, INCLUDING  
12 THE USE OF DIRECT OBSERVATION, MEASUREMENT, AND FUNCTIONAL ANALYSIS OF  
13 THE RELATIONSHIP BETWEEN ENVIRONMENT AND BEHAVIOR, PURSUANT TO A DIAGNO-  
14 SIS AND PRESCRIPTION OR ORDER FROM A PERSON WHO IS LICENSED OR OTHERWISE  
15 AUTHORIZED TO PROVIDE SUCH DIAGNOSIS AND PRESCRIPTION OR ORDERING  
16 SERVICES PURSUANT TO A PROFESSION ENUMERATED IN THIS TITLE, FOR THE  
17 PURPOSE OF PROVIDING BEHAVIORAL HEALTH TREATMENT FOR PERSONS WITH AUTISM  
18 AND AUTISM SPECTRUM DISORDERS AND RELATED DISORDERS; AND INCLUDES THE  
19 SUPERVISION OF CERTIFIED BEHAVIOR ANALYST ASSISTANTS IN THE PROVISION OF  
20 ABA SERVICES TO INDIVIDUALS.

21 2. THE PRACTICE OF APPLIED BEHAVIOR ANALYSIS BY A "CERTIFIED BEHAVIOR  
22 ANALYST ASSISTANT" MEANS THE SERVICES AND ACTIVITIES PROVIDED BY A  
23 PERSON CERTIFIED IN ACCORDANCE WITH THIS ARTICLE WHO WORKS UNDER THE  
24 SUPERVISION OF A LICENSED BEHAVIOR ANALYST TO PERFORM SUCH PATIENT  
25 RELATED APPLIED BEHAVIOR ANALYSIS TASKS AS ARE ASSIGNED BY THE SUPERVIS-  
26 ING LICENSED BEHAVIOR ANALYST. SUPERVISION OF A CERTIFIED BEHAVIOR  
27 ANALYST ASSISTANT BY A LICENSED BEHAVIOR ANALYST SHALL BE IN ACCORDANCE  
28 WITH REGULATIONS OF THE COMMISSIONER. NO LICENSED BEHAVIOR ANALYST  
29 SHALL SUPERVISE MORE THAN SIX CERTIFIED BEHAVIOR ANALYST ASSISTANTS.

30 3. THE PRACTICE OF APPLIED BEHAVIOR ANALYSIS SHALL NOT INCLUDE DIAGNO-  
31 SIS OF A DISORDER OR CONDITION FOR WHICH ABA MAY BE APPROPRIATE, OR  
32 PRESCRIBING OR ORDERING ABA FOR A PARTICULAR INDIVIDUAL.

33 4. ANY INDIVIDUAL WHOSE LICENSE OR AUTHORITY TO PRACTICE DERIVES FROM  
34 THE PROVISIONS OF THIS ARTICLE SHALL BE PROHIBITED FROM:

35 (A) PRESCRIBING OR ADMINISTERING DRUGS AS DEFINED IN THIS CHAPTER OR  
36 AS A TREATMENT, THERAPY, OR PROFESSIONAL SERVICE IN THE PRACTICE OF HIS  
37 OR HER PROFESSION; OR

38 (B) USING INVASIVE PROCEDURES AS A TREATMENT, THERAPY, OR PROFESSIONAL  
39 SERVICE IN THE PRACTICE OF HIS OR HER PROFESSION. FOR PURPOSES OF THIS  
40 SUBDIVISION, "INVASIVE PROCEDURE" MEANS ANY PROCEDURE IN WHICH HUMAN  
41 TISSUE IS CUT, ALTERED, OR OTHERWISE INFILTRATED BY MECHANICAL OR OTHER  
42 MEANS. INVASIVE PROCEDURE INCLUDES, BUT IS NOT LIMITED TO, SURGERY,  
43 LASERS, IONIZING RADIATION, THERAPEUTIC ULTRASOUND, OR ELECTROCONVULSIVE  
44 THERAPY.

45 S 8803. THE PRACTICE OF AND USE OF THE TITLE "LICENSED BEHAVIOR  
46 ANALYST" OR "CERTIFIED BEHAVIOR ANALYST ASSISTANT". ONLY A PERSON  
47 LICENSED, CERTIFIED OR EXEMPT UNDER THIS ARTICLE SHALL PRACTICE APPLIED  
48 BEHAVIOR ANALYSIS. ONLY A PERSON LICENSED OR CERTIFIED UNDER THIS ARTI-  
49 CLE SHALL USE THE TITLES "LICENSED BEHAVIOR ANALYST" OR "CERTIFIED  
50 BEHAVIOR ANALYST ASSISTANT" OR ANY OTHER DESIGNATION TENDING TO IMPLY  
51 THAT THE PERSON IS LICENSED OR CERTIFIED TO PRACTICE APPLIED BEHAVIOR  
52 ANALYSIS.

