

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

3738--B

2011-2012 Regular Sessions

I N S E N A T E

March 2, 2011

Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Higher Education in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to mandatory continuing education for nurses

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

1 Section 1. The education law is amended by adding a new section 6911
2 to read as follows:
3 S 6911. MANDATORY CONTINUING EDUCATION FOR REGISTERED PROFESSIONAL
4 NURSES. 1. (A) EACH LICENSED REGISTERED PROFESSIONAL NURSE REQUIRED
5 UNDER THIS ARTICLE TO REGISTER TRIENNIALLY WITH THE DEPARTMENT TO PRAC-
6 TICE IN THE STATE SHALL COMPLY WITH PROVISIONS OF THE MANDATORY CONTINU-
7 ING EDUCATION REQUIREMENTS PRESCRIBED IN SUBDIVISION TWO OF THIS SECTION
8 EXCEPT AS SET FORTH IN PARAGRAPHS (B) AND (C) OF THIS SUBDIVISION. NURS-
9 ES WHO DO NOT SATISFY THE MANDATORY CONTINUING EDUCATION REQUIREMENTS
10 SHALL NOT PRACTICE UNTIL THEY HAVE MET SUCH REQUIREMENTS, AND HAVE BEEN
11 ISSUED A REGISTRATION CERTIFICATE, EXCEPT THAT A NURSE MAY PRACTICE
12 WITHOUT HAVING MET SUCH REQUIREMENTS IF HE OR SHE IS ISSUED A CONDI-
13 TIONAL REGISTRATION CERTIFICATE PURSUANT TO SUBDIVISION THREE OF THIS
14 SECTION.
15 (B) REGISTERED PROFESSIONAL NURSES SHALL BE EXEMPT FROM THE MANDATORY
16 CONTINUING EDUCATION REQUIREMENT FOR THE TRIENNIAL REGISTRATION PERIOD
17 DURING WHICH THEY ARE FIRST LICENSED. IN ACCORD WITH THE INTENT OF THIS
18 SECTION, ADJUSTMENT TO THE MANDATORY CONTINUING EDUCATION REQUIREMENT
19 MAY BE GRANTED BY THE DEPARTMENT FOR REASONS OF HEALTH CERTIFIED BY AN
20 APPROPRIATE HEALTH CARE PROFESSIONAL, FOR EXTENDED ACTIVE DUTY WITH THE

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

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1 ARMED FORCES OF THE UNITED STATES, OR FOR OTHER GOOD CAUSE ACCEPTABLE TO
2 THE DEPARTMENT WHICH MAY PREVENT COMPLIANCE.

3 (C) A LICENSED REGISTERED PROFESSIONAL NURSE NOT ENGAGED IN PRACTICE
4 AS DETERMINED BY THE DEPARTMENT, SHALL BE EXEMPT FROM THE MANDATORY
5 CONTINUING EDUCATION REQUIREMENT UPON THE FILING OF A STATEMENT WITH THE
6 DEPARTMENT DECLARING SUCH STATUS. ANY LICENSEE WHO RETURNS TO THE PRAC-
7 TICE OF REGISTERED PROFESSIONAL NURSING DURING THE TRIENNIAL REGISTRA-
8 TION PERIOD SHALL NOTIFY THE DEPARTMENT PRIOR TO REENTERING THE PROFES-
9 SION AND SHALL MEET SUCH MANDATORY EDUCATION REQUIREMENTS AS SHALL BE
10 PRESCRIBED BY REGULATIONS OF THE COMMISSIONER.

