

STATE OF NEW YORK

3961

2021-2022 Regular Sessions

IN ASSEMBLY

January 29, 2021

Introduced by M. of A. PAULIN, GOTTFRIED, CAHILL, DINOWITZ, GUNTHER, ABINANTI, GALEF, MAGNARELLI, WEPRIN, RODRIGUEZ, STECK, L. ROSENTHAL, FAHY, LAVINE, PICHARDO, CARROLL, BYRNE, WOERNER -- Multi-Sponsored by -- M. of A. FRIEND, LUPARDO, PERRY, THIELE -- read once and referred 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:

Section 1. The education law is amended by adding a new section 6912 to read as follows:

§ 6912. Mandatory continuing education for registered professional nurses. 1. (a) Each licensed registered professional nurse required under this article to register triennially with the department to practice in the state shall comply with provisions of the mandatory continuing education requirements prescribed in subdivision two of this section except as set forth in paragraphs (b) and (c) of this subdivision. Nurses who do not satisfy the mandatory continuing education requirements shall not practice until they have met such requirements, and have been issued a registration certificate, except that a nurse may practice without having met such requirements if he or she is issued a conditional registration certificate pursuant to subdivision three of this section.

(b) Registered professional nurses shall be exempt from the mandatory continuing education requirement for the triennial registration period during which they are first licensed. In accord with the intent of this section, adjustment to the mandatory continuing education requirement may be granted by the department for reasons of health certified by an appropriate health care professional, for extended active duty with the armed forces of the United States, or for other good cause acceptable to the department which may prevent compliance.

(c) A licensed registered professional nurse not engaged in practice as determined by the department, shall be exempt from the mandatory continuing education requirement upon the filing of a statement with the

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

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1 department declaring such status. Any licensee who returns to the prac-
2 tice of registered professional nursing during the triennial registra-
3 tion period shall notify the department prior to reentering the profes-
4 sion and shall meet such mandatory education requirements as shall be
5 prescribed by regulations of the commissioner.

6 2. During each triennial registration period an applicant for regis-
7 tration shall complete a minimum of forty-five hours of acceptable
8 formal continuing education, as specified in subdivision four of this
9 section. Any registered professional nurse whose first registration date
10 following the effective date of this section occurs less than three
11 years from such effective date, shall complete continuing education
12 hours on a prorated basis at the rate of one and one quarter hour per
13 month for the period beginning January first, two thousand twenty-two up
14 to the first registration date thereafter. A licensee who has not satis-
15 fied the mandatory continuing education requirements shall not be issued
16 a triennial registration certificate by the department and shall not
17 practice unless and until a conditional registration certificate is
18 issued as provided for in subdivision three of this section.

19 3. The department, in its discretion, may issue a conditional regis-
20 tration to a licensee who fails to meet the continuing education
21 requirements established in subdivision two of this section but who
22 agrees to make up any deficiencies and complete any additional education
23 which the department may require. The fee for such a conditional regis-
24 tration shall be the same as, and in addition to, the fee for the trien-
25 niel registration. The duration of such conditional registration shall
26 be determined by the department but shall not exceed one year. Any
27 licensee who is notified of the denial of registration for failure to
28 submit evidence, satisfactory to the department, of required continuing
29 education and who practices registered professional nursing without such
30 registration, may be subject to disciplinary proceedings pursuant to
31 section sixty-five hundred ten of this title.

32 4. As used in subdivision two of this section, "acceptable formal
33 continuing education" shall mean formal courses of learning that are
34 acceptable to the department, including courses in an accredited and
35 approved registered professional nursing degree or certificate program
36 and courses provided by any of the following organizations:

- 37 (a) a nationally accredited provider of nursing continuing education;
38 (b) an organization or agency that is approved by a nationally accred-
39 ited provider of nursing continuing education;
40 (c) a school of nursing approved by the department;
41 (d) a national nursing organization; or
42 (e) a provider of continuing education that is recognized by another
43 state's board of nursing.

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 § 2. This act shall take effect January 1, 2022; provided that any
52 rules and regulations necessary to implement the provisions of this act
53 on its effective date are authorized to be promulgated, repealed and/or
54 amended by such effective date.