

1560

2013-2014 Regular Sessions

I N   S E N A T E

(PREFILED)

January 9, 2013

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Introduced by Sen. LAVALLE -- 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 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 TRIENNIALY WITH THE DEPARTMENT TO PRACTICE  
6     IN THE STATE SHALL COMPLY WITH PROVISIONS OF THE MANDATORY CONTINUING  
7     EDUCATION REQUIREMENTS PRESCRIBED IN SUBDIVISION TWO OF THIS SECTION  
8     EXCEPT AS SET FORTH IN PARAGRAPHS (B) AND (C) OF THIS SUBDIVISION. NURSES  
9     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 CONDITIONAL  
13    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  
21    ARMED FORCES OF THE UNITED STATES, OR FOR OTHER GOOD CAUSE ACCEPTABLE TO  
22    THE DEPARTMENT WHICH MAY PREVENT COMPLIANCE.  
23    (C) A LICENSED REGISTERED PROFESSIONAL NURSE NOT ENGAGED IN PRACTICE  
24    AS DETERMINED BY THE DEPARTMENT, SHALL BE EXEMPT FROM THE MANDATORY

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

LBD05067-01-3

1 CONTINUING EDUCATION REQUIREMENT UPON THE FILING OF A STATEMENT WITH THE  
2 DEPARTMENT DECLARING SUCH STATUS. ANY LICENSEE WHO RETURNS TO THE PRAC-  
3 TICE OF REGISTERED PROFESSIONAL NURSING DURING THE TRIENNIAL REGISTRA-  
4 TION PERIOD SHALL NOTIFY THE DEPARTMENT PRIOR TO REENTERING THE PROFES-  
5 SION AND SHALL MEET SUCH MANDATORY EDUCATION REQUIREMENTS AS SHALL BE  
6 PRESCRIBED BY REGULATIONS OF THE COMMISSIONER.

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

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

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

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

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

47 S 2. This act shall take effect January 1, 2014; provided that any  
48 rules and regulations necessary to implement the provisions of this act  
49 on its effective date are authorized and directed to be promulgated,  
50 repealed and/or amended by such effective date.