

STATE OF NEW YORK

10096--A

IN ASSEMBLY

May 3, 2024

Introduced by M. of A. FAHY -- read once and referred to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to temporary authorizations for practice as a registered nurse, licensed practical nurse, or physician; to amend chapter 136 of the laws of 2023 amending the education law relating to temporarily authorizing certain applicants for licensure as a nurse or physician to practice, in relation to the effectiveness thereof; and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. Section 6907-a of the education law, as added by chapter
2 136 of the laws of 2023, is amended to read as follows:

3 § 6907-a. Temporary authorization. 1. (a) A person who is currently
4 licensed and in good standing in another state or territory to practice
5 as a registered nurse [~~and practicing in New York state on May twenty-~~
6 ~~second, two thousand twenty-three pursuant to the state disaster emer-~~
7 ~~gency declared by executive order four of two thousand twenty-one~~] may
8 be temporarily authorized to practice registered professional nursing in
9 the state of New York[~~, provided such person has: (i) filed an applica-~~
10 ~~tion for licensure with the department pursuant to section sixty-nine~~
11 ~~hundred five of this article that is~~] pending a determination[~~, and (ii)~~
12 ~~obtained the endorsement of the health care facility, health care~~
13 ~~program, or health care practice by which he or she was employed pursu-~~
14 ~~ant to executive order four of two thousand twenty one,~~] on licensure
15 for which an application has been filed pursuant to section sixty-nine
16 hundred five of this article, provided such applicant has obtained the
17 endorsement of an employing health care facility, health care program,
18 or health care practice that is authorized by New York state law to
19 provide professional nursing services and acceptable to the department.

20 (b) Prior to commencing [~~such temporarily authorized~~] practice: (i)
21 [~~the person shall file an application for licensure with the department~~
22 ~~pursuant to section sixty-nine hundred five of this article;~~ ~~(ii)~~] the

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

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1 [person] applicant and an authorized representative of the employing
2 facility shall jointly provide written notification to the department,
3 in a form and format acceptable to the department, that such [person]
4 applicant intends to practice in the state of New York pursuant to this
5 subdivision; [~~(iii)~~] (ii) the [person] applicant shall pay a temporary
6 authorization fee and an applicable professional licensure fee to be
7 determined by the department; and [~~(iv)~~] (iii) the [person's] appli-
8 cant's name must appear on a list of persons authorized to temporarily
9 practice registered professional nursing published on the department's
10 website. Such temporary authorization shall expire in one hundred eighty
11 days, or ten days after notification that the [person] applicant does
12 not meet the qualifications for licensure as a registered nurse, which-
13 ever shall occur first.

14 2. (a) A person who is currently licensed and in good standing in
15 another state or territory of the United States to practice as a
16 licensed practical nurse [~~and practicing in New York state on May twen-~~
17 ~~ty-second, two thousand twenty-three pursuant to the state disaster~~
18 ~~emergency declared by executive order four of two thousand twenty-one]~~
19 may be temporarily authorized to practice licensed practical nursing in
20 the state of New York[, ~~provided such person has: (i) filed an applica-~~
21 ~~tion for licensure with the department pursuant to section sixty-nine~~
22 ~~hundred six of this article that is]~~ pending a determination[, ~~and (ii)~~
23 ~~obtained the endorsement of the health care facility, health care~~
24 ~~program or health care practice by which he or she was employed pursuant~~
25 ~~to executive order four of two thousand twenty-one,]~~ on licensure for
26 which an application has been filed pursuant to section sixty-nine
27 hundred six of this article, provided such applicant has obtained the
28 endorsement of an employing health care facility, health care program or
29 health care practice that is authorized by New York state law to provide
30 professional nursing services.

31 (b) Prior to commencing [~~such temporarily authorized~~] practice: (i)
32 the [~~person shall file an application for licensure with the department~~
33 ~~pursuant to section sixty-nine hundred six of this article, (ii) the~~
34 ~~person] applicant and an authorized representative of the employing
35 facility shall jointly provide written notification to the department,
36 in a form and format acceptable to the department, that such [person]
37 applicant intends to practice in the state of New York pursuant to this
38 subdivision; [~~(iii)~~] (ii) the [person] applicant shall pay a temporary
39 authorization fee and an applicable professional licensure fee to be
40 determined by the department; and [~~(iv)~~] (iii) the [person's] appli-
41 cant's name must appear on a list of persons authorized to temporarily
42 practice licensed practical nursing published on the department's
43 website. Such temporary authorization shall expire in one hundred eighty
44 days, or ten days after notification that the [person] applicant does
45 not meet the qualifications for licensure as a licensed practical nurse,
46 whichever shall occur first.~~

