

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

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2011-2012 Regular Sessions

I N A S S E M B L Y

May 2, 2011

Introduced by M. of A. GOTTFRIED -- read once and referred to the Committee on Higher Education -- 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 public health law and the education law, in relation to physician assistants and specialist assistants

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

1 Section 1. Article 37 of the public health law, as added by chapter
2 1135 of the laws of 1971, the article heading and sections 3700 and 3701
3 as amended by chapter 210 of the laws of 1975, subdivision 2 of section
4 3701 as amended by chapter 375 of the laws of 2003, section 3703 as
5 amended by chapter 618 of the laws of 2006, subdivision 3 of section
6 3703 as added by chapter 603 of the laws of 2007, section 3704 as added
7 by chapter 30 of the laws of 2010, is amended to read as follows:

ARTICLE 37

[PHYSICIAN'S] PHYSICIAN

ASSISTANTS [AND SPECIALIST'S ASSISTANTS]

10 Section 3700. Definitions.

12 3701. Commissioner; powers and duties.

13 [3703] 3702. Special provisions.

14 [3704] 3703. Statutory construction.

15 S 3700. Definitions. As used in this article:

16 1. [Physician's] PHYSICIAN assistant. The term "[physician's] PHYSI-
17 CIAN assistant" means a person who is [registered] LICENSED as a [physi-
18 cian's] PHYSICIAN assistant pursuant to section sixty-five hundred
19 [thirty-one] FORTY-ONE of the education law.

20 2. [Specialist's assistant. The term "specialist's assistant" means a
21 person who is registered pursuant to section sixty-five hundred thirty-
22 one of the education law as a specialist's assistant for a particular

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

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1 medical specialty as defined by regulations promulgated by the commis-
2 sioner pursuant to section thirty-seven hundred one of this article.

3 3.] Physician. The term "physician" means a practitioner of medicine
4 licensed to practice medicine pursuant to article one hundred thirty-one
5 of the education law.

6 [4] 3. Hospital. The term "hospital" means an institution or facility
7 possessing a valid operating certificate issued pursuant to article
8 twenty-eight of this chapter and authorized to employ [physician's]
9 PHYSICIAN assistants [and specialist's assistants] in accordance with
10 rules and regulations of the [state hospital review and] PUBLIC HEALTH
11 AND HEALTH planning council.

12 [5] 4. Approved program. The term "approved program" means a program
13 for the education of [physician's] PHYSICIAN assistants [or specialist's
14 assistants] which has been formally approved by the [department of]
15 education DEPARTMENT.

16 S 3701. Commissioner; powers and duties. The commissioner shall have
17 the following powers and duties: 1. to promulgate regulations defining
18 and restricting the duties which may be assigned to [physician's] PHYSI-
19 CIAN assistants [and specialist's assistants] by their supervising
20 physician, the degree of supervision required and the manner in which
21 such duties may be performed;

22 2. [to promulgate regulations establishing such different medical
23 specialties for which specialist's assistants may be registered by the
24 education department pursuant to section sixty-five hundred forty-one of
25 the education law as will most effectively increase the quality of
26 medical care available in this state provided, however, that no category
27 of specialist's assistant shall be established: (a) for areas in which
28 allied health professions are presently licensed under the education law
29 or the public health law; or (b) relating to the practice of surgery or
30 practice in the intensive care unit of any general hospital, as defined
31 pursuant to article twenty-eight of this chapter.

32 3.] to conduct and support continuing studies respecting the nature
33 and scope of the duties of [physician's] PHYSICIAN assistants [and
34 specialist's assistants] in order to promote their effective functioning
35 as members of the health care team;

36 [4] 3. to determine the desirability of and to establish rules for
37 requiring continuing education of [physician's] PHYSICIAN assistants
38 [and specialist's assistants];

39 [5] 4. to furnish the education department with suggested criteria
40 which may be used by the education department to help determine whether
41 an applicant for [registration] LICENSURE as a [physician's] PHYSICIAN
42 assistant [or specialist's assistant] possesses equivalent education and
43 training, such as experience as a nurse or military corpsman, which may
44 be accepted in lieu of all or part of an approved program;

45 [6] 5. to adopt such other rules and regulations as may be necessary
46 or appropriate to carry out the purposes of this article.

