

2011-2012 Regular Sessions

I N   S E N A T E

(PREFILED)

January 5, 2011

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Introduced by Sens. MONTGOMERY, HASSELL-THOMPSON, HUNTLEY, KLEIN, OPPENHEIMER, PERKINS -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

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].  
16    (b) Prescriptions for drugs, devices and immunizing agents may be  
17    issued by a nurse practitioner, under this subdivision and section six  
18    thousand nine hundred ten of this article[, in accordance with the prac-  
19    tice agreement and practice protocols]. The nurse practitioner shall  
20    obtain a certificate from the department upon successfully completing a  
21    program including an appropriate pharmacology component, or its equiv-  
22    alent, as established by the commissioner's regulations, prior to  
23    prescribing under this subdivision. The certificate issued under section

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

LBD01405-01-1

1 six thousand nine hundred ten of this article shall state whether the  
2 nurse practitioner has successfully completed such a program or equiv-  
3 alent and is authorized to prescribe under this subdivision.

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

9 (d) The practice protocol shall reflect current accepted medical and  
10 nursing practice. The protocols shall be filed with the department with-  
11 in ninety days of the commencement of the practice and may be updated  
12 periodically. The commissioner shall make regulations establishing the  
13 procedure for the review of protocols and the disposition of any issues  
14 arising from such review.

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

18 (f)] Nothing in this subdivision shall be deemed to limit or diminish  
19 the practice of the profession of nursing as a registered professional  
20 nurse under this article or any other law, rule, regulation or certifi-  
21 cation, nor to deny any registered professional nurse the right to do  
22 any act or engage in any practice authorized by this article or any  
23 other law, rule, regulation or certification.

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

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

30 S 6911. NURSE PRACTITIONER ADVISORY PANEL. A NINE MEMBER NURSE PRACTI-  
31 TIONER ADVISORY PANEL SHALL BE APPOINTED BY THE BOARD OF REGENTS ON  
32 RECOMMENDATION OF THE COMMISSIONER FOR THE PURPOSE OF ASSISTING THE  
33 BOARD OF REGENTS, THE BOARD FOR NURSING, AND THE COMMISSIONER ON MATTERS  
34 RELATED TO THE PRACTICE OF REGISTERED NURSING AS A NURSE PRACTITIONER.  
35 THE PANEL SHALL BE COMPOSED OF AT LEAST SIX LICENSED AND CERTIFIED NURSE  
36 PRACTITIONERS, AND AT LEAST TWO PERSONS TO REPRESENT CONSUMERS AND  
37 PATIENT GROUPS.

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