

5308

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I N A S S E M B L Y

February 15, 2011

Introduced by M. of A. GOTTFRIED, GUNTHER, PAULIN, LIFTON, LUPARDO, ENGLEBRIGHT, GABRYSZAK, SPANO, 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

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

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

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1 obtain a certificate from the department upon successfully completing a  
2 program including an appropriate pharmacology component, or its equiv-  
3 alent, as established by the commissioner's regulations, prior to  
4 prescribing under this subdivision. The certificate issued under section  
5 six thousand nine hundred ten of this article shall state whether the  
6 nurse practitioner has successfully completed such a program or equiv-  
7 alent and is authorized to prescribe under this subdivision.

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

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

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

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

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

32 S 3. This act shall take effect on the one hundred eightieth day after  
33 it shall have become a law; provided, however, that effective immediate-  
34 ly, the addition, amendment and/or repeal of any rule or regulation  
35 necessary for the implementation of this act on its effective date are  
36 authorized and directed to be made and completed on or before such  
37 effective date.