

STATE OF NEW YORK

6030--A

2023-2024 Regular Sessions

IN ASSEMBLY

March 30, 2023

Introduced by M. of A. PAULIN -- read once and referred to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law and the education law, in relation to standing orders for patient care in hospitals

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

1 Section 1. The public health law is amended by adding a new section
2 2803-v-1 to read as follows:

3 § 2803-v-1. Standing orders for patient care in a hospital. 1. A
4 hospital may establish standing orders for the care of patients, which
5 may authorize an attending nurse to provide services and care to a
6 patient. Notwithstanding this section, section twenty-eight hundred
7 three-v of this article, as added by chapter 366 of the laws of 2018,
8 shall apply in the case of standing orders for the care of newborns in
9 the hospital.

10 2. As used in this section, unless the context clearly requires other-
11 wise:

12 (a) "Hospital" means a hospital that routinely provides patient care.

13 (b) "Attending practitioner" means the physician, surgeon, nurse prac-
14 titioner, or physician assistant acting within his or her lawful scope
15 and terms of practice, attending a patient in a hospital.

16 (c) "Attending nurse" means a registered nurse attending to a patient,
17 acting within his or her lawful scope of practice.

18 (d) "Standing order" means a non-patient specific order for the care
19 of a patient in a hospital, established under this section.

20 3. Notwithstanding any other provision of law, a registered nurse may
21 administer the following procedures upon an order by a licensed physi-
22 cian or surgeon or an order by a nurse practitioner or physician assist-
23 ant:

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

LBD10534-02-3

1 (a) Electrocardiograms for patients that meet Acute Cardiac Syndrome
2 criteria as defined by American Heart Association guidelines.

3 (b) Point-of-care glucose screenings for patients with suspected hypo-
4 glycemia as defined in authoritative neurology criteria for evaluation
5 of acute mental status changes.

6 (c) Sepsis lab panels and intravenous access for patients that meet
7 severe sepsis and septic shock criteria as defined in the department's
8 sepsis regulations.

9 (d) Pregnancy tests for patients with childbearing capacity prior to
10 undergoing select imaging studies, operative procedures, and/or adminis-
11 tration of anesthetic agents.

12 4. A standing order may be implemented in the case of any patient when
13 (a) directed by the attending practitioner, or (b) in the absence of a
14 specific direction by the attending practitioner, the attending nurse
15 determines, in his or her professional judgment, that implementing the
16 standing order for the patient is clinically appropriate and consistent
17 with the standing order, the hospital's policies and applicable regu-
18 lations. The standing order shall not be implemented in a specific situ-
19 ation where the hospital's policies, the standing order, or applicable
20 regulations provide otherwise.

21 5. (a) A standing order shall provide for the circumstances in which
22 the condition or change in condition of the patients requires a depar-
23 ture from the terms of the standing order.

24 (b) When an attending nurse implementing a standing order becomes
25 aware of circumstances that, in his or her professional judgment,
26 reasonably indicate a need to depart from the terms of the standing
27 order, he or she shall so advise the attending practitioner. In such
28 circumstances, if the attending nurse determines, in his or her profes-
29 sional judgment, that the health of the patient requires departing from
30 the standing order prior to receiving direction from the attending prac-
31 titioner, the attending nurse may do so, consistent with his or her
32 lawful scope of practice, the hospital's policies and applicable regu-
33 lations.

34 (c) The standing order shall provide, including the times and manner,
35 that an attending practitioner shall review and acknowledge in writing
36 the services and care provided to the patient under the standing order
37 and the condition of the patient.

38 6. (a) A standing order may provide for circumstances in which it
39 shall not be implemented, or implemented only at the order of an attend-
40 ing practitioner.

41 (b) A standing order shall be dated, timed, and authenticated promptly
42 in the patient's medical record by the attending practitioner acting in
43 accordance with law, including scope-of-practice laws, hospital poli-
44 cies, and medical staff bylaws, rules and regulations.

45 7. A standing order may be implemented only if the implementing hospi-
46 tal:

47 (a) establishes that the order has been reviewed and approved by the
48 hospital's medical staff and nursing and pharmacy leadership, and signed
49 by a physician affiliated with the hospital;

50 (b) demonstrates that the order is consistent with nationally recog-
51 nized evidence-based guidelines; and

52 (c) ensures that the periodic and regular review of the order is
53 conducted by the hospital's medical staff and nursing and pharmacy lead-
54 ership to determine the continuing usefulness and safety of the order.

55 8. A standing order is a medical regimen; it shall be consistent with
56 the lawful scope of practice of a registered nurse.

1 9. The commissioner may make regulations governing the terms, proce-
2 dures and implementation of standing orders.

3 § 2. Section 6909 of the education law is amended by adding a new
4 subdivision 11 to read as follows:

5 11. A registered nurse may execute a standing order for patient care
6 in a hospital established under section twenty-eight hundred three-v-1
7 of the public health law, as provided in that section. The commissioner
8 may make regulations relating to implementation of this subdivision.

9 § 3. This act shall take effect immediately.