53 S 8804. REQUIREMENTS AND PROCEDURES FOR PROFESSIONAL LICENSURE. 1. TO  
54 QUALIFY FOR CERTIFICATION AS A CERTIFIED BEHAVIOR ANALYST ASSISTANT, AN  
55 APPLICANT SHALL FULFILL THE FOLLOWING REQUIREMENTS:

56 (A) APPLICATION: FILE AN APPLICATION WITH THE DEPARTMENT;  
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1 (B) EDUCATION: HAVE RECEIVED AN EDUCATION, INCLUDING A BACHELOR'S OR  
2 HIGHER DEGREE FROM A PROGRAM REGISTERED BY THE DEPARTMENT OR DETERMINED  
3 BY THE DEPARTMENT TO BE THE SUBSTANTIAL EQUIVALENT THEREOF, IN ACCORD-  
4 ANCE WITH THE COMMISSIONER'S REGULATIONS.

5 (C) EXPERIENCE: HAVE EXPERIENCE IN THE PRACTICE OF APPLIED BEHAVIOR  
6 ANALYSIS SATISFACTORY TO THE BOARD AND THE DEPARTMENT IN ACCORDANCE WITH  
7 THE COMMISSIONER'S REGULATIONS.

8 (D) EXAMINATION: PASS AN EXAMINATION ACCEPTABLE TO THE BOARD AND THE  
9 DEPARTMENT IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS.

10 (E) AGE: BE AT LEAST TWENTY-ONE YEARS OF AGE;

11 (F) CHARACTER: BE OF GOOD MORAL CHARACTER AS DETERMINED BY THE DEPART-  
12 MENT AND SUBMIT AN ATTESTATION OF MORAL CHARACTER; AND

13 (G) FEE: PAY A FEE OF ONE HUNDRED FIFTY DOLLARS FOR AN INITIAL LICENSE  
14 AND A FEE OF SEVENTY-FIVE DOLLARS FOR EACH TRIENNIAL REGISTRATION PERI-  
15 OD.

16 2. TO QUALIFY FOR A LICENSE AS A LICENSED BEHAVIOR ANALYST, AN APPLI-  
17 CANT SHALL FULFILL THE FOLLOWING REQUIREMENTS:

18 (A) APPLICATION: FILE AN APPLICATION WITH THE DEPARTMENT;

19 (B) EDUCATION: HAVE RECEIVED AN EDUCATION, INCLUDING A MASTER'S OR  
20 HIGHER DEGREE FROM A PROGRAM REGISTERED BY THE DEPARTMENT OR DETERMINED  
21 BY THE DEPARTMENT TO BE THE SUBSTANTIAL EQUIVALENT, THEREOF, IN ACCORD-  
22 ANCE WITH THE COMMISSIONER'S REGULATIONS.

23 (C) EXPERIENCE: HAVE EXPERIENCE IN THE PRACTICE OF APPLIED BEHAVIOR  
24 ANALYSIS SATISFACTORY TO THE BOARD AND THE DEPARTMENT IN ACCORDANCE WITH  
25 THE COMMISSIONER'S REGULATIONS.

26 (D) EXAMINATION: PASS AN EXAMINATION ACCEPTABLE TO THE BOARD AND THE  
27 DEPARTMENT IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS.

28 (E) AGE: BE AT LEAST TWENTY-ONE YEARS OF AGE;

29 (F) CHARACTER: BE OF GOOD MORAL CHARACTER AS DETERMINED BY THE DEPART-  
30 MENT AND SUBMIT AN ATTESTATION OF MORAL CHARACTER; AND

31 (G) FEE: PAY A FEE OF TWO HUNDRED DOLLARS FOR AN INITIAL LICENSE AND A  
32 FEE OF ONE HUNDRED DOLLARS FOR EACH TRIENNIAL REGISTRATION PERIOD.

33 S 8805. SPECIAL PROVISIONS. AN INDIVIDUAL WHO MEETS THE REQUIREMENTS  
34 FOR A LICENSE OR CERTIFICATION AS A LICENSED BEHAVIOR ANALYST OR A  
35 CERTIFIED BEHAVIOR ANALYST ASSISTANT, EXCEPT FOR EXAMINATION, EXPERIENCE  
36 AND EDUCATION, AND WHO IS CERTIFIED OR REGISTERED BY A NATIONAL CERTIFY-  
37 ING BODY HAVING CERTIFICATION OR REGISTRATION STANDARDS ACCEPTABLE TO  
38 THE COMMISSIONER, MAY BE LICENSED OR CERTIFIED, WITHOUT MEETING ADDI-  
39 TIONAL REQUIREMENTS AS TO EXAMINATION, EXPERIENCE AND EDUCATION,  
40 PROVIDED THAT SUCH INDIVIDUAL SUBMITS AN APPLICATION TO THE DEPARTMENT  
41 WITHIN TWO YEARS OF THE EFFECTIVE DATE OF THIS SECTION.