47 3. Any person practicing as a registered nurse or licensed practical
48 nurse in New York state pursuant to this section shall be subject to the
49 personal and subject matter jurisdiction and disciplinary and regulatory
50 authority of the board of regents as if [~~he or she~~] such person is a
51 licensee and as if the temporary authorization pursuant to this section
52 is a license. Such person shall comply with applicable provisions of
53 this title and the rules of the board of regents relating to profes-
54 sional practice, professional misconduct, disciplinary proceedings and
55 penalties for professional misconduct. Failure to adhere to the notifi-

1 cation provisions of this section may be considered unauthorized prac-
2 tice pursuant to section sixty-five hundred twelve of this title.

3 4. Persons eligible for the temporary authorization pursuant to this
4 section shall file an application for licensure and pay the temporary
5 authorization fee and the professional licensure fee to the department
6 within thirty days of submitting the written notification of temporary
7 authorization to the department, [~~provide the required written notifica-~~
8 ~~tion, and pay a fee to the department within thirty days of the effec-~~
9 ~~tive date of this section,~~] and shall not be authorized to temporarily
10 practice until [~~the~~] such person's name appears on the lists of persons
11 authorized to temporarily practice published on the department's
12 website.

13 § 2. Paragraph (b) of subdivision 10 of section 6526 of the education
14 law, as amended by chapter 136 of the laws of 2023, is amended to read
15 as follows:

16 (b) (i) A person who is currently licensed and in good standing in
17 another state or territory to practice as a physician [~~and practicing in~~
18 ~~New York state on May twenty second, two thousand twenty three pursuant~~
19 ~~to the state disaster emergency declared by executive order four of two~~
20 ~~thousand twenty one~~] may be temporarily authorized to practice medicine
21 in the state of New York under the supervision of a New York state
22 licensed and registered physician, [~~provided such person: (1) filed an~~
23 ~~application for licensure with the department pursuant to section~~
24 ~~sixty-five hundred twenty-four of this article that is~~] pending a deter-
25 mination[, ~~(2)~~] on licensure for which an application has been filed
26 pursuant to section sixty-five hundred twenty-four of this article,
27 provided such applicant: (1) has obtained the endorsement of an employ-
28 ing health care facility, health care program, or health care practice
29 that is authorized by New York state law to provide medical services and
30 acceptable to the department; [~~(3)~~] (2) has graduated from a duly
31 accredited school of medicine located in the United States or Canada;
32 and [~~(4)~~] (3) is currently board certified by a physician certification
33 board acceptable to the department.

34 (ii) Prior to commencing [~~temporarily authorized~~] practice: (1) the
35 [~~person shall file an application for licensure with the department~~
36 ~~pursuant to section sixty-five hundred twenty-four of this article; (2)~~
37 ~~the person~~] applicant and supervising physician shall jointly provide
38 written notification to the department, in a form and format acceptable
39 to the department, that such [~~person~~] applicant intends to practice in
40 the state of New York pursuant to this paragraph; [~~(3) the person~~] (2)
41 the applicant shall pay a temporary authorization fee and an applicable
42 professional licensure fee to be determined by the department; and [~~(4)~~
43 ~~the person's~~] (3) the applicant's name must appear on a list of persons
44 authorized to temporarily practice medicine published on the depart-
45 ment's website. Such temporary authorization shall expire in one hundred
46 eighty days or ten days after notification that the [~~person~~] applicant
47 does not meet the qualifications for licensure as a physician, whichever
48 shall occur first. Persons eligible for the temporary authorization
49 pursuant to this paragraph shall file an application for licensure and
50 pay the temporary authorization fee and the professional licensure fee
51 to the department within thirty days of submitting the written notifica-
52 tion of temporary authorization to the department, [~~provide the required~~
53 ~~written notification, and pay a fee to the department within thirty days~~
54 ~~of the effective date of the chapter of the laws of two thousand twen-~~
55 ~~ty-three that amended this subdivision,~~] and shall not be authorized to
56 temporarily practice until [~~the~~] such person's name appears on the lists

1 of persons authorized to temporarily practice published on the depart-
2 ment's website.

3 § 3. Section 3 of chapter 136 of the laws of 2023 amending the educa-
4 tion law relating to temporarily authorizing certain applicants for
5 licensure as a nurse or physician to practice, is amended to read as
6 follows:

7 § 3. This act shall take effect immediately [~~and shall expire and be~~
8 ~~deemed repealed one year after it shall have become a law~~].

9 § 4. This act shall take effect immediately; and shall expire and be
10 deemed repealed on the one hundred eightieth day after it shall have
11 become a law.