47 S [3703] 3702. Special provisions. 1. Inpatient medical orders. A
48 [registered physician's] LICENSED PHYSICIAN assistant employed or
49 extended privileges by a hospital may, if permissible under the bylaws,
50 rules and regulations of the hospital, write medical orders, including
51 those for controlled substances, for inpatients under the care of the
52 physician responsible for his or her supervision. Countersignature of
53 such orders may be required if deemed necessary and appropriate by the
54 supervising physician or the hospital, but in no event shall countersig-
55 nature be required prior to execution.

1 2. Withdrawing blood. A [registered physician's] LICENSED PHYSICIAN
2 assistant or certified nurse practitioner acting within his or her
3 lawful scope of practice may supervise and direct the withdrawal of
4 blood for the purpose of determining the alcoholic or drug content ther-
5 ein under subparagraph one of paragraph (a) of subdivision four of
6 section eleven hundred ninety-four of the vehicle and traffic law,
7 notwithstanding any provision to the contrary in clause (ii) of such
8 subparagraph.

9 3. Prescriptions for controlled substances. A [registered] LICENSED
10 physician assistant, in good faith and acting within his or her lawful
11 scope of practice, and to the extent assigned by his or her supervising
12 physician, may prescribe controlled substances as a practitioner under
13 article thirty-three of this chapter, to patients under the care of such
14 physician responsible for his or her supervision. The commissioner, in
15 consultation with the commissioner of education, may promulgate such
16 regulations as are necessary to carry out the purposes of this section.

17 S [3704] 3703. Statutory construction. A physician assistant may
18 perform any function in conjunction with a medical service lawfully
19 performed by the physician assistant, in any health care setting, that a
20 statute authorizes or directs a physician to perform and that is appro-
21 priate to the education, training and experience of the [registered]
22 LICENSED physician assistant and within the ordinary practice of the
23 supervising physician. This section shall not be construed to increase
24 or decrease the lawful scope of practice of a physician assistant under
25 the education law.

26 S 2. The public health law is amended by adding a new article 37-A to
27 read as follows:

28 ARTICLE 37-A
29 SPECIALIST ASSISTANTS

30 SECTION 3710. DEFINITIONS.

31 3711. COMMISSIONER; POWERS AND DUTIES.

32 S 3710. DEFINITIONS. AS USED IN THIS ARTICLE:

33 1. SPECIALIST ASSISTANT. THE TERM "SPECIALIST ASSISTANT" MEANS A
34 PERSON WHO IS REGISTERED PURSUANT TO SECTION SIXTY-FIVE HUNDRED
35 FORTY-EIGHT OF THE EDUCATION LAW AS A SPECIALIST ASSISTANT FOR A PARTIC-
36 ULAR MEDICAL SPECIALITY AS DEFINED BY REGULATIONS PROMULGATED BY THE
37 COMMISSIONER PURSUANT TO SECTION THIRTY-SEVEN HUNDRED ELEVEN OF THIS
38 ARTICLE.

39 2. PHYSICIAN. THE TERM "PHYSICIAN" MEANS A PRACTITIONER OF MEDICINE
40 LICENSED TO PRACTICE MEDICINE PURSUANT TO ARTICLE ONE HUNDRED THIRTY-ONE
41 OF THE EDUCATION LAW.

42 3. HOSPITAL. THE TERM "HOSPITAL" MEANS AN INSTITUTION OR FACILITY
43 POSSESSING A VALID OPERATING CERTIFICATE ISSUED PURSUANT TO ARTICLE
44 TWENTY-EIGHT OF THIS CHAPTER AND AUTHORIZED TO EMPLOY SPECIALIST ASSIST-
45 ANTS IN ACCORDANCE WITH RULES AND REGULATIONS OF THE PUBLIC HEALTH AND
46 HEALTH REVIEW PLANNING COUNCIL.

47 4. APPROVED PROGRAM. THE TERM "APPROVED PROGRAM" MEANS A PROGRAM FOR
48 THE EDUCATION OF SPECIALIST ASSISTANTS WHICH HAS BEEN FORMALLY APPROVED
49 BY THE EDUCATION DEPARTMENT.

