

765--B

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. GOTTFRIED, GUNTHER, FIELDS, PAULIN, LIFTON, LUPARDO, ENGLEBRIGHT, GABRYSZAK, SPANO, STIRPE, HOOPER, SCHROEDER, N. RIVERA, JAFFEE, SCARBOROUGH, ROSENTHAL, CAHILL, PRETLOW, ORTIZ -- Multi-Sponsored by -- M. of A. BING, BRENNAN, CUSICK, GALEF, HEVESI, LATIMER, LAVINE, LENTOL, PEOPLES-STOKES, REILLY -- read once and referred to the Committee on Higher Education -- recommitted to the Committee on Higher Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to services performed by nurse practitioners

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

1 Section 1. Subdivision 3 of section 6902 of the education law, as
2 added by chapter 257 of the laws of 1988, is amended to read as follows:
3 3. (a) The practice of registered professional nursing by a nurse
4 practitioner, certified under section six thousand nine hundred ten of
5 this article, may include the diagnosis of illness and physical condi-
6 tions and the performance of therapeutic and corrective measures within
7 a specialty area of practice[, in collaboration with a licensed physi-
8 cian qualified to collaborate in the specialty involved, provided such
9 services are performed in accordance with a written practice agreement
10 and written practice protocols. The written practice agreement shall
11 include explicit provisions for the resolution of any disagreement
12 between the collaborating physician and the nurse practitioner regarding
13 a matter of diagnosis or treatment that is within the scope of practice
14 of both. To the extent the practice agreement does not so provide, then
15 the collaborating physician's diagnosis or treatment shall prevail].

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

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1 (b) Prescriptions for drugs, devices and immunizing agents may be
2 issued by a nurse practitioner, under this subdivision and section six
3 thousand nine hundred ten of this article[, in accordance with the prac-
4 tice agreement and practice protocols]. The nurse practitioner shall
5 obtain a certificate from the department upon successfully completing a
6 program including an appropriate pharmacology component, or its equiv-
7 alent, as established by the commissioner's regulations, prior to
8 prescribing under this subdivision. The certificate issued under section
9 six thousand nine hundred ten of this article shall state whether the
10 nurse practitioner has successfully completed such a program or equiv-
11 alent and is authorized to prescribe under this subdivision.

12 (c) [Each practice agreement shall provide for patient records review
13 by the collaborating physician in a timely fashion but in no event less
14 often than every three months. The names of the nurse practitioner and
15 the collaborating physician shall be clearly posted in the practice
16 setting of the nurse practitioner.

17 (d) The practice protocol shall reflect current accepted medical and
18 nursing practice. The protocols shall be filed with the department with-
19 in ninety days of the commencement of the practice and may be updated
20 periodically. The commissioner shall make regulations establishing the
21 procedure for the review of protocols and the disposition of any issues
22 arising from such review.

23 (e) No physician shall enter into practice agreements with more than
24 four nurse practitioners who are not located on the same physical prem-
25 ises as the collaborating physician.

26 (f)] Nothing in this subdivision shall be deemed to limit or diminish
27 the practice of the profession of nursing as a registered professional
28 nurse under this article or any other law, rule, regulation or certif-
29 ication, nor to deny any registered professional nurse the right to do
30 any act or engage in any practice authorized by this article or any
31 other law, rule, regulation or certification.

32 [(g)] (D) The provisions of this subdivision shall not apply to any
33 activity authorized, pursuant to statute, rule or regulation, to be
34 performed by a registered professional nurse in a hospital as defined in
35 article twenty-eight of the public health law.

36 S 2. The education law is amended by adding a new section 6911 to read
37 as follows:

38 S 6911. NURSE PRACTITIONER ADVISORY PANEL. A NINE MEMBER NURSE PRACTI-
39 TIONER ADVISORY PANEL SHALL BE APPOINTED BY THE BOARD OF REGENTS ON
40 RECOMMENDATION OF THE COMMISSIONER FOR THE PURPOSE OF ASSISTING THE
41 BOARD OF REGENTS, THE BOARD FOR NURSING, AND THE COMMISSIONER ON MATTERS
42 RELATED TO THE PRACTICE OF REGISTERED NURSING AS A NURSE PRACTITIONER.
43 THE PANEL SHALL BE COMPOSED OF AT LEAST SIX LICENSED AND CERTIFIED NURSE
44 PRACTITIONERS, AND AT LEAST TWO PERSONS TO REPRESENT CONSUMERS AND
45 PATIENT GROUPS.

46 S 3. This act shall take effect immediately; provided, however, that
47 section one of this act shall take effect on the one hundred eightieth
48 day after it shall have become a law; and provided, further, that effec-
49 tive immediately, the addition, amendment and/or repeal of any rule or
50 regulation necessary for the implementation of this act on its effective
51 date are authorized and directed to be made and completed on or before
52 such effective date.