42 S 8806. LIMITED PERMITS. THE FOLLOWING REQUIREMENTS FOR A LIMITED  
43 PERMIT SHALL APPLY TO ALL PROFESSIONS LICENSED OR CERTIFIED PURSUANT TO  
44 THIS ARTICLE:

45 1. THE DEPARTMENT MAY ISSUE A LIMITED PERMIT TO AN APPLICANT WHO MEETS  
46 ALL QUALIFICATIONS FOR LICENSURE, EXCEPT THE EXAMINATION AND/OR EXPERI-  
47 ENCE REQUIREMENTS, IN ACCORDANCE WITH REGULATIONS PROMULGATED THEREFOR.

48 2. LIMITED PERMITS SHALL BE FOR ONE YEAR; SUCH LIMITED PERMITS MAY BE  
49 RENEWED, AT THE DISCRETION OF THE DEPARTMENT, FOR ONE ADDITIONAL YEAR.

50 3. THE FEE FOR EACH LIMITED PERMIT AND FOR EACH RENEWAL SHALL BE  
51 SEVENTY DOLLARS.

52 4. A LIMITED PERMIT HOLDER SHALL PRACTICE ONLY UNDER SUPERVISION AS  
53 DETERMINED IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS.

54 S 8807. EXEMPTIONS. 1. NOTHING CONTAINED IN THIS ARTICLE SHALL BE  
55 CONSTRUED TO LIMIT THE SCOPES OF PRACTICE OF ANY OTHER PROFESSION  
56 LICENSED UNDER THIS TITLE.

1 2. NOTHING IN THIS ARTICLE SHALL BE CONSTRUED AS PROHIBITING A PERSON  
2 FROM PERFORMING THE DUTIES OF A LICENSED BEHAVIOR ANALYST OR A CERTIFIED  
3 BEHAVIOR ANALYST ASSISTANT, IN THE COURSE OF SUCH EMPLOYMENT, IF SUCH

- 4 PERSON IS EMPLOYED:
- 5 A. BY A FEDERAL, STATE, COUNTY OR MUNICIPAL AGENCY, OR OTHER POLITICAL
- 6 SUBDIVISION;
- 7 B. BY A CHARTERED ELEMENTARY OR SECONDARY SCHOOL OR DEGREE-GRANTING
- 8 INSTITUTION;
- 9 C. AS A CERTIFIED TEACHER OR TEACHING ASSISTANT, OTHER THAN A PUPIL
- 10 PERSONNEL SERVICES PROFESSIONAL, IN AN APPROVED PROGRAM AS DEFINED IN
- 11 PARAGRAPH B OF SUBDIVISION ONE OF SECTION FORTY-FOUR HUNDRED TEN OF THIS
- 12 CHAPTER; OR
- 13 D. IN A SETTING TO THE EXTENT THAT THE EXEMPTION IN PARAGRAPH D OF
- 14 SUBDIVISION SIX OF SECTION FORTY-FOUR HUNDRED TEN OF THIS CHAPTER
- 15 APPLIES.

16 3. NOTHING IN THIS ARTICLE SHALL BE CONSTRUED AS PROHIBITING THE  
 17 ACTIVITIES AND SERVICES REQUIRED OF A STUDENT, INTERN, OR RESIDENT IN AN  
 18 EDUCATIONAL PROGRAM ACCEPTABLE TO THE DEPARTMENT PURSUANT TO THE COMMIS-  
 19 SIONER'S REGULATIONS, PURSUING A COURSE OF STUDY LEADING TO A BACHELOR'S  
 20 OR HIGHER DEGREE IN AN EDUCATIONAL PROGRAM ACCEPTABLE TO THE DEPARTMENT  
 21 PURSUANT TO THE COMMISSIONER'S REGULATIONS IN AN INSTITUTION APPROVED BY  
 22 THE DEPARTMENT, PROVIDED THAT SUCH ACTIVITIES AND SERVICES CONSTITUTE A  
 23 PART OF HIS OR HER SUPERVISED COURSE OF STUDY IN AN EDUCATIONAL PROGRAM  
 24 ACCEPTABLE TO THE DEPARTMENT PURSUANT TO THE COMMISSIONER'S REGULATIONS.  
 25 SUCH PERSON SHALL BE DESIGNATED BY TITLE WHICH CLEARLY INDICATES HIS OR  
 26 HER TRAINING STATUS.

