

STATE OF NEW YORK

236

2025-2026 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 8, 2025

Introduced by M. of A. MAGNARELLI, SAYEGH, COOK, BUTTENSCHON, GONZALEZ-ROJAS -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to the license requirements for the practice of respiratory therapy

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

1 Section 1. Subdivision 2 of section 8504 of the education law, as
2 added by chapter 817 of the laws of 1992, is amended to read as follows:
3 2. Education: have received an education, including completion of an
4 approved [~~asseeiate~~] bachelor degree program in respiratory therapy or
5 in a program determined by the department to be the equivalent; and in
6 order to continue to maintain registration as a licensed respiratory
7 therapist in New York state, have attained a baccalaureate degree or
8 higher in respiratory therapy or in a program determined by the depart-
9 ment to be the equivalent within six years of initial licensure in
10 accordance with the commissioner's regulations. The department, in its
11 discretion, may issue a conditional registration to a licensee who fails
12 to complete the baccalaureate degree but who agrees to meet the addi-
13 tional requirement within one year. The fee for such a conditional
14 registration shall be the same as, and in addition to, the fee for the
15 triennial registration. The duration of such conditional registration
16 shall be for one year and may be extended, with the payment of a fee,
17 for no more than one additional year, unless the applicant can show good
18 cause for non-compliance acceptable to the department. The department,
19 in its discretion, may issue a temporary educational exemption to a
20 licensee who is unable to complete the baccalaureate degree due to a
21 lack of access to educational programs. Licensees seeking a temporary
22 educational exemption shall provide evidence of applying on at least two
23 occasions to a baccalaureate degree program or programs and subsequently
24 being denied access to such program or programs on at least two occa-

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

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1 sions due to there being a limited number of seats. Such denials shall
2 also be corroborated by the higher education institution or institutions
3 that the licensee applied to. Temporary educational exemptions issued
4 pursuant to this subdivision shall be for a single two year period.
5 Licensees shall only be eligible for either a conditional registration
6 or a temporary educational exemption. The fee for such a temporary
7 educational exemption shall be the same as, and in addition to, the fee
8 for the triennial registration. Any licensee who is notified of the
9 denial of a registration for failure to complete the additional educa-
10 tional requirements and who practices as a licensed respiratory thera-
11 apist without such registration may be subject to disciplinary
12 proceedings pursuant to section sixty-five hundred ten of this title;

13 § 2. Section 8513 of the education law, as added by chapter 817 of the
14 laws of 1992, is amended to read as follows:

15 § 8513. Special provisions. 1. A person shall be licensed without
16 examination provided that, within one year of the effective date of this
17 article, the individual:

18 [~~1.~~](a) files an application and pays the appropriate fees to the
19 department; and

20 [~~2.—(a)~~](b)(1) is certified by a national certifying or accrediting
21 board for respiratory therapy technicians acceptable to the department,
22 or

23 [~~(b)~~](2) has practiced as a respiratory therapy technician in a hospi-
24 tal, as defined in article twenty-eight of the public health law, in the
25 state for not less than two years within the last five years, or

26 [~~(c)~~](3) has met the educational standards of a hospital, as defined
27 in article twenty-eight of the public health law, or, in the case of a
28 hospital operated by a public benefit corporation, has met the educa-
29 tional standards of such corporation, and has practiced as a respiratory
30 therapy technician for at least one year in such hospital.

31 2. The department shall not accept new applications for an initial
32 license as a respiratory therapy technician, provided however that an
33 individual licensed as a respiratory therapy technician prior to that
34 date shall be eligible to renew the registration of the license subject
35 to the provisions of this section.

36 § 3. The provisions of this act shall not apply to:

37 1. any student currently enrolled in, or having an application pending
38 in, an approved associate degree program in respiratory therapy or in a
39 program determined by the department to be the equivalent as of the
40 effective date of this act; or

41 2. any person already licensed as a respiratory therapist.

42 § 4. Any individual covered by section three of this act shall be
43 deemed fully licensed provided that such individual meets the require-
44 ments set forth by article 164 of the education law.

45 § 5. This act shall take effect immediately; provided, however that
46 section one of this act shall take effect two years after this act shall
47 have become a law.