# STATE OF NEW YORK

201

2023-2024 Regular Sessions

# IN ASSEMBLY

**(Prefiled)**

January 4, 2023

Introduced by M. of A. MAGNARELLI, SAYEGH, COOK, BUTTENSCHON, GONZALEZ-ROJAS -- read once and referred 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:**

Section 1. Subdivision 2 of section 8504 of the education law, as added by chapter 817 of the laws of 1992, is amended to read as follows:

2. Education: have received an education, including completion of an approved [~~associate~~] **bachelor** degree program in respiratory therapy or in a program determined by the department to be the equivalent;

§ 2. Section 8507 of the education law is amended by adding a new closing paragraph to read as follows:

**Subdivision two of section eighty-five hundred four of this article shall not apply to any person licensed as a respiratory therapist on the effective date of the chapter of the laws of two thousand twenty-three that added this paragraph.**

§ 3. Section 8513 of the education law, as added by chapter 817 of the laws of 1992, is amended to read as follows:

§ 8513. Special provisions. **1.** A person shall be licensed without examination provided that, within one year of the effective date of this article, the individual:

[~~1.~~]**(a)** files an application and pays the appropriate fees to the department; and

[~~2. (a)~~]**(b)(1)** is certified by a national certifying or accrediting board for respiratory therapy technicians acceptable to the department, or

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

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

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