STATE OF NEW YORK

8876

IN ASSEMBLY

January 19, 2022

Introduced by M. of A. GOTTFRIED -- read once and referred to the Committee on Health

AN ACT to amend the public health law and the education law, in relation to standing orders in hospitals

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The public health law is amended by adding a new section 2803-v-1 to read as follows:

§ 2803-v-1. Standing orders in a hospital. 1. A hospital may establish standing orders for the care of patients in the hospital, which may authorize an attending nurse to provide services and care to a patient. Notwithstanding this section, section twenty-eight hundred three-v of this article shall apply in the case of standing orders for the care of newborns in the hospital.

2. As used in this section, unless the context clearly requires otherwise:

(a) "Hospital" means a hospital that routinely provides care to patients that is the subject of the standing order.

(b) "Attending practitioner" means the physician, nurse practitioner, physician assistant or midwife or other health care professional licensed, certified or otherwise authorized to practice under title eight of the education law, acting within his or her lawful scope and terms of practice, attending a patient in a hospital.

(c) "Attending nurse" means a registered nurse attending to a patient, acting within his or her lawful scope of practice.

(d) "Standing order" means a non-patient specific order for the care of a patient in the hospital, established under this section.

3. A standing order may be implemented in the case of any patient when (a) directed by the attending practitioner, or (b) in the absence of a specific direction by the attending practitioner, the attending nurse determines, in his or her professional judgment, that implementing the standing order for the patient is clinically appropriate and consistent with the standing order, the hospital's policies and applicable regulations. The standing order shall not be implemented in a specific situ-

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

LBD14115-02-2

ation where the hospital's policies, the standing order, or applicable regulations provide otherwise.

4. (a) A standing order shall provide for the circumstances in which the condition or change in condition of the patient, or other circumstances relating to providing services and care to the patient, require departure from the terms of the standing order.

(b) Where an attending nurse implementing a standing order becomes aware of circumstances that, in his or her professional judgment, reasonably indicate a need to depart from the terms of the standing order, he or she shall so advise the attending practitioner. In such circumstances, if the attending nurse determines, in his or her professional judgment, that the health of the patient requires departing from the standing order prior to receiving direction from the attending practitioner, the attending nurse may do so, consistent with his or her lawful scope of practice, the hospital's policies and applicable regulations.

(c) The standing order shall provide, including the times and manner, that an attending practitioner shall review and acknowledge in writing the services and care provided to the patient under the standing order and the condition of the patient.

5. (a) A standing order may provide for circumstances in which it shall not be implemented, or implemented only at the order of an attending practitioner.

(b) A standing order shall be dated, timed, and authenticated promptly in the patient's medical record by the attending practitioner acting in accordance with law, including scope-of-practice laws, hospital policies, and medical staff bylaws, rules and regulations.

6. A standing order may be implemented only if the implementing hospital:

(a) establishes that the order has been reviewed and approved by the hospital's medical staff and nursing and pharmacy leadership, and signed by a physician affiliated with the hospital;

(b) demonstrates that the order is consistent with nationally recognized evidence-based guidelines; and

(c) ensures that the periodic and regular review of the order is conducted by the hospital's medical staff and nursing and pharmacy leadership to determine the continuing usefulness and safety of the order.

7. A standing order is a medical regimen; it shall be consistent with the lawful scope of practice of a registered nurse.

8. The commissioner may make regulations governing the terms, procedures and implementation of standing orders.

§ 2. Subdivision 9 of section 6909 of the education law, as added by chapter 366 of the laws of 2018, is amended to read as follows:

9. A registered professional nurse may execute (a) a standing order for newborn care in a hospital established under section twenty-eight hundred three-v of the public health law, as provided in that section, and (b) a standing order established under section twenty-eight hundred three-v-1 of the public health law, as provided in that section. The commissioner may make regulations relating to implementation of this subdivision.

§ 3. This act shall take effect immediately.