50 S 3711. COMMISSIONER; POWERS AND DUTIES. THE COMMISSIONER SHALL HAVE
51 THE FOLLOWING POWERS AND DUTIES:

52 1. TO PROMULGATE REGULATIONS DEFINING AND RESTRICTING THE DUTIES WHICH
53 MAY BE ASSIGNED TO SPECIALIST ASSISTANTS, THE DEGREE OF SUPERVISION
54 REQUIRED AND THE MANNER IN WHICH SUCH DUTIES MAY BE PERFORMED;

55 2. TO PROMULGATE REGULATIONS ESTABLISHING SUCH DIFFERENT MEDICAL
56 SPECIALTIES FOR WHICH SPECIALIST ASSISTANTS MAY BE REGISTERED BY THE

1 EDUCATION DEPARTMENT PURSUANT TO SECTION SIXTY-FIVE HUNDRED FORTY-EIGHT
2 OF THE EDUCATION LAW AS WILL MOST EFFECTIVELY INCREASE THE QUALITY OF
3 MEDICAL CARE AVAILABLE IN THIS STATE; PROVIDED, HOWEVER, THAT NO CATEGO-
4 RY OF SPECIALIST ASSISTANT SHALL BE ESTABLISHED: (A) FOR AREAS IN WHICH
5 ALLIED HEALTH PROFESSIONS ARE LICENSED PURSUANT TO THE EDUCATION LAW OR
6 THIS CHAPTER; OR (B) RELATING TO THE PRACTICE OF SURGERY OR PRACTICE IN
7 THE INTENSIVE CARE UNIT OF ANY GENERAL HOSPITAL, AS DEFINED PURSUANT TO
8 ARTICLE TWENTY-EIGHT OF THIS CHAPTER.

9 3. TO CONDUCT AND SUPPORT CONTINUING STUDIES RESPECTING THE NATURE AND
10 SCOPE OF THE DUTIES OF SPECIALIST ASSISTANTS IN ORDER TO PROMOTE THEIR
11 EFFECTIVE FUNCTIONING AS MEMBERS OF THE HEALTH CARE TEAM;

12 4. TO DETERMINE THE DESIRABILITY OF AND TO ESTABLISH RULES FOR REQUIR-
13 ING CONTINUING EDUCATION OF SPECIALIST ASSISTANTS;

14 5. TO FURNISH THE EDUCATION DEPARTMENT WITH SUGGESTED CRITERIA WHICH
15 MAY BE USED BY THE EDUCATION DEPARTMENT TO HELP DETERMINE THE EDUCATION
16 AND TRAINING REQUIREMENTS FOR A SPECIALIST ASSISTANT;

17 6. TO ADOPT SUCH OTHER RULES AND REGULATIONS AS MAY BE NECESSARY OR
18 APPROPRIATE TO CARRY OUT THE PURPOSES OF THIS ARTICLE.

19 S 3. Article 131-B of the education law, as added by chapter 1135 of
20 the laws of 1971 and as renumbered by chapter 144 of the laws of 1975,
21 the article heading and sections 6540, 6541, 6542, 6545, 6547 and 6548
22 as amended by chapter 179 of the laws of 1992, the opening paragraph of
23 subdivision 1 of section 6541, subdivision 3 of section 6548 as amended
24 by chapter 573 of the laws of 1992, paragraphs (c), (d), (e) and (f) of
25 subdivision 1 of section 6541 as amended by chapter 293 of the laws of
26 2010 and subdivision 6 of section 6542 as amended by section 90 of
27 subpart B of part C of chapter 62 of the laws of 2011, is amended to
28 read as follows:

29 ARTICLE 131-B

30 PHYSICIAN ASSISTANTS [AND SPECIALIST ASSISTANTS]

31 Section 6540. Definitions.

32 6541. [Registration] REQUIREMENTS FOR LICENSE.

33 6542. Performance of medical services.

34 [6545] 6543. Construction.

35 [6546] 6544. Regulations.

36 [6547] 6545. Emergency services rendered by physician assistant.

37 [6548] 6546. Limited permits.

38 S 6540. Definitions. As used in this article: 1. Physician assistant.
39 The term "physician assistant" means a person who is [registered]
40 LICENSED as a physician assistant pursuant to this article.

41 2. [Specialist assistant. The term "specialist assistant" means a
42 person who is registered pursuant to this article as a specialist
43 assistant for a particular medical specialty as defined by regulations
44 promulgated by the commissioner of health pursuant to section thirty-
45 seven hundred one of the public health law.

46 3.] Physician. The term "physician" means a practitioner of medicine
47 licensed to practice medicine pursuant to article one hundred thirty-one
48 of this chapter.

49 [4] 3. Approved program. The term "approved program" means a program
50 for the education of physician assistants [or specialist assistants]
51 which has been formerly approved by the department.