11 2. DURING EACH TRIENNIAL REGISTRATION PERIOD AN APPLICANT FOR REGIS-
12 TRATION SHALL COMPLETE A MINIMUM OF FORTY-FIVE HOURS OF ACCEPTABLE
13 FORMAL CONTINUING EDUCATION, AS SPECIFIED IN SUBDIVISION FOUR OF THIS
14 SECTION. ANY REGISTERED PROFESSIONAL NURSE WHOSE FIRST REGISTRATION DATE
15 FOLLOWING THE EFFECTIVE DATE OF THIS SECTION OCCURS LESS THAN THREE
16 YEARS FROM SUCH EFFECTIVE DATE, SHALL COMPLETE CONTINUING EDUCATION
17 HOURS ON A PRORATED BASIS AT THE RATE OF ONE AND ONE QUARTER HOUR PER
18 MONTH FOR THE PERIOD BEGINNING JANUARY FIRST, TWO THOUSAND THIRTEEN UP
19 TO THE FIRST REGISTRATION DATE THEREAFTER. A LICENSEE WHO HAS NOT SATIS-
20 FIED THE MANDATORY CONTINUING EDUCATION REQUIREMENTS SHALL NOT BE ISSUED
21 A TRIENNIAL REGISTRATION CERTIFICATE BY THE DEPARTMENT AND SHALL NOT
22 PRACTICE UNLESS AND UNTIL A CONDITIONAL REGISTRATION CERTIFICATE IS
23 ISSUED AS PROVIDED FOR IN SUBDIVISION THREE OF THIS SECTION.

24 3. THE DEPARTMENT, IN ITS DISCRETION, MAY ISSUE A CONDITIONAL REGIS-
25 TRATION TO A LICENSEE WHO FAILS TO MEET THE CONTINUING EDUCATION
26 REQUIREMENTS ESTABLISHED IN SUBDIVISION TWO OF THIS SECTION BUT WHO
27 AGREES TO MAKE UP ANY DEFICIENCIES AND COMPLETE ANY ADDITIONAL EDUCATION
28 WHICH THE DEPARTMENT MAY REQUIRE. THE FEE FOR SUCH A CONDITIONAL REGIS-
29 TRATION SHALL BE THE SAME AS, AND IN ADDITION TO, THE FEE FOR THE TRIEN-
30 NIAL REGISTRATION. THE DURATION OF SUCH CONDITIONAL REGISTRATION SHALL
31 BE DETERMINED BY THE DEPARTMENT BUT SHALL NOT EXCEED ONE YEAR. ANY
32 LICENSEE WHO IS NOTIFIED OF THE DENIAL OF REGISTRATION FOR FAILURE TO
33 SUBMIT EVIDENCE, SATISFACTORY TO THE DEPARTMENT, OF REQUIRED CONTINUING
34 EDUCATION AND WHO PRACTICES REGISTERED PROFESSIONAL NURSING WITHOUT SUCH
35 REGISTRATION, MAY BE SUBJECT TO DISCIPLINARY PROCEEDINGS PURSUANT TO
36 SECTION SIXTY-FIVE HUNDRED TEN OF THIS TITLE.

37 4. AS USED IN SUBDIVISION TWO OF THIS SECTION, "ACCEPTABLE FORMAL
38 CONTINUING EDUCATION" SHALL MEAN FORMAL COURSES OF LEARNING THAT ARE
39 ACCEPTABLE TO THE DEPARTMENT, INCLUDING COURSES IN AN ACCREDITED AND
40 APPROVED REGISTERED PROFESSIONAL NURSING DEGREE OR CERTIFICATE PROGRAM,
41 WHICH CONTRIBUTE TO PROFESSIONAL PRACTICE AS A REGISTERED PROFESSIONAL
42 NURSE AND WHICH MEET THE STANDARDS PRESCRIBED BY REGULATIONS OF THE
43 COMMISSIONER.

44 5. REGISTERED PROFESSIONAL NURSES SHALL MAINTAIN ADEQUATE DOCUMENTA-
45 TION OF COMPLETION OF ACCEPTABLE FORMAL CONTINUING EDUCATION AND SHALL
46 PROVIDE SUCH DOCUMENTATION AT THE REQUEST OF THE DEPARTMENT.

47 6. THE MANDATORY CONTINUING EDUCATION FEE SHALL BE FORTY-FIVE DOLLARS,
48 SHALL BE PAYABLE ON OR BEFORE THE FIRST DAY OF EACH TRIENNIAL REGISTRA-
49 TION PERIOD, AND SHALL BE PAID IN ADDITION TO THE TRIENNIAL REGISTRATION
50 FEE REQUIRED BY SECTION SIXTY-NINE HUNDRED FIVE OF THIS ARTICLE.

51 S 2. This act shall take effect January 1, 2013; provided that any
52 rules and regulations necessary to implement the provisions of this act
53 on its effective date are authorized and directed to be promulgated,
54 repealed and/or amended by such effective date.