27 S 8808. STATE BOARD FOR APPLIED BEHAVIOR ANALYSIS. 1. A STATE BOARD  
 28 FOR APPLIED BEHAVIOR ANALYSIS SHALL BE APPOINTED BY THE BOARD OF REGENTS  
 29 UPON THE RECOMMENDATION OF THE COMMISSIONER AND SHALL ASSIST ON MATTERS  
 30 OF LICENSING AND PROFESSIONAL CONDUCT IN ACCORDANCE WITH SECTION SIXTY-  
 31 FIVE HUNDRED EIGHT OF THIS TITLE. AN EXECUTIVE SECRETARY OF THE BOARD  
 32 SHALL BE APPOINTED BY THE BOARD OF REGENTS UPON THE RECOMMENDATION OF  
 33 THE COMMISSIONER.

34 2. THE BOARD SHALL CONSIST OF SEVEN INDIVIDUALS, TO BE COMPOSED OF THE  
 35 FOLLOWING:

- 36 (A) THREE LICENSED BEHAVIOR ANALYSTS;
- 37 (B) ONE CERTIFIED BEHAVIOR ANALYST ASSISTANT;
- 38 (C) ONE LICENSED PSYCHOLOGIST, WHO CURRENTLY PRESCRIBES TREATMENT
- 39 INVOLVING APPLIED BEHAVIOR ANALYSIS IN HIS OR HER PROFESSIONAL PRACTICE;
- 40 AND
- 41 (D) TWO PUBLIC REPRESENTATIVES, AS DEFINED IN PARAGRAPH B OF SUBDIVI-
- 42 SION ONE OF SECTION SIXTY-FIVE HUNDRED EIGHT OF THIS TITLE.

43 S 2. Subparagraph (i) of paragraph a of subdivision 1 of section  
 44 6503-a of the education law, as added by chapter 130 of the laws of  
 45 2010, is amended to read as follows:

46 (i) services provided under article one hundred fifty-four [or], one  
 47 hundred sixty-three OR ONE HUNDRED SIXTY-SEVEN of this title for which  
 48 licensure would be required, or

49 S 3. Subdivision 4 of section 7605 of the education law, as amended by  
 50 chapter 210 of the laws of 2004, is amended to read as follows:

51 4. The practice, conduct, activities, or services by any person  
 52 licensed or otherwise authorized to practice nursing as a registered  
 53 professional nurse or nurse practitioner within the state pursuant to  
 54 article one hundred thirty-nine of this title or by any person licensed  
 55 or otherwise authorized to practice social work within the state pursu-  
 56 ant to article one hundred fifty-four of this title, or by any person  
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1 licensed or otherwise authorized to practice mental health counseling,  
 2 marriage and family therapy, creative arts therapy, or psychoanalysis

3 within the state pursuant to article one hundred sixty-three of this  
 4 title, OR ANY PERSON LICENSED OR OTHERWISE AUTHORIZED TO PRACTICE  
 5 APPLIED BEHAVIOR ANALYSIS WITHIN THE STATE PURSUANT TO ARTICLE ONE  
 6 HUNDRED SIXTY-SEVEN OF THIS TITLE or any individual who is credentialed  
 7 under any law, including attorneys, rape crisis counselors, certified  
 8 alcoholism counselors, and certified substance abuse counselors from  
 9 providing mental health services within their respective established  
 10 authorities.

11 S 4. Subdivision 1 of section 7706 of the education law, as amended by  
 12 chapter 230 of the laws of 2004, is amended to read as follows:

13 1. Apply to the practice, conduct, activities, services or use of any  
 14 title by any person licensed or otherwise authorized to practice medi-  
 15 cine within the state pursuant to article one hundred thirty-one of this  
 16 title or by any person registered to perform services as a physician  
 17 assistant within the state pursuant to article one hundred thirty-one-B  
 18 of this title or by any person licensed or otherwise authorized to prac-  
 19 tice psychology within this state pursuant to article one hundred  
 20 fifty-three of this title or by any person licensed or otherwise author-  
 21 ized to practice nursing as a registered professional nurse or nurse  
 22 practitioner within this state pursuant to article one hundred thirty-  
 23 nine of this title or by any person licensed or otherwise authorized to  
 24 practice occupational therapy within this state pursuant to article one  
 25 hundred fifty-six of this title or by any person licensed or otherwise  
 26 authorized to practice mental health counseling, marriage and family  
 27 therapy, creative arts therapy, or psychoanalysis within the state  
 28 pursuant to article one hundred sixty-three of this title OR BY ANY  
 29 PERSON LICENSED OR OTHERWISE AUTHORIZED TO PRACTICE APPLIED BEHAVIOR  
 30 ANALYSIS WITHIN THE STATE PURSUANT TO ARTICLE ONE HUNDRED SIXTY-SEVEN OF  
 31 THIS TITLE; provided, however, that no physician, physician assistant,  
 32 registered professional nurse, nurse practitioner, psychologist, occupa-  
 33 tional therapist, licensed mental health counselor, licensed marriage  
 34 and family therapist, licensed creative arts therapist, [or] licensed  
 35 psychoanalyst, LICENSED BEHAVIOR ANALYST OR CERTIFIED BEHAVIOR ANALYST  
 36 ASSISTANT may use the titles "licensed clinical social worker" or  
 37 "licensed master social worker", unless licensed under this article.