52 [5] 4. Hospital. The term "hospital" means an institution or facility
53 possessing a valid operating certificate issued pursuant to article
54 twenty-eight of the public health law and authorized to employ physician
55 assistants [and specialist assistants] in accordance with rules and

1 regulations of the [state hospital review and] PUBLIC HEALTH AND HEALTH
2 planning council.

3 S 6541. [Registration] REQUIREMENTS FOR LICENSE. 1. To qualify for
4 [registration] A LICENSE as a physician assistant [or specialist assist-
5 ant], each person shall pay a fee of one hundred fifteen dollars to the
6 department for admission to a department conducted examination, a fee of
7 forty-five dollars for each reexamination and a fee of seventy dollars
8 for persons not requiring admission to a department conducted examina-
9 tion and shall also submit satisfactory evidence, verified by oath or
10 affirmation, that he or she:

11 (a) at the time of application is at least twenty-one years of age;

12 (b) is of good moral character;

13 (c) [in the case of an applicant for registration as a specialist
14 assistant, has successfully completed a four-year course of study in a
15 secondary school approved by the board of regents or has passed an
16 equivalency test;

17 (d) in the case of an applicant for registration as a physician
18 assistant,] has received an education including a bachelor's or equiv-
19 alent degree in accordance with the commissioner's regulations;

20 [(e)] (D) has satisfactorily completed an approved program for the
21 training of physician assistants [or specialist assistants]. The
22 approved program for the training of physician assistants shall include
23 not less than forty weeks of supervised clinical training and thirty-two
24 credit hours of classroom work. Applicants for [registration] A LICENSE
25 as a physician assistant who have completed an approved program leading
26 to a bachelor's degree or equivalent in physician assistant studies
27 shall be deemed to have satisfied this paragraph. The commissioner is
28 empowered to determine whether an applicant possesses equivalent educa-
29 tion and training, such as experience as a nurse or military corpsman,
30 which may be accepted in lieu of all or part of an approved program; and

31 [(f)] (E) in the case of an applicant for [registration] A LICENSE as
32 a physician assistant, has obtained a passing score on an examination
33 acceptable to the department.

34 2. The department shall furnish to each person applying for [registra-
35 tion hereunder] A LICENSE PURSUANT TO THIS SECTION an application form
36 calling for such information as the department deems necessary and shall
37 issue to each applicant who satisfies the requirements of subdivision
38 one of this section a [certificate of registration] LICENSE as a physi-
39 cian assistant [or specialist assistant] in a particular medical
40 specialty for the period expiring December thirty-first of the first
41 odd-numbered year terminating subsequent to THE ISSUANCE OF such [regis-
42 tration] LICENSE.

43 3. Every [registrant] LICENSEE shall apply to the department for a
44 [certificate of registration] RENEWAL OF HIS OR HER LICENSE. The
45 department shall mail to every [registered] LICENSED physician assistant
46 [and specialist assistant] an application form for [registration]
47 RENEWAL, addressed to the [registrant's] LICENSEE'S post office address
48 on file with the department. Upon receipt of such application properly
49 executed, together with evidence of satisfactory completion of such
50 continuing education requirements as may be established by the commis-
51 sioner of health pursuant to section thirty-seven hundred one of the
52 public health law, the department shall issue a [certificate of regis-
53 tration] RENEWAL. [Registration] RENEWAL periods shall be triennial and
54 the [registration] RENEWAL fee shall be forty-five dollars.

55 S 6542. Performance of medical services. 1. Notwithstanding any other
56 provision of law, a physician assistant may perform medical services,

1 but only when under the supervision of a physician and only when such
2 acts and duties as are assigned to him OR HER are within the scope of
3 practice of such supervising physician.

4 2. [Notwithstanding any other provision of law, a specialist assistant
5 may perform medical services, but only when under the supervision of a
6 physician and only when such acts and duties as are assigned to him are
7 related to the designated medical specialty for which he is registered
8 and are within the scope of practice of his supervising physician.

9 3.] Supervision shall be continuous but shall not be construed as
10 necessarily requiring the physical presence of the supervising physician
11 at the time and place where such services are performed.

12 [4] 3. No physician shall employ or supervise more than two physician
13 assistants [and two specialist assistants] in his OR HER private prac-
14 tice.

15 [5] 4. Nothing in this article shall prohibit a hospital from employ-
16 ing physician assistants [or specialist assistants] provided they work
17 under the supervision of a physician designated by the hospital and not
18 beyond the scope of practice of such physician. The numerical limita-
19 tion of subdivision [four] THREE of this section shall not apply to
20 services performed in a hospital.

