

# STATE OF NEW YORK

5925

2021-2022 Regular Sessions

## IN SENATE

March 23, 2021

Introduced by Sen. GOUNARDES -- 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 the license requirements for the practice of respiratory therapy

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

1 Section 1. Subdivision 2 of section 8504 of the education law, as  
2 added by chapter 817 of the laws of 1992, is amended to read as follows:  
3 2. Education: have received an education, including completion of an  
4 approved [~~associate~~] bachelor degree program in respiratory therapy or  
5 in a program determined by the department to be the equivalent;  
6 § 2. Section 8507 of the education law is amended by adding a new  
7 closing paragraph to read as follows:  
8 Subdivision two of section eighty-five hundred four of this article  
9 shall not apply to any person licensed as a respiratory therapist on the  
10 effective date of the chapter of the laws of two thousand twenty-one  
11 that added this paragraph.  
12 § 3. Section 8513 of the education law, as added by chapter 817 of the  
13 laws of 1992, is amended to read as follows:  
14 § 8513. Special provisions. 1. A person shall be licensed without  
15 examination provided that, within one year of the effective date of this  
16 article, the individual:  
17 [~~1.~~](a) files an application and pays the appropriate fees to the  
18 department; and  
19 [~~2.-(a)~~](b)(1) is certified by a national certifying or accrediting  
20 board for respiratory therapy technicians acceptable to the department,  
21 or  
22 [~~(b)~~](2) has practiced as a respiratory therapy technician in a hospi-  
23 tal, as defined in article twenty-eight of the public health law, in the  
24 state for not less than two years within the last five years, or

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

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1 [~~(e)~~](3) has met the educational standards of a hospital, as defined  
2 in article twenty-eight of the public health law, or, in the case of a  
3 hospital operated by a public benefit corporation, has met the educa-  
4 tional standards of such corporation, and has practiced as a respiratory  
5 therapy technician for at least one year in such hospital.

6 2. The department shall not accept new applications for an initial  
7 license as a respiratory therapy technician, provided however that  
8 licenses issued prior to that date shall be eligible for renewal subject  
9 to the provisions of this section.

10 § 4. This act shall take effect immediately; provided that sections  
11 one and two of this act shall take effect on the first of September in  
12 the seventh year next succeeding the year in which it shall have become  
13 a law and shall only apply to the issuance of initial licenses, with the  
14 exception that any individual enrolled in an approved associate degree  
15 program in respiratory therapy or in a program determined by the depart-  
16 ment to be the equivalent as of the first of September in the seventh  
17 year next succeeding the year in which this act shall have become a law  
18 may receive an initial license upon graduation from the associate degree  
19 program, but at the conclusion of the initial triennial licensure peri-  
20 od, such individual must have completed a bachelor degree program in  
21 respiratory therapy or a program to be determined by the department to  
22 be the equivalent as a condition of renewing their license.