38 S 5. Subdivision 1 of section 8410 of the education law, as amended by  
 39 chapter 210 of the laws of 2004, is amended to read as follows:

40 1. Apply to the practice, conduct, activities, services or use of any  
 41 title by any person licensed or otherwise authorized to practice medi-  
 42 cine within the state pursuant to article one hundred thirty-one of this  
 43 title or by any person registered to perform services as a physician  
 44 assistant within the state pursuant to article one hundred thirty-one-B  
 45 of this title or by any person licensed or otherwise authorized to prac-  
 46 tice psychology within this state pursuant to article one hundred  
 47 fifty-three of this title or by any person licensed or otherwise author-  
 48 ized to practice social work within this state pursuant to article one  
 49 hundred fifty-four of this title, or by any person licensed or otherwise  
 50 authorized to practice nursing as a registered professional nurse or  
 51 nurse practitioner within this state pursuant to article one hundred  
 52 thirty-nine of this title OR BY ANY PERSON LICENSED OR OTHERWISE AUTHOR-  
 53 IZED TO PRACTICE APPLIED BEHAVIOR ANALYSIS WITHIN THE STATE PURSUANT TO  
 54 ARTICLE ONE HUNDRED SIXTY-SEVEN OF THIS TITLE; provided, however, that  
 55 no physician, physician's assistant, registered professional nurse,  
 56 nurse practitioner, psychologist, licensed master social worker, [or]  
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1 licensed clinical social worker, LICENSED BEHAVIOR ANALYST OR CERTIFIED

2 BEHAVIOR ANALYST ASSISTANT may use the titles "licensed mental health  
3 counselor", "licensed marriage and family therapist", "licensed creative  
4 arts therapist", or "licensed psychoanalyst", unless licensed under this  
5 article.

6 S 6. Subdivision (a) of section 1203 of the limited liability company  
7 law, as separately amended by chapters 420 and 676 of the laws of 2002,  
8 is amended to read as follows:

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

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1 service limited liability company formed to provide psychoanalysis  
2 services as such services are defined in article 163 of the education  
3 law, each member of such limited liability company must be licensed  
4 pursuant to article 163 of the education law to practice psychoanalysis  
5 in this state. WITH RESPECT TO A PROFESSIONAL SERVICE LIMITED LIABILITY  
6 COMPANY FORMED TO PROVIDE APPLIED BEHAVIOR ANALYSIS SERVICES AS SUCH  
7 SERVICES ARE DEFINED IN ARTICLE 167 OF THE EDUCATION LAW, EACH MEMBER OF  
8 SUCH LIMITED LIABILITY COMPANY MUST BE LICENSED OR CERTIFIED PURSUANT TO  
9 ARTICLE 167 OF THE EDUCATION LAW TO PRACTICE APPLIED BEHAVIOR ANALYSIS  
10 IN THIS STATE. In addition to engaging in such profession or  
11 professions, a professional service limited liability company may engage  
12 in any other business or activities as to which a limited liability  
13 company may be formed under section two hundred one of this chapter.  
14 Notwithstanding any other provision of this section, a professional  
15 service limited liability company (i) authorized to practice law may  
16 only engage in another profession or business or activities or (ii)  
17 which is engaged in a profession or other business or activities other  
18 than law may only engage in the practice of law, to the extent not  
19 prohibited by any other law of this state or any rule adopted by the  
20 appropriate appellate division of the supreme court or the court of  
21 appeals.

22 S 7. Subdivision (b) of section 1207 of the limited liability company  
23 law, as separately amended by chapters 420 and 676 of the laws of 2002,  
24 is amended to read as follows:

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

1 article 163 of the education law, each member of such limited liability  
2 company must be licensed pursuant to article 163 of the education law to  
3 practice marriage and family therapy in this state. With respect to a  
4 professional service limited liability company formed to provide mental  
5 health counseling services as such services are defined in article 163  
6 of the education law, each member of such limited liability company must  
7 be licensed pursuant to article 163 of the education law to practice  
8 mental health counseling in this state. With respect to a professional  
9 service limited liability company formed to provide psychoanalysis  
10 services as such services are defined in article 163 of the education  
11 law, each member of such limited liability company must be licensed  
12 pursuant to article 163 of the education law to practice psychoanalysis  
13 in this state. WITH RESPECT TO A PROFESSIONAL SERVICE LIMITED LIABILITY  
14 COMPANY FORMED TO PROVIDE APPLIED BEHAVIOR ANALYSIS SERVICES AS SUCH  
15 SERVICES ARE DEFINED IN ARTICLE 167 OF THE EDUCATION LAW, EACH MEMBER OF  
16 SUCH LIMITED LIABILITY COMPANY MUST BE LICENSED OR CERTIFIED PURSUANT TO  
17 ARTICLE 167 OF THE EDUCATION LAW TO PRACTICE APPLIED BEHAVIOR ANALYSIS  
18 IN THIS STATE.