21 [6.] 5. Notwithstanding any other provision of this article, nothing
22 shall prohibit a physician employed by or rendering services to the
23 department of corrections and community supervision under contract from
24 supervising no more than four physician assistants [or specialist
25 assistants] in his OR HER practice for the department of corrections and
26 community supervision.

27 [7] 6. Notwithstanding any other provision of law, a trainee in an
28 approved program may perform medical services when such services are
29 performed within the scope of such program.

30 [8] 7. Nothing in this article, or in article thirty-seven of the
31 public health law, shall be construed to authorize physician assistants
32 [or specialist assistants] to perform those specific functions and
33 duties specifically delegated by law to those persons licensed as allied
34 health professionals under the public health law or [the education law]
35 THIS CHAPTER.

36 S [6545] 6543. Construction. [1.] Only a person [registered] LICENSED
37 as a physician assistant by the department may use the title "[regis-
38 tered] physician assistant" or the letters ["R.P.A."] "P.A." after his
39 OR HER name.

40 [2. Only a person registered as a specialist assistant by the depart-
41 ment may use the title "registered specialist assistant" or the letters
42 "R.S.A." after his name.]

43 S [6546] 6544. Regulations. The commissioner may promulgate such
44 other regulations as are necessary to carry out the purposes of this
45 article.

46 S [6547] 6545. Emergency services rendered by physician assistant.
47 Notwithstanding any inconsistent provision of any general, special or
48 local law, any physician assistant properly [registered] LICENSED in
49 this state who voluntarily and without the expectation of monetary
50 compensation renders first aid or emergency treatment at the scene of an
51 accident or other emergency, outside a hospital, doctor's office or any
52 other place having proper and necessary medical equipment, to a person
53 who is unconscious, ill or injured, shall not be liable for damages for
54 injuries alleged to have been sustained by such person or for damages
55 for the death of such person alleged to have occurred by reason of an
56 act or omission in the rendering of such first aid or emergency treat-

ment unless it is established that such injuries were or such death was caused by gross negligence on the part of such physician assistant. Nothing in this section shall be deemed or construed to relieve a licensed physician assistant from liability for damages for injuries or death caused by an act or omission on the part of a physician assistant while rendering professional services in the normal and ordinary course of his OR HER practice.

S [6548] 6546. Limited permits. Permits limited as to eligibility, practice and duration, shall be issued by the department to eligible applicants, as follows:

1. Eligibility. A person who fulfills all requirements [for registration] TO BE LICENSED as a physician assistant except that relating to the examination shall be eligible for a limited permit.

2. Limit of practice. A permittee shall be authorized to practice as a physician assistant only under the direct supervision of a physician.

3. Duration. A limited permit shall expire one year from the date of issuance or upon notice to the permittee by the department that the application for [registration] A LICENSE has been denied. A limited permit shall be extended upon application for one additional year, provided that the permittee's request for such extension is endorsed by a physician who either has supervised or will supervise the permittee, except that such extension may be denied by the department for cause which shall be stated in writing. If the permittee is awaiting the results of a licensing examination at the time such limited permit expires, such permit shall continue to be valid until ten days after notification to the permittee of the result of such examination.

4. Fees. The fee for each limited permit shall be one hundred five dollars.

S 4. The education law is amended by adding a new article 131-C to read as follows:

ARTICLE 131-C SPECIALIST ASSISTANTS

SECTION 6547. DEFINITIONS.
6548. REGISTRATION.
6549. PERFORMANCE OF MEDICAL SERVICES.
6549-A. CONSTRUCTION.
6549-B. REGULATIONS.

S 6547. DEFINITIONS. AS USED IN THIS ARTICLE:

1. SPECIALIST ASSISTANT. THE TERM "SPECIALIST ASSISTANT" MEANS A PERSON WHO IS REGISTERED PURSUANT TO THIS ARTICLE AS A SPECIALIST ASSISTANT FOR A PARTICULAR MEDICAL SPECIALTY AS DEFINED BY REGULATIONS PROMULGATED BY THE COMMISSIONER OF HEALTH PURSUANT TO SECTION THIRTY-SEVEN HUNDRED ELEVEN OF THE PUBLIC HEALTH LAW.

