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

5249

2009-2010 Regular Sessions

I N A S S E M B L Y

February 11, 2009

Introduced by M. of A. ESPAILLAT -- Multi-Sponsored by -- M. of A. COLTON, DIAZ, WRIGHT -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to authorizing the board of regents to waive citizenship or immigration status requirements for professional licenses of physicians and midwives

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 6 of section 6524 of the education law, as amended by chapter 379 of the laws of 2008, is amended to read as follows:

(6) Citizenship or immigration status: be a United States citizen or [an alien] A NON-CITIZEN lawfully admitted for permanent residence in the United States; provided, however that the board of regents may grant a [three year] PERMANENT waiver for [an alien] A NON-CITIZEN physician LAWFULLY ADMITTED IN THE UNITED STATES to practice in an area which has been designated by the department as medically underserved[, except that the board of regents may grant an additional extension not to exceed six years to an alien physician to enable him or her to secure citizenship or permanent resident status, provided such status is being actively pursued; and provided further that the board of regents may grant an additional three year waiver, and at its expiration, an extension for a period not to exceed six additional years, for the holder of an H-1b visa, an O-1 visa, or an equivalent or successor visa thereto];

S 2. Subdivision 6 of section 6955 of the education law, as added by chapter 327 of the laws of 1992, is amended to read as follows:

6. Citizenship or immigration status: be a United States citizen or [an alien] A NON-CITIZEN lawfully admitted for permanent residence in the United States; PROVIDED, HOWEVER, THAT IN THE CASE OF A NON-CITIZEN MIDWIFE LAWFULLY ADMITTED IN THE UNITED STATES THE BOARD OF REGENTS MAY GRANT A PERMANENT WAIVER TO PRACTICE IN ANY OF THE FOLLOWING FACILITIES:

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

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(A) NOT-FOR-PROFIT FACILITIES LICENSED UNDER ARTICLE TWENTY-EIGHT OF THE PUBLIC HEALTH LAW WHICH SERVE THE MEDICALLY INDIGENT AND MEDICAID ELIGIBLE WOMEN;

(B) URBAN HOSPITALS SERVING A DISPROPORTIONATE SHARE OF MEDICALLY INDIGENT AND MEDICAID PATIENTS AS DEFINED BY THE COMMISSIONER OF HEALTH AND FACING SIGNIFICANT PERSONNEL SHORTAGES THAT THREATEN THEIR ABILITY TO PROVIDE NEEDED SERVICE;

(C) FEDERALLY QUALIFIED HEALTH CENTERS;

(D) RURAL HEALTH FACILITIES AS DEFINED BY THE COMMISSIONER OF HEALTH;

(E) STATE-OPERATED FACILITIES;

(F) NON-PROFIT AGENCIES POSSESSING OPERATING CERTIFICATES ISSUED BY THE OFFICE OF MENTAL HEALTH OR OFFICE OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES OR UNDER CONTRACT WITH THE COMMISSION FOR THE BLIND AND VISUALLY HANDICAPPED.

S 3. This act shall take effect immediately.