19 S 8. Subdivision (a) of section 1301 of the limited liability company  
20 law, as separately amended by chapters 420 and 676 of the laws of 2002,  
21 is amended to read as follows:

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



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1 liability company must be licensed pursuant to article 133 of the educa-  
2 tion law to practice dentistry in this state. With respect to a foreign  
3 professional service limited liability company which provides profes-  
4 sional engineering, land surveying, architectural and/or landscape  
5 architectural services as such services are defined in article 145,  
6 article 147 and article 148 of the education law, each member of such  
7 foreign professional service limited liability company must be licensed  
8 pursuant to article 145, article 147 and/or article 148 of the education  
9 law to practice one or more of such professions in this state. With  
10 respect to a foreign professional service limited liability company  
11 which provides licensed clinical social work services as such services  
12 are defined in article 154 of the education law, each member of such  
13 foreign professional service limited liability company shall be licensed  
14 pursuant to article 154 of the education law to practice clinical social  
15 work in this state. With respect to a foreign professional service  
16 limited liability company which provides creative arts therapy services  
17 as such services are defined in article 163 of the education law, each  
18 member of such foreign professional service limited liability company  
19 must be licensed pursuant to article 163 of the education law to prac-  
20 tice creative arts therapy in this state. With respect to a foreign  
21 professional service limited liability company which provides marriage  
22 and family therapy services as such services are defined in article 163  
23 of the education law, each member of such foreign professional service  
24 limited liability company must be licensed pursuant to article 163 of  
25 the education law to practice marriage and family therapy in this state.  
26 With respect to a foreign professional service limited liability company  
27 which provides mental health counseling services as such services are  
28 defined in article 163 of the education law, each member of such foreign  
29 professional service limited liability company must be licensed pursuant  
30 to article 163 of the education law to practice mental health counseling  
31 in this state. With respect to a foreign professional service limited  
32 liability company which provides psychoanalysis services as such  
33 services are defined in article 163 of the education law, each member of  
34 such foreign professional service limited liability company must be  
35 licensed pursuant to article 163 of the education law to practice  
36 psychoanalysis in this state. WITH RESPECT TO A FOREIGN PROFESSIONAL  
37 SERVICE LIMITED LIABILITY COMPANY WHICH PROVIDES APPLIED BEHAVIOR ANALY-  
38 SIS SERVICES AS SUCH SERVICES ARE DEFINED IN ARTICLE 167 OF THE EDUCA-  
39 TION LAW, EACH MEMBER OF SUCH FOREIGN PROFESSIONAL SERVICE LIMITED  
40 LIABILITY COMPANY MUST BE LICENSED OR CERTIFIED PURSUANT TO ARTICLE 167  
41 OF THE EDUCATION LAW TO PRACTICE APPLIED BEHAVIOR ANALYSIS IN THIS  
42 STATE.

43 S 9. Subdivision (q) of section 121-1500 of the partnership law, as  
44 separately amended by chapters 420 and 676 of the laws of 2002, is  
45 amended to read as follows:

46 (q) Each partner of a registered limited liability partnership formed  
47 to provide medical services in this state must be licensed pursuant to  
48 article 131 of the education law to practice medicine in this state and  
49 each partner of a registered limited liability partnership formed to  
50 provide dental services in this state must be licensed pursuant to arti-  
51 cle 133 of the education law to practice dentistry in this state. Each  
52 partner of a registered limited liability partnership formed to provide  
53 veterinary services in this state must be licensed pursuant to article  
54 135 of the education law to practice veterinary medicine in this state.  
55 Each partner of a registered limited liability partnership formed to

