

4376

2011-2012 Regular Sessions

I N S E N A T E

March 31, 2011

Introduced by Sen. HANNON -- read twice and ordered printed, and when printed to be committed to the Committee on Health

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:

8 ARTICLE 37

9 [PHYSICIAN'S] PHYSICIAN
10 ASSISTANTS [AND SPECIALIST'S ASSISTANTS]

11 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 thir-
19 ty-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
23 medical specialty as defined by regulations promulgated by the commis-
24 sioner pursuant to section thirty-seven hundred one of this article.

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

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

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

9 [5] 4. Approved program. The term "approved program" means a program
10 for the education of [physician's] PHYSICIAN assistants [or specialist's
11 assistants] which has been formally approved by the [department of]
12 education DEPARTMENT.

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

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

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

33 [4] 3. to determine the desirability of and to establish rules for
34 requiring continuing education of [physician's] PHYSICIAN assistants
35 [and specialist's assistants];

36 [5] 4. to furnish the education department with suggested criteria
37 which may be used by the education department to help determine whether
38 an applicant for [registration] LICENSURE as a [physician's] PHYSICIAN
39 assistant [or specialist's assistant] possesses equivalent education and
40 training, such as experience as a nurse or military corpsman, which may
41 be accepted in lieu of all or part of an approved program;

42 [6] 5. to adopt such other rules and regulations as may be necessary
43 or appropriate to carry out the purposes of this article.

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

53 2. Withdrawing blood. A [registered physician's] LICENSED PHYSICIAN
54 assistant or certified nurse practitioner acting within his or her
55 lawful scope of practice may supervise and direct the withdrawal of
56 blood for the purpose of determining the alcoholic or drug content ther-

1 ein under subparagraph one of paragraph (a) of subdivision four of
2 section eleven hundred ninety-four of the vehicle and traffic law,
3 notwithstanding any provision to the contrary in clause (ii) of such
4 subparagraph.

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

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

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

24 ARTICLE 37-A
25 SPECIALIST ASSISTANTS

26 SECTION 3710. DEFINITIONS.

27 3711. COMMISSIONER; POWERS AND DUTIES.

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

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

35 2. PHYSICIAN. THE TERM "PHYSICIAN" MEANS A PRACTITIONER OF MEDICINE
36 LICENSED TO PRACTICE MEDICINE PURSUANT TO ARTICLE ONE HUNDRED THIRTY-ONE
37 OF THE EDUCATION LAW.

38 3. HOSPITAL. THE TERM "HOSPITAL" MEANS AN INSTITUTION OR FACILITY
39 POSSESSING A VALID OPERATING CERTIFICATE ISSUED PURSUANT TO ARTICLE
40 TWENTY-EIGHT OF THIS CHAPTER AND AUTHORIZED TO EMPLOY SPECIALIST ASSIST-
41 ANTS IN ACCORDANCE WITH RULES AND REGULATIONS OF THE STATE HOSPITAL
42 REVIEW AND PLANNING COUNCIL.

43 4. APPROVED PROGRAM. THE TERM "APPROVED PROGRAM" MEANS A PROGRAM FOR
44 THE EDUCATION OF SPECIALIST ASSISTANTS WHICH HAS BEEN FORMALLY APPROVED
45 BY THE EDUCATION DEPARTMENT.

46 S 3711. COMMISSIONER; POWERS AND DUTIES. THE COMMISSIONER SHALL HAVE
47 THE FOLLOWING POWERS AND DUTIES:

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

51 2. TO PROMULGATE REGULATIONS ESTABLISHING SUCH DIFFERENT MEDICAL
52 SPECIALTIES FOR WHICH SPECIALIST ASSISTANTS MAY BE REGISTERED BY THE
53 EDUCATION DEPARTMENT PURSUANT TO SECTION SIXTY-FIVE HUNDRED FORTY-EIGHT
54 OF THE EDUCATION LAW AS WILL MOST EFFECTIVELY INCREASE THE QUALITY OF
55 MEDICAL CARE AVAILABLE IN THIS STATE; PROVIDED, HOWEVER, THAT NO Catego-
56 ry of SPECIALIST ASSISTANT SHALL BE ESTABLISHED: (A) FOR AREAS IN WHICH

1 ALLIED HEALTH PROFESSIONS ARE LICENSED PURSUANT TO THE EDUCATION LAW OR
2 THIS CHAPTER; OR (B) RELATING TO THE PRACTICE OF SURGERY OR PRACTICE IN
3 THE INTENSIVE CARE UNIT OF ANY GENERAL HOSPITAL, AS DEFINED PURSUANT TO
4 ARTICLE TWENTY-EIGHT OF THIS CHAPTER.