2. PHYSICIAN. THE TERM "PHYSICIAN" MEANS A PRACTITIONER OF MEDICINE LICENSED TO PRACTICE MEDICINE PURSUANT TO ARTICLE ONE HUNDRED THIRTY-ONE OF THIS CHAPTER.

3. APPROVED PROGRAM. THE TERM "APPROVED PROGRAM" MEANS A PROGRAM FOR THE EDUCATION OF SPECIALIST ASSISTANTS WHICH HAS BEEN APPROVED BY THE DEPARTMENT.

4. HOSPITAL. THE TERM "HOSPITAL" MEANS AN INSTITUTION OR FACILITY POSSESSING A VALID OPERATING CERTIFICATE ISSUED PURSUANT TO ARTICLE TWENTY-EIGHT OF THE PUBLIC HEALTH LAW AND AUTHORIZED TO EMPLOY SPECIALIST ASSISTANTS IN ACCORDANCE WITH RULES AND REGULATIONS OF THE PUBLIC HEALTH AND HEALTH PLANNING COUNCIL.

S 6548. REGISTRATION. 1. TO QUALIFY FOR REGISTRATION AS A SPECIALIST ASSISTANT, EACH PERSON SHALL PAY A FEE OF ONE HUNDRED FIFTEEN DOLLARS TO

1 THE DEPARTMENT FOR ADMISSION TO A DEPARTMENT CONDUCTED EXAMINATION, A
2 FEE OF FORTY-FIVE DOLLARS FOR EACH REEXAMINATION AND A FEE OF SEVENTY
3 DOLLARS FOR PERSONS NOT REQUIRING ADMISSION TO A DEPARTMENT CONDUCTED
4 EXAMINATION AND SHALL ALSO SUBMIT SATISFACTORY EVIDENCE, VERIFIED BY
5 OATH OR AFFIRMATION, THAT HE OR SHE:

- 6 (A) AT THE TIME OF APPLICATION IS AT LEAST TWENTY-ONE YEARS OF AGE;
- 7 (B) IS OF GOOD MORAL CHARACTER;
- 8 (C) HAS SUCCESSFULLY COMPLETED A FOUR-YEAR COURSE OF STUDY IN A
9 SECONDARY SCHOOL APPROVED BY THE BOARD OF REGENTS OR HAS PASSED AN
10 EQUIVALENCY TEST; AND
- 11 (D) HAS SATISFACTORILY COMPLETED AN APPROVED PROGRAM FOR THE TRAINING
12 OF SPECIALIST ASSISTANTS.

13 2. THE DEPARTMENT SHALL FURNISH TO EACH PERSON APPLYING FOR REGISTRA-
14 TION HEREUNDER AN APPLICATION FORM CALLING FOR SUCH INFORMATION AS THE
15 DEPARTMENT DEEMS NECESSARY AND SHALL ISSUE TO EACH APPLICANT WHO SATIS-
16 FIES THE REQUIREMENTS OF SUBDIVISION ONE OF THIS SECTION A CERTIFICATE
17 OF REGISTRATION AS SPECIALIST ASSISTANT IN A PARTICULAR MEDICAL SPECIAL-
18 TY FOR THE PERIOD EXPIRING DECEMBER THIRTY-FIRST OF THE FIRST ODD-NUM-
19 BERED YEAR TERMINATING SUBSEQUENT TO SUCH REGISTRATION.

20 3. EVERY REGISTRANT SHALL APPLY TO THE DEPARTMENT FOR A CERTIFICATE OF
21 REGISTRATION. THE DEPARTMENT SHALL MAIL TO EVERY REGISTERED SPECIALIST
22 ASSISTANT AN APPLICATION FORM FOR REGISTRATION, ADDRESSED TO THE REGIS-
23 TRANT'S POST OFFICE ADDRESS ON FILE WITH THE DEPARTMENT. UPON RECEIPT OF
24 SUCH APPLICATION PROPERLY EXECUTED, TOGETHER WITH EVIDENCE OF SATISFAC-
25 TORY COMPLETION OF SUCH CONTINUING EDUCATION REQUIREMENTS AS MAY BE
26 ESTABLISHED BY THE COMMISSIONER OF HEALTH PURSUANT TO SECTION
27 THIRTY-SEVEN HUNDRED ELEVEN OF THE PUBLIC HEALTH LAW, THE DEPARTMENT
28 SHALL ISSUE A CERTIFICATE OF REGISTRATION. REGISTRATION PERIODS SHALL BE
29 TRIENNIAL AND THE REGISTRATION FEE SHALL BE FORTY-FIVE DOLLARS.