56 provide professional engineering, land surveying, architectural and/or  
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1 landscape architectural services in this state must be licensed pursuant  
2 to article 145, article 147 and/or article 148 of the education law to  
3 practice one or more of such professions in this state. Each partner of  
4 a registered limited liability partnership formed to provide licensed  
5 clinical social work services in this state must be licensed pursuant to  
6 article 154 of the education law to practice clinical social work in  
7 this state. Each partner of a registered limited liability partnership  
8 formed to provide creative arts therapy services in this state must be  
9 licensed pursuant to article 163 of the education law to practice crea-  
10 tive arts therapy in this state. Each partner of a registered limited  
11 liability partnership formed to provide marriage and family therapy  
12 services in this state must be licensed pursuant to article 163 of the  
13 education law to practice marriage and family therapy in this state.  
14 Each partner of a registered limited liability partnership formed to  
15 provide mental health counseling services in this state must be licensed  
16 pursuant to article 163 of the education law to practice mental health  
17 counseling in this state. Each partner of a registered limited liability  
18 partnership formed to provide psychoanalysis services in this state must  
19 be licensed pursuant to article 163 of the education law to practice  
20 psychoanalysis in this state. EACH PARTNER OF A REGISTERED LIMITED  
21 LIABILITY PARTNERSHIP FORMED TO PROVIDE APPLIED BEHAVIOR ANALYSIS  
22 SERVICE IN THIS STATE MUST BE LICENSED OR CERTIFIED PURSUANT TO ARTICLE  
23 167 OF THE EDUCATION LAW TO PRACTICE APPLIED BEHAVIOR ANALYSIS IN THIS  
24 STATE.

25 S 10. Subdivision (q) of section 121-1502 of the partnership law, as  
26 amended by chapter 230 of the laws of 2004, is amended to read as  
27 follows:

28 (q) Each partner of a foreign limited liability partnership which  
29 provides medical services in this state must be licensed pursuant to  
30 article 131 of the education law to practice medicine in the state and  
31 each partner of a foreign limited liability partnership which provides  
32 dental services in the state must be licensed pursuant to article 133 of  
33 the education law to practice dentistry in this state. Each partner of a  
34 foreign limited liability partnership which provides veterinary service  
35 in the state shall be licensed pursuant to article 135 of the education  
36 law to practice veterinary medicine in this state. Each partner of a  
37 foreign limited liability partnership which provides professional engi-  
38 neering, land surveying, architectural and/or landscape architectural  
39 services in this state must be licensed pursuant to article 145, article  
40 147 and/or article 148 of the education law to practice one or more of  
41 such professions. Each partner of a foreign limited liability partner-  
42 ship which provides licensed clinical social work services in this state  
43 must be licensed pursuant to article 154 of the education law to prac-  
44 tice licensed clinical social work in this state. Each partner of a  
45 foreign limited liability partnership which provides creative arts ther-  
46 apy services in this state must be licensed pursuant to article 163 of  
47 the education law to practice creative arts therapy in this state. Each  
48 partner of a foreign limited liability partnership which provides  
49 marriage and family therapy services in this state must be licensed  
50 pursuant to article 163 of the education law to practice marriage and  
51 family therapy in this state. Each partner of a foreign limited liabil-  
52 ity partnership which provides mental health counseling services in this  
53 state must be licensed pursuant to article 163 of the education law to  
54 practice mental health counseling in this state. Each partner of a

55 foreign limited liability partnership which provides psychoanalysis  
 56 services in this state must be licensed pursuant to article 163 of the  
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1 education law to practice psychoanalysis in this state. EACH PARTNER OF  
 2 A FOREIGN LIMITED LIABILITY PARTNERSHIP WHICH PROVIDES APPLIED BEHAVIOR  
 3 ANALYSIS SERVICES IN THIS STATE MUST BE LICENSED OR CERTIFIED PURSUANT  
 4 TO ARTICLE 167 OF THE EDUCATION LAW TO PRACTICE APPLIED BEHAVIOR ANALY-  
 5 SIS IN THIS STATE.

6 S 11. Paragraph a of subdivision 3 of section 6507 of the education  
 7 law, as amended by chapter 356 of the laws of 2006, is amended to read  
 8 as follows:

9 a. Establish standards for preprofessional and professional education,  
 10 experience and licensing examinations as required to implement the arti-  
 11 cle for each profession. Notwithstanding any other provision of law, the  
 12 commissioner shall establish standards requiring that all persons apply-  
 13 ing, on or after January first, nineteen hundred ninety-one, initially,  
 14 or for the renewal of, a license, registration or limited permit to be a  
 15 physician, chiropractor, dentist, registered nurse, podiatrist, optome-  
 16 trist, psychiatrist, psychologist, licensed master social worker,  
 17 licensed clinical social worker, licensed creative arts therapist,  
 18 licensed marriage and family therapist, licensed mental health counse-  
 19 lor, licensed psychoanalyst, [or] dental hygienist, LICENSED BEHAVIOR  
 20 ANALYST, OR CERTIFIED BEHAVIOR ANALYST ASSISTANT shall, in addition to  
 21 all the other licensure, certification or permit requirements, have  
 22 completed two hours of coursework or training regarding the identifica-  
 23 tion and reporting of child abuse and maltreatment. The coursework or  
 24 training shall be obtained from an institution or provider which has  
 25 been approved by the department to provide such coursework or training.  
 26 The coursework or training shall include information regarding the phys-  
 27 ical and behavioral indicators of child abuse and maltreatment and the  
 28 statutory reporting requirements set out in sections four hundred thir-  
 29 teen through four hundred twenty of the social services law, including  
 30 but not limited to, when and how a report must be made, what other  
 31 actions the reporter is mandated or authorized to take, the legal  
 32 protections afforded reporters, and the consequences for failing to  
 33 report. Such coursework or training may also include information regard-  
 34 ing the physical and behavioral indicators of the abuse of individuals  
 35 with mental retardation and other developmental disabilities and volun-  
 36 tary reporting of abused or neglected adults to the office of mental  
 37 retardation and developmental disabilities or the local adult protective  
 38 services unit. Each applicant shall provide the department with documen-  
 39 tation showing that he or she has completed the required training. The  
 40 department shall provide an exemption from the child abuse and maltreat-  
 41 ment training requirements to any applicant who requests such an  
 42 exemption and who shows, to the department's satisfaction, that there  
 43 would be no need because of the nature of his or her practice for him or  
 44 her to complete such training;