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

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

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

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

15 S 3. Article 131-B of the education law, as added by chapter 1135 of
16 the laws of 1971 and as renumbered by chapter 144 of the laws of 1975,
17 the article heading and sections 6540, 6541, 6542, 6545, 6547 and 6548
18 as amended by chapter 179 of the laws of 1992, the opening paragraph of
19 subdivision 1 of section 6541 and subdivision 3 of section 6548 as
20 amended by chapter 573 of the laws of 1992, paragraphs (c), (d), (e) and
21 (f) of subdivision 1 of section 6541 as amended by chapter 293 of the
22 laws of 2010, is amended to read as follows:

23 ARTICLE 131-B

24 PHYSICIAN ASSISTANTS [AND SPECIALIST ASSISTANTS]

25 SeDefinitions.

26 6541. [Registration] REQUIREMENTS FOR LICENSE.

27 6542. Performance of medical services.

28 [6545] 6543. Construction.

29 [6546] 6544. Regulations.

30 [6547] 6545. Emergency services rendered by physician assistant.

31 [6548] 6546. Limited permits.

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

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

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

43 [4] 3. Approved program. The term "approved program" means a program
44 for the education of physician assistants [or specialist assistants]
45 which has been formerly approved by the department.

46 [5] 4. Hospital. The term "hospital" means an institution or facility
47 possessing a valid operating certificate issued pursuant to article
48 twenty-eight of the public health law and authorized to employ physician
49 assistants [and specialist assistants] in accordance with rules and
50 regulations of the state hospital review and planning council.

51 S 6541. [Registration] REQUIREMENTS FOR LICENSE. 1. To qualify for
52 [registration] A LICENSE as a physician assistant [or specialist assist-
53 ant], each person shall pay a fee of one hundred fifteen dollars to the
54 department for admission to a department conducted examination, a fee of
55 forty-five dollars for each reexamination and a fee of seventy dollars
56 for persons not requiring admission to a department conducted examina-

tion and shall also submit satisfactory evidence, verified by oath or affirmation, that he or she:

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

(b) is of good moral character;

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

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

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

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

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

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

S 6542. Performance of medical services. 1. Notwithstanding any other provision of law, a physician assistant may perform medical services, but only when under the supervision of a physician and only when such acts and duties as are assigned to him OR HER are within the scope of practice of such supervising physician.

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

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

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

7 [5] 4. Nothing in this article shall prohibit a hospital from employ-
8 ing physician assistants [or specialist assistants] provided they work
9 under the supervision of a physician designated by the hospital and not
10 beyond the scope of practice of such physician. The numerical limita-
11 tion of subdivision [four] THREE of this section shall not apply to
12 services performed in a hospital.

13 [6] 5. Notwithstanding any other provision of this article, nothing
14 shall prohibit a physician employed by or rendering services to the
15 department of correctional services under contract from supervising no
16 more than four physician assistants [or specialist assistants] in his OR
17 HER practice for the department of correctional services.

18 [7] 6. Notwithstanding any other provision of law, a trainee in an
19 approved program may perform medical services when such services are
20 performed within the scope of such program.

21 [8] 7. Nothing in this article, or in article thirty-seven of the
22 public health law, shall be construed to authorize physician assistants
23 [or specialist assistants] to perform those specific functions and
24 duties specifically delegated by law to those persons licensed as allied
25 health professionals under the public health law or [the education law]
26 THIS CHAPTER.

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

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

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

37 S [6547] 6545. Emergency services rendered by physician assistant.
38 Notwithstanding any inconsistent provision of any general, special or
39 local law, any physician assistant properly [registered] LICENSED in
40 this state who voluntarily and without the expectation of monetary
41 compensation renders first aid or emergency treatment at the scene of an
42 accident or other emergency, outside a hospital, doctor's office or any
43 other place having proper and necessary medical equipment, to a person
44 who is unconscious, ill or injured, shall not be liable for damages for
45 injuries alleged to have been sustained by such person or for damages
46 for the death of such person alleged to have occurred by reason of an
47 act or omission in the rendering of such first aid or emergency treat-
48 ment unless it is established that such injuries were or such death was
49 caused by gross negligence on the part of such physician assistant.
50 Nothing in this section shall be deemed or construed to relieve a
51 licensed physician assistant from liability for damages for injuries or
52 death caused by an act or omission on the part of a physician assistant
53 while rendering professional services in the normal and ordinary course
54 of his OR HER practice.