30 S 6549. PERFORMANCE OF MEDICAL SERVICES. 1. NOTWITHSTANDING ANY OTHER
31 PROVISION OF LAW, A SPECIALIST ASSISTANT MAY PERFORM MEDICAL SERVICES,
32 BUT ONLY WHEN UNDER THE SUPERVISION OF A PHYSICIAN AND ONLY WHEN SUCH
33 ACTS AND DUTIES AS ARE ASSIGNED TO HIM OR HER ARE RELATED TO THE DESIG-
34 NATED MEDICAL SPECIALITY FOR WHICH HE OR SHE IS REGISTERED AND ARE WITH-
35 IN THE SCOPE OF PRACTICE OF HIS OR HER SUPERVISING PHYSICIAN.

36 2. SUPERVISION SHALL BE CONTINUOUS BUT SHALL NOT BE CONSTRUED AS
37 NECESSARILY REQUIRING THE PHYSICAL PRESENCE OF THE SUPERVISING PHYSICIAN
38 AT THE TIME AND PLACE WHERE SUCH SERVICES ARE PERFORMED.

39 3. NO PHYSICIAN SHALL EMPLOY OR SUPERVISE MORE THAN TWO SPECIALIST
40 ASSISTANTS IN HIS OR HER PRIVATE PRACTICE.

41 4. NOTHING IN THIS ARTICLE SHALL PROHIBIT A HOSPITAL FROM EMPLOYING
42 SPECIALIST ASSISTANTS PROVIDED THEY WORK UNDER THE SUPERVISION OF A
43 PHYSICIAN DESIGNATED BY THE HOSPITAL AND NOT BEYOND THE SCOPE OF PRAC-
44 TICE OF SUCH PHYSICIAN. THE NUMERICAL LIMITATION OF SUBDIVISION THREE OF
45 THIS SECTION SHALL NOT APPLY TO SERVICES PERFORMED IN A HOSPITAL.

46 5. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, NOTHING SHALL
47 PROHIBIT A PHYSICIAN EMPLOYED BY OR RENDERING SERVICES TO THE DEPARTMENT
48 OF CORRECTIONAL SERVICES UNDER CONTRACT FROM SUPERVISING NO MORE THAN
49 FOUR SPECIALIST ASSISTANTS IN HIS OR HER PRACTICE FOR THE DEPARTMENT OF
50 CORRECTIONS AND COMMUNITY SUPERVISION.

51 6. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A TRAINEE IN AN
52 APPROVED PROGRAM MAY PERFORM MEDICAL SERVICES WHEN SUCH SERVICES ARE
53 PERFORMED WITHIN THE SCOPE OF SUCH PROGRAM.

54 7. NOTHING IN THIS ARTICLE OR IN ARTICLE THIRTY-SEVEN-A OF THE PUBLIC
55 HEALTH LAW, SHALL BE CONSTRUED TO AUTHORIZE SPECIALIST ASSISTANTS TO
56 PERFORM THOSE SPECIFIC FUNCTIONS AND DUTIES SPECIFICALLY DELEGATED BY

1 LAW TO THOSE PERSONS LICENSED AS ALLIED HEALTH PROFESSIONALS UNDER THE
2 PUBLIC HEALTH LAW OR THIS CHAPTER.
3 S 6549-A. CONSTRUCTION. ONLY A PERSON REGISTERED AS A SPECIALIST
4 ASSISTANT BY THE DEPARTMENT MAY USE THE TITLE "REGISTERED SPECIALIST
5 ASSISTANT" OR THE LETTERS "R.S.A." AFTER HIS OR HER NAME.
6 S 6549-B. REGULATIONS. THE COMMISSIONER MAY PROMULGATE SUCH OTHER
7 REGULATIONS AS ARE NECESSARY TO CARRY OUT THE PURPOSES OF THIS ARTICLE.
8 S 5. Every physician assistant registered pursuant to article 131-B of
9 the education law immediately prior to the effective date of this act
10 shall be deemed to be licensed pursuant to such article thereafter.
11 S 6. This act shall take effect on the first of January next succeed-
12 ing the date on which it shall have become a law; provided that, effec-
13 tive immediately, any rules and regulations necessary to implement the
14 provisions of this act on its effective date are authorized to be added,
15 amended and/or repealed on or before such date.