45 S 12. Paragraph (a) of subdivision 1 of section 413 of the social  
 46 services law, as amended by section 3 of part D of chapter 501 of the  
 47 laws of 2012, is amended to read as follows:

48 (a) The following persons and officials are required to report or  
 49 cause a report to be made in accordance with this title when they have  
 50 reasonable cause to suspect that a child coming before them in their  
 51 professional or official capacity is an abused or maltreated child, or  
 52 when they have reasonable cause to suspect that a child is an abused or  
 53 maltreated child where the parent, guardian, custodian or other person

54 legally responsible for such child comes before them in their profes-  
 55 sional or official capacity and states from personal knowledge facts,  
 56 conditions or circumstances which, if correct, would render the child an  
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1 abused or maltreated child: any physician; registered physician assist-  
 2 ant; surgeon; medical examiner; coroner; dentist; dental hygienist;  
 3 osteopath; optometrist; chiropractor; podiatrist; resident; intern;  
 4 psychologist; registered nurse; social worker; emergency medical techni-  
 5 cian; licensed creative arts therapist; licensed marriage and family  
 6 therapist; licensed mental health counselor; licensed psychoanalyst;  
 7 LICENSED BEHAVIOR ANALYST; CERTIFIED BEHAVIOR ANALYST ASSISTANT; hospi-  
 8 tal personnel engaged in the admission, examination, care or treatment  
 9 of persons; a Christian Science practitioner; school official, which  
 10 includes but is not limited to school teacher, school guidance counse-  
 11 lor, school psychologist, school social worker, school nurse, school  
 12 administrator or other school personnel required to hold a teaching or  
 13 administrative license or certificate; social services worker; director  
 14 of a children's overnight camp, summer day camp or traveling summer day  
 15 camp, as such camps are defined in section thirteen hundred ninety-two  
 16 of the public health law; day care center worker; school-age child care  
 17 worker; provider of family or group family day care; or any other child  
 18 care or foster care worker; mental health professional; substance abuse  
 19 counselor; alcoholism counselor; all persons credentialed by the office  
 20 of alcoholism and substance abuse services; peace officer; police offi-  
 21 cer; district attorney or assistant district attorney; investigator  
 22 employed in the office of a district attorney; or other law enforcement  
 23 official.

24 S 13. If any section of article 167 of the education law, as added by  
 25 section one of this act, or part thereof, shall be adjudged by any court  
 26 of competent jurisdiction to be invalid, such judgment shall not affect,  
 27 impair or invalidate the remainder of any other section or part thereof.

28 S 14. The provisions of sections eleven and twelve of this act shall  
 29 not apply to persons applying for licensure or certification or to  
 30 persons licensed or certified pursuant to section 8805 of the education  
 31 law until such licensed or certified person re-registers their license  
 32 or certification in accordance with the provisions of paragraph g of  
 33 subdivisions 1 and 2 of section 8804 of the education law as added by  
 34 section one of this act.

35 S 15. This act shall take effect July 1, 2014: provided, however,  
 36 that if section 3 of part D of chapter 501 of the laws of 2012 is not in  
 37 effect on such date, then the amendments to paragraph (a) of subdivision  
 38 1 of section 413 of the social services law made by section twelve of  
 39 this act shall take effect on the same date and in the same manner as  
 40 such chapter of the laws of 2012, takes effect; provided further that  
 41 sections six, seven, eight, nine and ten of this act and section 8805 of  
 42 the education law as added by section one of this act shall take effect  
 43 immediately; and provided further that effective immediately, the addi-  
 44 tion, amendment and/or repeal of any rule or regulation necessary for  
 45 the implementation of this act on its effective date are authorized and  
 46 directed to be made and completed on or before such effective date.