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

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

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

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

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

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

24 ARTICLE 131-C
25 SPECIALIST ASSISTANTS

26 SECTION 6547. DEFINITIONS.
27 6548. REGISTRATION.
28 6549. PERFORMANCE OF MEDICAL SERVICES.
29 6549-A. CONSTRUCTION.
30 6549-B. REGULATIONS.

31 S 6547. DEFINITIONS. AS USED IN THIS ARTICLE:

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

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

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

43 4. HOSPITAL. THE TERM "HOSPITAL" MEANS AN INSTITUTION OR FACILITY
44 POSSESSING A VALID OPERATING CERTIFICATE ISSUED PURSUANT TO ARTICLE
45 TWENTY-EIGHT OF THE PUBLIC HEALTH LAW AND AUTHORIZED TO EMPLOY SPECIAL-
46 IST ASSISTANTS IN ACCORDANCE WITH RULES AND REGULATIONS OF THE STATE
47 HOSPITAL REVIEW AND PLANNING COUNCIL.

48 S 6548. REGISTRATION. 1. TO QUALIFY FOR REGISTRATION AS A SPECIALIST
49 ASSISTANT, EACH PERSON SHALL PAY A FEE OF ONE HUNDRED FIFTEEN DOLLARS TO
50 THE DEPARTMENT FOR ADMISSION TO A DEPARTMENT CONDUCTED EXAMINATION, A
51 FEE OF FORTY-FIVE DOLLARS FOR EACH REEXAMINATION AND A FEE OF SEVENTY
52 DOLLARS FOR PERSONS NOT REQUIRING ADMISSION TO A DEPARTMENT CONDUCTED
53 EXAMINATION AND SHALL ALSO SUBMIT SATISFACTORY EVIDENCE, VERIFIED BY
54 OATH OR AFFIRMATION, THAT HE OR SHE:

55 (A) AT THE TIME OF APPLICATION IS AT LEAST TWENTY-ONE YEARS OF AGE;

56 (B) IS OF GOOD MORAL CHARACTER;

1 (C) HAS SUCCESSFULLY COMPLETED A FOUR-YEAR COURSE OF STUDY IN A
2 SECONDARY SCHOOL APPROVED BY THE BOARD OF REGENTS OR HAS PASSED AN
3 EQUIVALENCY TEST; AND

4 (D) HAS SATISFACTORILY COMPLETED AN APPROVED PROGRAM FOR THE TRAINING
5 OF SPECIALIST ASSISTANTS.

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

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

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

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

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

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

39 5. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, NOTHING SHALL
40 PROHIBIT A PHYSICIAN EMPLOYED BY OR RENDERING SERVICES TO THE DEPARTMENT
41 OF CORRECTIONAL SERVICES UNDER CONTRACT FROM SUPERVISING NO MORE THAN
42 FOUR SPECIALIST ASSISTANTS IN HIS OR HER PRACTICE FOR THE DEPARTMENT OF
43 CORRECTIONAL SERVICES.

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

47 7. NOTHING IN THIS ARTICLE OR IN ARTICLE THIRTY-SEVEN-C OF THE PUBLIC
48 HEALTH LAW, SHALL BE CONSTRUED TO AUTHORIZE SPECIALIST ASSISTANTS TO
49 PERFORM THOSE SPECIFIC FUNCTIONS AND DUTIES SPECIFICALLY DELEGATED BY
50 LAW TO THOSE PERSONS LICENSED AS ALLIED HEALTH PROFESSIONALS UNDER THE
51 PUBLIC HEALTH LAW OR THIS CHAPTER.

52 S 6549-A. CONSTRUCTION. ONLY A PERSON REGISTERED AS A SPECIALIST
53 ASSISTANT BY THE DEPARTMENT MAY USE THE TITLE "REGISTERED SPECIALIST
54 ASSISTANT" OR THE LETTERS "R.S.A." AFTER HIS OR HER NAME.

55 S 6549-B. REGULATIONS. THE COMMISSIONER MAY PROMULGATE SUCH OTHER
56 REGULATIONS AS ARE NECESSARY TO CARRY OUT THE PURPOSES OF THIS ARTICLE.

1 S 5. Every physician assistant registered pursuant to article 131-B of
2 the education law immediately prior to the effective date of this act
3 shall be deemed to be licensed pursuant to such article on and after
4 such date.

5 S 6. This act shall take effect on the first of January next succeed-
6 ing the date on which it shall have become a law; provided that, effec-
7 tive immediately, any rules and regulations necessary to implement the
8 provisions of this act on its effective date are authorized to be added,
9 amended and/or repealed on or before such date.